

To: Members of the County Council

Date: 6 April 2016

Direct Dial: 01824712589

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Dear Councillor

You are invited to attend a meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 12 APRIL 2016** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN**.

Yours sincerely

G Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

### **PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING**

#### **1 APOLOGIES**

#### **2 DECLARATIONS OF INTEREST**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

#### **4 CHAIRMAN'S DIARY (Pages 5 - 6)**

To note the civic engagements undertaken by the Chairman of the Council (copy attached).

#### **5 MINUTES (Pages 7 - 16)**

To receive the minutes of the meeting of County Council held on 23 February, 2016 (copy attached).

**6 ARRANGEMENTS FOR THE ELECTION OF CHAIR AND VICE-CHAIR OF COUNCIL** (Pages 17 - 18)

To consider a report by the Head of Legal, HR & Democratic Services (copy attached) recommending that Council agrees the proposed Chair and Vice-Chair for the municipal year 2016/2017 to be formally elected at the Council's Annual meeting on 10 May 2016.

**7 WHISTLE BLOWING POLICY** (Pages 19 - 44)

To consider a report by the HR Services Manager and Recruitment Specialist (copy attached) recommending that Council agree to adopt the Whistleblowing Policy.

**8 BOUNDARY REVIEW BETWEEN THE PRESTATYN CENTRAL AND MELIDEN WARDS** (Pages 45 - 58)

To consider a report by the Democratic Services Manager (copy attached) seeking Council's approval of the ward boundary between Prestatyn Central Ward and Meliden Ward.

**9 INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2016/17** (Pages 59 - 150)

To consider a report by the Democratic Services Manager (copy attached) to make Council aware of the Panel's determinations for 2016/17 in respect of payments to Members and Co-opted Members.

**10 COMMITTEE TIMETABLE 2016/2017, ANNUAL REVIEW OF POLITICAL BALANCE AND APPOINTMENT OF SCRUTINY CHAIRS** (Pages 151 - 172)

To consider a report by the Democratic Services Manager (copy attached) seeking decisions on Committee related issues.

**11 COUNTY COUNCIL FORWARD WORK PROGRAMME** (Pages 173 - 176)

To consider the Council's forward work programme (copy attached).

**MEMBERSHIP**

**Councillors**

Councillor Gwyneth Kensler (Chair)

Councillor Ann Davies (Vice-Chair)

Ian Armstrong  
Raymond Bartley  
Brian Blakeley  
Joan Butterfield

Jason McLellan  
Barry Mellor  
Win Mullen-James  
Bob Murray

Jeanette Chamberlain-Jones  
Bill Cowie  
Meirick Davies  
Stuart Davies  
Peter Duffy  
Hugh Evans  
Peter Evans  
Bobby Feeley  
Carys Guy  
Huw Hilditch-Roberts  
Martyn Holland  
Colin Hughes  
Rhys Hughes  
Hugh Irving  
Alice Jones  
Huw Jones  
Pat Jones  
Geraint Lloyd-Williams

Dewi Owens  
Merfyn Parry  
Paul Penlington  
Pete Prendergast  
Arwel Roberts  
Anton Sampson  
Gareth Sandilands  
David Simmons  
Barbara Smith  
David Smith  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Eryl Williams  
Huw Williams

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# Agenda Item 4

## Digwyddiadau wedi eu mynychu gan y Cadeirydd / Events attended by Chairman

<u>Dyddiad/Date</u>	<u>Digwyddiad/Event</u>	<u>Lleoliad/Location</u>
28/02/16	Gwasanaeth Dinesig Cadeirydd Conwy Chairman of Conwy's Civic Service	Betws-y-Coed
01/03/16	Cystadleuaeth Dydd Gŵyl Dewi yn 2016 St. David's Day 2016 Competition	Rhuthun/Ruthin
04/03/16	Dawns Elusennol Maer Llanelwy Mayor of St. Asaph's Charity Ball (Is-Gadeirydd wedi mynychu / Vice-Chair attended)	Llanelwy/St. Asaph
04/03/16	Gwobrau Cymunedol Uchel Siryf Clwyd 2016 High Sheriff of Clwyd's Awards 2016	Llandudno
13/03/16	Digwyddiad Dydd Gwyl Dewi, Canolfan Cymunedol St. David's Day Event, Community Centre	Bodelwyddan
14/03/16	Ymweliad Ysgolion I Neuadd y Sir School Council visits to County Hall	Rhuthun/Ruthin
15/03/16	Cinio Elusennol Cadeirydd Cyngor Sir y Fflint Chairman of Flintshire County Council's Charity Dinner	Yr Wyddgrug/Mold
23/03/16	Cyngerdd Elusennol y Cadeirydd, Pafiliwn Llangollen Chairman's Charity Concert, Llangollen Pavilion	Llangollen
29/03/16	Penblwydd Priodas 60 mlynedd Mr & Mrs Barrett 60 <sup>th</sup> Wedding Anniversary of Mr & Mrs Barrett	Rhuddlan
31/03/16	Noson Wobrwyo Gala Maer Y Rhyl Mayor of Rhyl's Gala Awards Evening (Is-Gadeirydd wedi mynychu / Vice-Chair attended)	Y Rhyl/Rhyl

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## COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 23 February 2016 at 10.00 am.

### PRESENT

Councillors Raymond Bartley, Brian Blakeley, Joan Butterfield, Bill Cowie, Ann Davies (Vice-Chair), Stuart Davies, Hugh Evans, Peter Evans, Bobby Feeley, Carys Guy, Huw Hilditch-Roberts, Martyn Holland, Rhys Hughes, Alice Jones, Huw Jones, Pat Jones, Gwyneth Kensler (Chair), Geraint Lloyd-Williams, Barry Mellor, Win Mullen-James, Dewi Owens, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, Anton Sampson, Barbara Smith, David Smith, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams, Eryl Williams and Huw Williams

### ALSO PRESENT

Chief Executive (MM), Corporate Director: Communities (NS), Head of Legal, HR and Democratic Services (GW), Interim Head of Finance & Assets (JG), Chief Finance Officer (RW), Programme Manager – Procurement (TB) and Committee Administrator (SLW)

### 1 APOLOGIES

Apologies for absence were received from Councillors Ian Armstrong, Jeanette Chamberlain-Jones, Meirick Davies, Richard Davies, Colin Hughes, Hugh Irving, Jason McLellan, Bob Murray, Peter Owen, Gareth Sandilands and Bill Tasker

### 2 DECLARATIONS OF INTEREST

Councillor Huw Williams declared a personal interest in Item 9 – Treasury Management Strategy.

Councillors Bobby Feeley, Merfyn Parry and Huw Hilditch-Roberts declared a personal interest in Item 10 – Capital Plan.

At this juncture the Chair extended Members best wishes to Councillor Richard Davies who, unfortunately, was in hospital.

Sympathies were also sent to Councillor Meirick Lloyd Davies on the passing away of his sister.

### 3 URGENT MATTERS AS AGREED BY THE CHAIR

The Head of Legal, HR and Democratic Services confirmed there were two urgent items:

- (i) Councillor Joan Butterfield requested the absence of a member be discussed at the end of the meeting. This was agreed.
- (ii) The Lead Member for Social Care, Adult and Children's Services, Councillor Bobby Feeley stated that in 2015 the Council had signed the Dublin Declaration which showed commitment to all the needs and rights of our older people. The signed Declaration, which had been produced in both Welsh and English, was presented to the Chair of the Council, Councillor Gwyneth Kensler for display in County Hall reception.

#### **4 CHAIRMAN'S DIARY**

A list of civic engagements undertaken by the Chair for the period 29 January 2016 to 11 February 2016 had been circulated prior to the meeting.

***RESOLVED** that the list of civic engagements undertaken by the Chair be received.*

#### **5 MINUTES**

The minutes of the Council meeting held on 26 January 2016, were submitted.

##### Matters Arising

Page 8, Item 5 – Councillor Alice Jones confirmed that she had received a response from Simon Dean of Betsi Cadwaladr University Health Board (BCUHB) regarding the evidence she had provided of poor care provided to some patients.

Councillor Alice Jones also asked for an update on the future of Tawelfan together with mental health care provision in the Royal Alexandra Hospital, Rhyl.

The Chief Executive confirmed that an update regarding the Royal Alexandra Hospital, had been provided to Members following a recent meeting with BCUHB which concluded they were not ready to commence the project as no project business plan was yet in place. BCUHB officers confirmed commitment to the Royal Alexandra Hospital and a budget had been allocated.

The Corporate Director: Communities confirmed that Officers from BCUHB were due to attend Partnerships Scrutiny Committee on Thursday 25 February, 2016 to discuss the development of the Community Hospital in Rhyl and Members would have the opportunity to put forward questions at that meeting.

Page 9 – Councillor Eryl Williams stated that within the first bullet point it had stated that various suggestions had been raised at previous budget sessions. Councillor Williams expressed the opinion that the suggestions should have been noted within the minutes to enable Members to be aware of what they were.

Page 11 – Councillor Eryl Williams queried the amount of cuts anticipated to grants. Councillor Williams requested that members be provided with a list of all grants which were to be received including those which would be cut.



The Chief Finance Officer confirmed that a detailed summary of the finance report was due to be presented at the next Cabinet meeting. There would be a reduction to the single enforcement grant and also to the education improvement grant. Some grants had not yet been announced.

The Chief Executive clarified that the Council had not yet received information regarding all grants. There was a possibility that some would not be announced until the new financial year. Once all the information had been collated, the information would be passed on to all Members.

The Chair reiterated that it had been proposed by Councillor Eryl Williams that all Councillors receive a list of the grants at the end of the financial year together with any cuts proposed. Seconded by Councillor Martyn Holland. There was a unanimous show of hands in support of this proposal.

The Chief Finance Officer stated that grant funding had been discussed at the November 2015 Budget Workshop which had included a current list of all the grants. The grants list would be updated and forwarded to all Councillors.

Page 12, Item 8 – Councillor Huw Hilditch-Roberts stated that there had been a meaningful discussion which had not been captured correctly within the minutes. He proposed an alteration to reflect what had been said within the Council Chamber on that subject.

The Head of Legal, HR and Democratic Services explained to Councillor Hilditch-Roberts that the presentation by himself had not been completed as Members had requested the item be deferred for a more in-depth discussion.

Councillor Stuart Davies explained that in 2010 Council had discussed the style of minutes which would be attributed to all meetings. As there were comments being received from members regarding the style of minutes he recommended this be analysed for an update which would be favourable to Members.

The Head of Legal, HR and Democratic Services confirmed the house style of minutes had been agreed in 2010 and, therefore, confirmed a report would be put forward to the Democratic Services Committee in May 2016. If any changes were recommended, they would be looked into.

At this juncture the Chair took the opportunity to thank all the minute clerks for their hard work.

Page 13 – Councillor Cefyn Williams asked for an update following the Notice of Motion put forward regarding Right to Buy.

The Head of Legal, HR and Democratic Services confirmed that he would request an update from the Interim Head of Finance and Assets regarding the business case.

***RESOLVED*** that subject to the above, the minutes of the meeting held on 26 January 2016, be confirmed as a correct record and signed by the Chair.

## 6 NOTICE OF MOTION

Councillor Martyn Holland put forward the following Notice of Motion for the consideration of Full Council.

“The Welsh Conservative Group believes that to help improve the public’s perception of the County Council, the county should, in future, provide webcasting for all Cabinet and Scrutiny meetings”.

At this juncture, Councillor Martyn Holland stated that a slight amendment be made to the Notice of Motion which would be “ ..... provide webcasting for all Cabinet, Scrutiny and Corporate Governance Committee meetings held in County Hall, Ruthin”.

Discussion took place and Members stated that meetings should not be webcast in just one location but across the whole of the county.

The Lead Member for Modernisation and Housing, Councillor Barbara Smith, clarified that webcasting had been discussed prior to submission of the Notice of Motion. The grant funding by the Welsh Government for webcasting would come to an end in June 2016 and thereafter the cost would be borne by the Council.

The Head of Legal, HR and Democratic Services confirmed that work had been taking place to assess all options available. Initially Conference Room 1A and reconfiguration of the Council Chamber. The cost of webcasting all sites would be significant. The item would be presented to the Modernisation Board and a report containing costs of all options would then be submitted to Full Council for Members consideration.

Councillor Eryl Williams proposed that following presentation to the Modernisation Board, a report containing all options available and costings be presented back at Full Council. Seconded by Councillor David Smith.

***RESOLVED*** that the Webcasting of future meetings be put forward to the Modernisation Board, thereafter, a report containing all options available together with full costings be presented back at Full Council.

## 7 NOTICE OF MOTION

Councillor Dewi Owens put forward the following Notice of Motion for the consideration of Full Council.

“Denbighshire County Council

- Values the work of the North Wales Community Health Council
- Expresses concern over the diversion of resources from the North Wales Community Health Council to the Board of Community Health Councils in Wales

- Calls upon the Welsh Government to take action to protect the independence of individual Welsh Community Health Councils”.

Following discussion an amendment was proposed by Councillor Huw Hilditch-Roberts that the first bullet point be agreed but to defer the second and third bullet points until a presentation by the CHC at Council Briefing which was due to take place on 7 March, 2016. Seconded by Councillor Raymond Bartley.

**RESOLVED** that Members:

- Value the work of the North Wales Community Health Council
- Agreed to defer:
  - o Expresses concern over the diversion of resources from the North Wales Community Health Council to the Board of Community Health Councils in Wales, and
  - o Calls upon the Welsh Government to take action to protect the independence of individual Welsh Community Health Councils until a presentation by CHC at Council Briefing took place on 7 March, 2016.

## 8 COUNCIL TAX

The Lead Member for Finance and Assets, Councillor Julian Thompson-Hill, introduced the Council Tax 2016/17 and Associated Matters Report (previously circulated).

Councillor Thompson-Hill particularly referred to:

- The main features of the budget as approved on 26 January 2016
- Observations of the Chief Finance Officer on the robustness of budget estimates
- A breakdown of the precepts from City, Town and Community Councils and the Police & Crime Commissioner for North Wales, and
- Recommendations for the levels of Council Tax for 2016/17.

Following a discussion, it was:

**RESOLVED** that Council unanimously:

- note that it was necessary for the County Council, as the Billing Authority, to consider the precepts received from the Police & Crime Commissioner for North Wales and the City, Town & Community Councils and declare the Council Tax levels for the 2016/17 financial year*
- approve the recommendation that the amounts calculated by the Council for the 2016/17 financial year, in accordance with Sections 32 to 34 (1) of the Local Government Finance Act 1992 (the Act) and Alteration of Requisite Calculations (Wales) Regulations 2008 be as Appendix A section 3*
- approve the recommendation that the amounts calculated by the Council for the 2016/17 financial year, in accordance with Sections 34 (2) to 36 (1) of the Local Government Finance Act 1992 (the Act) be as Appendix A section 4*
- approve the amounts of Council Tax for the 2016/17 financial year for each of the categories of dwellings be as shown in Appendix C*

(v) *approve the level of discount for Class A, B, and C as prescribed under the Council Tax (Prescribed Class of Dwellings) (Wales) Regulations 2014 be set at zero for the financial year 2016/17 being the term of this Council with the caveat that this is dependent on no changes to legislation or local conditions.*

## **9 TREASURY MANAGEMENT STRATEGY**

The Lead Member for Finance & Assets, Councillor Julian Thompson-Hill, introduced the Treasury Management Strategy Report (previously circulated) seeking approval of the Treasury Management Strategy Statement (TMSS) for 2016/17 together with the Prudential Indicators 2016/17 to 2018/19.

The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management required the Council to approve the TMSS and Prudential Indicators annually.

The TMSS showed how the Council would manage its investments and borrowing for the coming year and sets the policies within which the Treasury Management function operates. The report also outlined the likely impact of the Corporate Plan on this Strategy and on the Prudential Indicators.

Council considered the report and following discussion, it was –

**RESOLVED** that Council approves:

- (i) *The Treasury Management Strategy Statement for 2016/17 detailed in Appendix 1 to the report*
- (ii) *The setting of Prudential Indicators for 2016/17, 2017/18, and 2018/19 detailed in Appendix 1 Annex A to the report*
- (iii) *The Minimum Revenue Provision Statement as detailed in Appendix 1 Section 6 to the report.*

**At this juncture (11.22 a.m.) there was a 20 minute break.**

**The meeting reconvened at 11.42 a.m.**

## **10 CAPITAL PLAN**

The Lead Member for Finance & Assets, Councillor Julian Thompson-Hill, introduced the Capital Plan 2015/16 report (previously circulated), to provide Members with an updated Capital Plan including an update on major projects and the Corporate Plan.

Councillor Thompson-Hill guided Members through the report and drew attention to the following sections –

- Summary capital plan funding
- Summary capital plan by Head of Service

- Details of scheme estimates
- Major capital project updates
- Details of recommendations by Strategic Investment Group
- Capital Bids recommended for approval
- Summary of Business Cases for investment in the Ruthin Primary Area.

The full Capital Plan had last been reported to Council in February 2015. Monthly updates had been provided to Cabinet. The estimated Capital Plan was now £46.9million. The plan had been updated very slightly since being reported to Cabinet on 16 February 2016.

Councillor Thompson-Hill responded to questions raised regarding various aspects of the Capital Plan and specific allocations including progress with various schemes. Main areas of discussion focused on the following –

- Flood Prevention – would St. Asaph be included under “Denbigh and others”. It was confirmed that this information would be obtained and relayed to Councillors.
- Rhyl Harbour Development – retention of monies was for snagging following completion of the project.
- West Rhyl Housing Improvement – further information would be obtained and relayed to Councillors.
- Bridges – throughout the county there were a number of bridges which required improvement works. Councillor Martyn Holland confirmed he would submit a proposal form for this item to be raised at Scrutiny Committee.
- Councillor Eryl Williams requested it be noted his thanks to officers for their work involved with the school projects.
- Councillor Joan Butterfield also congratulated officers for their work on the Capital Plan. Councillor Butterfield then stated that Member Area Groups (MAGs) should benefit from some of the savings. She requested that this be discussed at a budget workshop. Seconded by Councillor Cefyn Williams.

The Leader, Councillor Hugh Evans, stated this had been an extremely positive report. Difficult decisions had been made and the Council had made savings/cuts of £28million. There had been robust financial processes in place and good project management to enable continued investment in the community.

**RESOLVED** that:

- (i) *Members note the latest position on the 2015/16 element of the Capital Plan and the update on major projects*
- (ii) *Members support the recommendation of Cabinet as detailed in Appendix 5 and summarised in Appendix 6*
- (iii) *To approve the 2016/17 Capital Plan.*

## **11 CONSIDERATION OF FINAL DRAFT PROCUREMENT STRATEGY & CPR'S**

The Lead Member for Finance & Assets, Councillor Julian Thompson-Hill, introduced the Final Draft Procurement Strategy & CPRs report (previously circulated) for approval and adoption.

The new Procurement Strategy had been developed following extensive consultation. It broadly followed the format of other Council strategy documents and was designed to be short, high-level, but deliverable. The Strategy was underpinned by seven key principles that were intended to guide all the procurement activity, which included duties under the Wellbeing of Future Generations (Wales) Act 2015, and a requirement to ensure that due regard was made in all purchasing decisions to local economic prosperity.

Development of the new Procurement Strategy and revised CPR's had been led by the internal Procurement Transformation Board whose membership included the Chair of Performance Scrutiny and the Chair of Corporate Governance Committee. There has also been ongoing involvement in the development from the Federation of Small Businesses, North Wales Business Council and Business Wales.

Reports had been presented to the Corporate Governance Committee, Economic & Community Ambition Board, Senior Leadership Team, and Cabinet Briefing. There had been meetings with all political Groups and Group Leaders, regular 1-2-1 meetings with key internal stakeholders and a formal consultation process with internal and external stakeholders had taken place which closed on 31 December 2015.

**RESOLVED** that Members:

(i) Approve and adopt the Procurement Strategy

(ii) Approve and adopt the revised CPR's.

Both documents to "go live" from 1 April 2016.

## **12 COUNTY COUNCIL FORWARD WORK PROGRAMME**

The Head of Legal, HR and Democratic Services introduced the Council's Forward Work Programme (previously circulated).

**RESOLVED** that the Council Forward Work Programme be approved and noted.

### **URGENT MATTER**

Councillor Joan Butterfield requested approval from Council for the absence of Councillor Ian Armstrong until the end of May 2016 due to his recent illness.

The Head of Legal, HR and Democratic Services clarified that this was because if a Member does not attend a meeting within six months of their last attendance, they cease to be a Member. Councillor Ian Armstrong's absence would come to a six month period on 7 April 2016. Councillor Joan Butterfield requested approval of the absence so that the six month rule did not apply.

The recommendation was moved by Councillor Stuart Davies and seconded by Councillor Cefyn Williams.

**RESOLVED** that Members unanimously agreed to the approval of absence of Councillor Ian Armstrong until the end of May 2016.

At this juncture, best wishes were sent to both Councillor Ian Armstrong and Councillor Peter Owen from all Members of Council.

**The meeting concluded at 12.20 p.m.**

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**Report to:** County Council

**Date of meeting:** 12<sup>th</sup> April 2016

**Lead Officer:** Head of Legal, HR and Democratic Services

**Report Author:** Gary Williams, Head of Legal, HR and Democratic Services

**Title:** Arrangements for Election of Chair and Vice Chair at Annual Council

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## **1 What is the report about?**

- 1.1 The arrangements for election of the Chair and Vice Chair of the Council for the municipal year 2016/17.

## **2 What is the reason for making this report?**

- 2.1 The Chair and Vice Chair of Council will be elected at the Annual General Meeting of the Council in May. The purpose of the report is to agree the proposed Chair and Vice Chair for the coming municipal year 2016/17 to be formally elected at the Annual General meeting.

## **3 What are the recommendations?**

- 3.1 That Council agrees the proposed Chair and Vice Chair for the municipal year 2016/17 to be formally elected at the Council's annual meeting on 10<sup>th</sup> May 2016.

## **4 Report details**

- 4.1 In 2006 the Council agreed with the conclusions of the former Modernising Panel that the previous procedure whereby Annual Council met with no real certainty as to who would emerge as Chair and Vice Chair of the Council detracted from the dignity of the occasion.
- 4.2 Council resolved that the arrangements for the election of Chair and Vice Chair should be addressed at the meeting prior to Annual Council.
- 4.3 The current Vice Chair of Council is Councillor Ann Davies. The tradition is that the current Vice Chair of Council is elected as Chair of Council for the forthcoming municipal year.

4.4 Group Leaders have been requested to provide nominations for the role of Vice Chair of Council for the coming municipal year. At the time of writing this report, one nomination has been received. The nominee is Councillor Win Mullen-James

## **5 How does the decision contribute to the Corporate Priorities?**

5.1 The roles of Chair and Vice Chair of Council do not impact directly on the corporate priorities.

## **6 What will it cost and how will it affect other services?**

6.1 The roles of Chair and Vice Chair of the Council currently attract senior salaries of £21,500 and £14,000 respectively. These figures are inclusive of the basic salary paid to all members.

## **7 What consultations have been carried out?**

7.1 Group Leaders have been consulted with regard to the nomination of members to the role of Vice Chair of Council.

## **8 Chief Finance Officer Statement**

8.1 There are no additional costs arising from this recommendation.

## **9. What risks are there and is there anything we can do to reduce them?**

9.1 There is a reputational risk to the Council if there is no certainty as to the proposed Chair and Vice Chair of Council at the Annual Meeting.

## **10 Power to make the decision?**

10.1 Article 5 Council Constitution.  
Section 4 Local Government Act 1972.

**Report To:** Council  
**Date of Meeting:** 12<sup>th</sup> April 2016  
**Lead Member / Officer:** Councillor Barbara Smith  
**Report Author:** Catrin Roberts / Andrea Malam  
**Title:** **Whistleblowing Policy**

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**1. What is the report about?**

The Whistleblowing Policy has been reformatted, updated and revised in line with legislation.

**2. What is the reason for making this report?**

To gain Council agreement to adopt this policy.

**3. What are the Recommendations?**

For Council to adopt this policy.

**4. Report details**

**Whistleblowing Policy**

The policy has been updated and reformatted to include clearer roles and responsibilities and the legislative changes. The Enterprise and Regulatory Reform Act (2013) brought about a number of changes which impact on whistleblowing. The three key changes are the following:

- a) Only disclosures made 'in the public interest' are protected. Employees now have to show that they 'reasonably believe' that the disclosure they are making is in the 'public interest.'
- b) The removal of the requirement for disclosures to be made in 'good faith' in order to be protected.
- c) Making employers liable for the acts of employees (such as harassing a colleague who has raised a concern) and making employees personally liable.

Please refer to policy contained within the appendix.

The policy will be communicated to all employees, including schools, via the intranet, training, power hours/workshops and also taken to management meetings via HR Business Partners. Schools can adopt a corporate policy if they so wish and we will be encouraging schools to adopt this policy.

**5. How does the decision contribute to the Corporate Priorities?**

The Whistle blowing Policy will assist the Corporate Priorities by helping to modernise the council by ensuring that managers and employees are aware of their obligations in line with legislation and good practice.

**6. What will it cost and how will it affect other services?**

Additional resources are not required, therefore there won't be any costs attached to implementing this policy. There will be no particular impact on a particular department. This policy will apply to all staff (where stated).

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report**

Please find the EQiA attached. There are no fundamental issues highlighted with the EQiA's.

**8. What consultations have been carried out with Scrutiny and others?**

The policies have all been to Corporate Joint Meeting on Thursday 17<sup>th</sup> September and Wednesday 4<sup>th</sup> November for comments and have been emailed to CJM for feedback from the members of CJM who did not attend those meetings and so all members have been given an opportunity to feedback. The Policy went to LJCC on 10<sup>th</sup> February 2016 and was agreed in principle, however the meeting was not quorate and was also take for information to Corporate Governance on 23<sup>rd</sup> March 2016.

**9. Chief Finance Officer Statement**

Not applicable.

**10. What risks are there and is there anything we can do to reduce them?**

The risks are only associated with not implementing the attached policy. The current versions of the policy is very out of date in terms of legislation and we must ensure the policy is being applied correctly and consistently.

**11. Power to make the Decision**

Not applicable.

# WHISTLEBLOWING POLICY

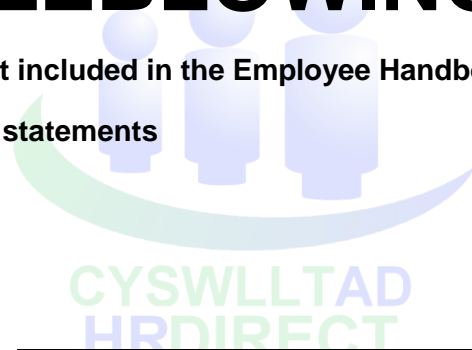
Page 21

This document is subject to the policy statement included in the Employee Handbook

This document is subject to the standard policy statements

This policy has an appeals process applied to it

To view FAQs click [here](#)



<b>Date agreed &amp; Implemented:</b>	
<b>Agreed by:</b>	
<b>Review date:</b>	
<b>Frequency:</b>	

<i>Ver</i>	<i>Status</i>	<i>Date</i>	<i>Reason for Change</i>	<i>Authorised</i>

To provide feedback on this document please click [here](#)

## Whistleblowing flowchart

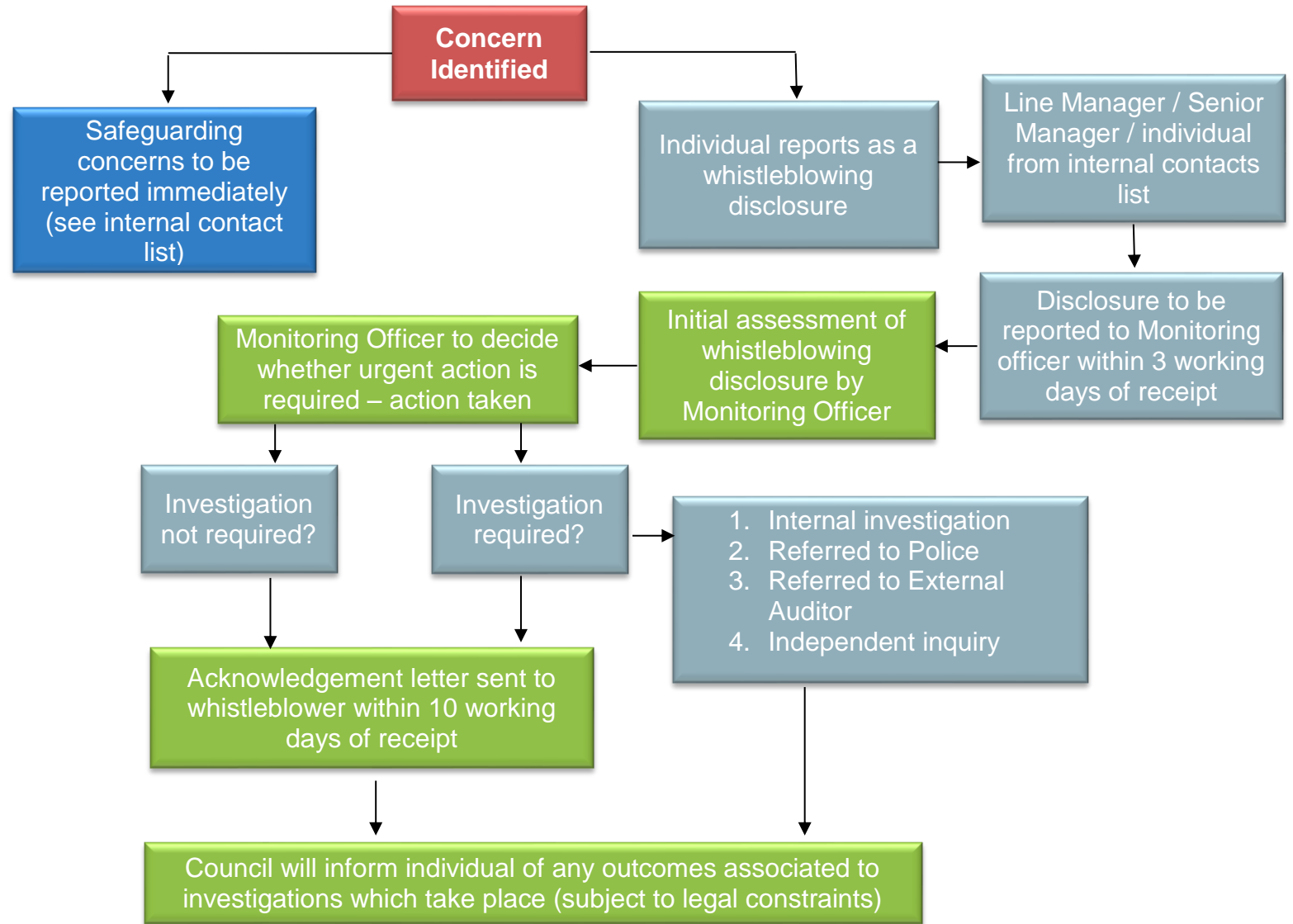
### One page whistleblowing overview

- 1. Introduction**
- 2. Aims and scope of the policy**
  - Employment issues
  - Elected members conduct
  - Complaints
  - Other services
- 3. Safeguards**
  - Your legal rights
  - Support to you
- 4. Confidentiality**
- 5. Anonymous disclosures**
- 6. Untrue disclosures**
- 7. How to raise a concern**
- 8. How the council will respond**
- 9. Independent advice**
- 10. Maintenance and operation of policy**
- 11. How the matter can be taken further**
  - Internal contact list
  - External contact list
  - Whistleblowing policy report form
- 12. Additional Information**
- 13. Internal contact list**
- 14. External contact list**

## TIMESCALES

The person who you report your concerns under this policy must report them to the Monitoring Officer.	Within 3 working days
You will receive a letter (or information in your preferred format)	Within 10 working days of your concern being raised.

# Whistleblowing Process





# One page whistleblowing overview

## **Whistleblowing is for:**

- All employees, including contractors, voluntary workers, consultants and those providing services via contract or other agreements.
- Genuine concerns about malpractice or impropriety that you believe to be in the public interest, including but is not limited to fraud, theft, mismanagement, bribery and health and safety failures.

## **Whistleblowing is not for:**

- Raising employment concerns
- Complaints related to bullying, harassment and victimisation issues
- Questioning financial and/or business decisions made by Denbighshire County Council
- Raising issues that have already been addressed under the disciplinary, grievance or other procedures. An individual can however raise a concern about failure to follow these procedures

## **Who can I contact to blow the whistle?**

- Your Line Manager
- A Senior Manager
- Chief Executive, Monitoring Officer, Chief Finance Officer, Head of Internal Audit
- Any person listed in the internal [contacts list](#).

Details on how to raise a concern can be found in [How to raise a concern](#).

## **Can I keep my identity a secret?**

You are encouraged to give your name when making a disclosure. You can make an anonymous disclosure but these will be less credible. Any concern raised will be treated in confidence and every effort will be made not to reveal the whistleblowers identity.

## **What will happen to me if I blow the whistle?**

The council has a duty to protect whistleblowers and to ensure that any concerns can be raised without recrimination or reprisal.

## **I don't feel that I am able to blow the whistle – how can I get help?**

- You can contact Public Concern at Work (PCaW) for free confidential advice about the best way to raise a concern. You can contact PCaW via their website [www.pcaw.co.uk](http://www.pcaw.co.uk)

- Speak to your Trade Union representative

## **ROLES AND RESPONSIBILITIES**

### **HEAD OF SERVICE AND MONITORING OFFICER**

- Responsible for overall maintenance and operation of this policy
- Ensuring the policy is followed and implemented.
- Provide advice and guidance on how matters of concern may be pursued.
- Liaise with the Head of Internal Audit to consider the most appropriate method of investigating the matter of concern.
- Maintain record of concerns and outcomes ensuring that concerns have been investigated in accordance with this policy.
- To report to Corporate Governance Committee on the operation of this policy annually.

### **INTERNAL AUDIT**

- Overall responsibility (along with the Monitoring Officer) for the monitoring of the procedures and advising on the application of this policy, maintaining a register, monitoring all whistleblowing concerns and reporting details to relevant stakeholders.

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26

### **MANAGERS**

- Ensure that any concerns are taken seriously and reported to the Monitoring Officer with immediate effect.
- Ensure that all employees are aware of this policy
- Support employees/workers who raise a concern under this policy to ensure that they do not suffer detriment as a result of their action.

### **HR DIRECT**

- Advise on the application of this policy and the support arrangements for employees.

### **EMPLOYEES AND OTHER WORKERS**

- Use this procedure to raise genuine concerns when they believe that to do so is in the public interest.

# 1. Introduction

People who work for/or with the council are often the first to realise that there may be something wrong within/or with regards to the Council. However, they may feel unable to express their concerns because they feel that speaking up would be disloyal to their colleagues, managers or to the council. They may also fear harassment or victimisation. They may be worried about raising such issues or they may want to keep the concerns to themselves, perhaps feeling it's none of their business or that it's only a suspicion. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The council has introduced this policy to enable you to raise your concerns at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.

This policy makes it clear that you can raise your concerns without fear of harassment, victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable people working for or with the council to raise concerns within the Council rather than overlooking a problem or "blowing the whistle" outside. If something is troubling you which you think we should know about or look into, please use this policy.

This policy applies to all:

- Employees of Denbighshire County Council
- Employees of contractors working for the council on council premises, for example, agency staff, builders, drivers
- Those providing services under a contract or other agreement with the council in their own premises, for example care homes
- Voluntary workers working with the council
- Consultants engaged by the council

## 2. Aims and scope of the policy

This policy aims to:

- encourage you to feel confident in raising concerns and to question and act upon concerns about malpractice
- provide avenues for you to raise concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from reprisals or other action if you have a reasonable belief that you have made any disclosure 'in the public interest.'

The Whistleblowing Policy is intended to cover concerns other than your employment, where the interests of others or of the council itself are at risk. These include (but are not limited to):

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- unlawful discrimination
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients,
- the neglect, emotional, physical or sexual abuse of children or other inappropriate behaviour towards them
- general safeguarding concerns
- other unethical conduct
- a deliberate attempt to conceal any of the above

Any concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the council can be reported under the Whistleblowing Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the council's Standing Orders, Financial Regulations and policies;  
or
- falls below established standards of practice; or
- amounts to improper conduct.

The Officers Code of Conduct provides that if an employee becomes aware of activities which he or she believes to be illegal, improper or unethical, the employee should report the matter in accordance with this procedure.

**This policy does not apply in the following circumstances:**

**Employment Issues**

If you are an employee, there are existing procedures in place to enable you to raise concerns relating to your own employment. Refer to the Grievance policy.

**Elected Members Conduct**

General concerns relating to the behaviour and/or conduct of elected Members should be raised in accordance with the Member's Code of Conduct.

**Complaints**

This policy does not replace the Corporate Complaints Procedure which is concerned with addressing complaints about council services.

**Other Services**

If you have any concerns about another organisation that provides services on behalf of the council you should contact the service provider in the first instance. In cases where the council contracts with a private organisation it may be appropriate to notify the relevant Service Area of the council. In some cases it may also be necessary to inform the appropriate regulatory organisation.

Please note that if you are unsure where the issue falls then speak to the responsible officer.

### **3. Safeguards – our assurances to you**

The council is committed to good practice and high standards and wants to be supportive of employees and others using this policy.

#### **Your legal rights**

The Public Interest Disclosure Act (PIDA) (1998) was introduced to protect employees who want to raise a concern about something happening in work in a responsible manner. The Act makes it unlawful for the council to dismiss anyone or allow them to be penalised or victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

The Enterprise and Regulatory Reform Act (2013) brought about a number of changes which impact on whistleblowing. The three key changes are the following:

1. Only disclosures made 'in the public interest' are protected. Employees now have to show that they 'reasonably believe' that the disclosure they are making is in the 'public interest.'
2. The removal of the requirement for disclosures to be made in 'good faith' in order to be protected.
3. Making employers liable for the acts of employees (such as harassing a colleague who has raised a concern) and making employees personally liable. For further information and support on the above please contact your line manager, HR Direct, The Monitoring Officer, PCaW or your Trade Union Representative.

#### **Support to you**

The council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true, you have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service. You will not be at risk of losing your job or suffering any form of punishment as a result.

The council will not tolerate discrimination, harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action to protect you when you raise a concern 'in the public interest'.

Any investigations into allegations of potential malpractice raised by you will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, sickness, capability, redundancy or any other procedures that already affect you or may affect you in the future.

At all times during the raising and investigation of your concerns:

- you will be given full support from Senior Management
- your concerns will be taken seriously
- the council will do all it can to help you throughout the investigation, e.g. provide advocacy services, interpreters etc.

If appropriate, after full consultation, the council will consider temporarily redeploying you or others for the period of the investigation.

## **4. Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If the situation arises where we are not able to resolve the concern without revealing your identity you will be informed of this and the reasons why.

## **5. Anonymous disclosures**

This policy encourages you to put your name to your disclosure whenever possible.

Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Monitoring Officer.

In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the disclosure from attributable sources.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter, or to protect your position, or to give you feedback. Accordingly, this policy is better suited to concerns not raised anonymously.

If the Monitoring Officer decides not to pursue an anonymous disclosure he/she will record the reasons for this decision in writing. These decisions will be included in the Monitoring Officer's annual report to Corporate Governance Committee referred to in section 10 below.

## **6. Untrue disclosures**

If you make a disclosure 'in the public interest', but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a disclosure frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

The question of whether or not a disclosure has been made frivolously, maliciously or for personal gain will be determined by the outcome of the investigation into your concern.

## **7. How to raise a concern**

The council wishes to ensure that people who have concerns that should be raised under this policy do so. The paragraphs below give examples of how to raise a concern, but are not compulsory. You should raise your concern with whomever you feel most comfortable raising it.

As a first step, we hope you will feel able to raise concerns with your immediate manager.

In some cases it may be more appropriate to raise concerns with someone more senior or directly with one of the internal contacts listed at the end of this document.

This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your management is involved you should approach the Chief Executive, the Monitoring Officer, the Chief Finance and Performance Officer or the Head of Internal Audit.

If any information raises concern about harm or potential harm to either children or adults at risk, then these concerns should be reported immediately to the appropriate team. For concerns relating to children contact the Children's Gateway (01824 712200). For concerns relating to adults at risk, contact or the Single Point of Access Team (0300 456 1000).



If you have serious concerns which you feel unable for whatever reason to raise within the council, you should raise the matter with one of the external contact points referred to at the end of this document.

Concerns may be expressed verbally or in writing. If you wish to make a written report you are invited to use the following format:

- The background and history of the concern (giving relevant dates)
- The reason why you are particularly concerned about the situation

If you prefer you may use the Whistleblowing policy report form attached to this document and give this to the person with whom you raise your concern.

The earlier you express your concern the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern. Advice and guidance on how matters of concern may be pursued can be obtained either from your Head of Service, or the Head of Legal and Democratic Services (Monitoring Officer).

You may invite your trade union professional association representative, a friend, or someone from an advocacy or translation service to be present during any meetings or interviews in connection with the concerns you have raised.

## **8. How the council will respond**

The council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

The person to whom you report your concerns under this policy must, in turn, report them to the Monitoring Officer within three working days.

The Monitoring Officer will liaise with the Head of Internal Audit to consider the most appropriate method of investigating the matters of concern raised by you. Please do not attempt to investigate these matters yourself once they have been raised as this could compromise any subsequent investigation into your concern.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Where appropriate, the matters raised may:

- be investigated internally by management, internal audit, or through the disciplinary process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry

Within ten working days of a concern being raised, you will receive a letter (or information in your preferred format):

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made;
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place, and if not, why not.

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Trade Union representative or workplace colleague.

The council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the council will advise you about the procedure and provide you with the necessary support.

The council accepts that you need to be assured that the matter has been properly addressed. You will, subject to legal constraints, receive information about the outcome of any investigations.

Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly, properly and without undue delay. By using this policy, you will help us to achieve this.

## **9. Independent advice**

If you are still unsure whether or how to raise a concern or you want confidential advice, you can contact the independent charity Public Concern at Work on 020 7404 6609 or at [www.pcaw.co.uk](http://www.pcaw.co.uk)

Their Lawyers can give you free confidential advice on how to raise a concern about serious malpractice at work.

You may prefer to speak to your Trade Union to seek advice about how to raise a concern under this policy. The contact details for the trade unions recognised by the council for collective bargaining purposes are contained in the External contact list attached.

## **10. Maintenance and operation of policy**

- The Monitoring Officer (Head of Legal and Democratic Services) has overall responsibility for the maintenance and operation of this policy.
- The Monitoring Officer maintains a record of concerns raised and the outcomes of investigations in a form which does not endanger your confidentiality.
- The person who receives your concerns must report them to the Monitoring Officer in accordance section 8 above.
- The person who receives the report into the investigation of your concerns must report the outcomes to the Monitoring Officer.

- The Monitoring Officer will pursue the outcomes of the investigation if they are not reported promptly in accordance with section 10 above.
- The Monitoring Officer will review all concerns and outcomes on a periodic basis to ensure that they have all been investigated in accordance with this policy.
- The Monitoring Officer will report, in a format that does not compromise confidentiality, at least once a year to the Corporate Governance Committee on the operation of this policy, the outcome of the reviews conducted under section 10 above and any changes in practice introduced as a result of a concern raised under this policy.

## 11. How the matter will be taken further

This policy is intended to provide you with an avenue within the council to raise concerns. The council hopes you will be satisfied with any action taken. If you are not and if you feel it is right to take the matter outside the council, further possible contact points are given in the External Contact List attached to this document.

If you do take the matter outside the council, you should ensure that you do not disclose information which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.

## 12. Additional information

### **Grievance raised during other proceedings e.g. disciplinary, redundancy etc**

There may be occasions where an employee, who is subject to another procedure, raises a grievance. The way in which this is handled will depend on the facts of each case. An assessment of the facts should take into account how the grievance is related (if at all) to the matter in hand.

Whether or not the grievance and the ongoing case are associated will be determined by the appointed Deciding Officer of the case.

### **Where the grievance and the other case are related**

In exceptional circumstances it may be appropriate to temporarily hold the ongoing proceedings while the grievance matter is investigated further. The aim here is to establish whether the complaint has a material impact on the case and eventual outcome.

Be mindful that other ongoing proceedings should not be delayed unnecessarily.

### **Where the grievance and the other case are not considered to be related**

In such cases it is advised that both cases are dealt with separately and that they run concurrently. The proceedings of the case in question may not be impacted by the grievance raised and should therefore be able to continue as planned.

## **13. Internal contact list**

Advice or guidance about how to pursue matters of concern may be obtained from any of the people named below:

- Chief Executive
- Corporate Director (Economic and Community Ambition)
- Corporate Director (Communities)
- Monitoring Officer, Head of Legal and Democratic Services
- Deputy Monitoring Officer
- Head of Finance and Assets
- Head of Internal Audit
- Chair of Corporate Governance Committee
- Any Head of Service or any local trade union official

Concerns about harm or potential harm to either children or adults at risk should be reported immediately to:

- Children's and Families Gateway (Children) – 01824 712200
- Single Point of Access (Adults) - 0300 456 1000
- or
- Emergency Duty Team (out of hours) - Tel. No. 0845 0533116

## 14. External contact list

If you have used the appropriate internal procedures and are not satisfied with any action taken in relation to your concerns and if you feel it is right to take the matter outside the Council, further possible contact points are given below. It is stressed that the list below is not exhaustive and you are free to contact any organisation which you feel will be able to deal properly with your concerns.

<b>Organisation</b>	<b>Contact Details</b>
Public Services Ombudsman for Wales	0300 790 0203
Wales Audit Office	02920 320500
North Wales Police	101 or 0300 330 0101
<b>Professional Bodies</b>	
The Chartered Institute of Public Finance and Accountancy	020 7543 5600
<b>Regulatory Organisations</b>	
Environment Agency	03708 506 506
Health and Safety Executive	0300 003 1747
Care and Social Services Inspectorate for Wales	0300 7900 126
Equality and Human Rights Commission	0808 800 0082
Citizens Advice Bureau	08444 772020
<b>Recognised Trade Unions</b>	
UNITE	01352 733611
UNISON	0800 0 857 857
GMB	01492 535313

If you are unsure whether or how to use this procedure or want independent advice, you may contact the independent charity Public Concern at Work on 020 7404 6609 or at [www.pcaw.co.uk](http://www.pcaw.co.uk). Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.

## Whistleblowing Disclosure Pro-forma

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have concerns to come forward and voice those concerns. It is recognised that many cases will have to proceed on a confidential basis. If you wish to make a report please use this pro-forma.

You are encouraged to put your name to this report. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible by the council. If you feel able to, please give your name and details below:

<b>Name:</b>	
<b>Address:</b>	
<b>Tel No:</b>	<b>Job Title:</b>
<b>Email Address:</b>	<b>Department:</b>
<b>Line Manager:</b>	<b>Workplace:</b>
<b>Nature of disclosure:</b> Please give the background and history of the concern (please give as much information as you can dates, times of incidents, names of others who may have information, names of people involved. Please continue on a separate sheet if necessary)	
<b>The reasons why you are particularly concerned about the situation</b>	
<b>Have you raised this informally with your line manager?</b>	Yes/No (delete as necessary)
<b>If No, why not?</b>	
<b>If yes, what action was taken?</b>	
<b>How would you like this issue to be resolved?</b>	
<b>Are you currently absent from work?</b>	Yes/No (delete as necessary)
<b>Signature:</b>	<b>Date:</b>



# Whistleblowing Policy 18<sup>th</sup> January 2016

Equality Impact Assessment

# Whistleblowing Policy

**Contact:** Andrea Malam, Recruitment Specialist, HR  
Direct  
**Updated:** 18.01.2016

## 1. What type of proposal / decision is being assessed?

A revised policy

## 2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

The whistleblowing policy has been updated to reflect the legislation changes under the Enterprise and Regulatory Reform Act (2013) and revised in terms of updates and wording used. The policy highlights the roles and responsibilities and includes support to the person who makes the disclosure, in terms of not being victimised, harassed or bullied for making a disclosure. The policy is intended to ensure that the council meets its legislative obligations under the Public Interest Disclosure Act 1998.

## 3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

Yes

## 4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

*(Please refer to section 1 in the toolkit for guidance)*

The revised policy has been finalised with the input of HR, Monitoring Officer and Internal Audit. The policy has been through consultation with the recognised Trade Unions as per the usual process. Legislative changes have been made clear in the policy and information gathered via PCAW has been included.

- 5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**  
*(Please refer to section 1 in the toolkit for a description of the protected characteristics)*

This policy will have a neutral impact on all protected characteristics as it will apply equally to all individuals.

- 6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?**

This policy will not have a negative impact as it is a neutral policy and no protected characteristic will suffer a detriment.

- 7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.**

No	The policy is neutral and therefore no amendments need to be made.
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- 8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?**

No	
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Action(s)	Owner	By when?
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**9. Declaration**

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date:	18.01.2017
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Name of Lead Officer for Equality Impact Assessment	Date
Andrea Malam	18.01.2016

**Report To:** Council

**Date of Meeting:** 12 April 2016

**Lead Member / Officer:** Head of Legal, HR and Democratic Services

**Report Author:** Democratic Services Manager

**Title:** Boundary Review between the Prestatyn Central and Meliden Wards

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**1. What is the report about?**

A review of the ward boundary between the Prestatyn Central and Meliden wards.

**2. What is the reason for making this report?**

This review was undertaken in response to a formal request from Prestatyn Town Council for a review of the boundary between the Central and Meliden wards and to review an historic anomaly in the warding arrangements.

**3. What are the Recommendations?**

That Council approves an:

- (i) Amendment to the ward boundary between Prestatyn Central ward and Meliden ward to include the properties on Bishopswood Road and Cambrian Drive as illustrated on the map in Appendix 1; and
- (ii) That the Central and Meliden electoral wards for the Town Council and the County Council be amended in accordance with the boundary shown in Appendix 1.

**4. Report details**

Background to the Review

In response to a formal request from the Town Council for a review of the boundary between the Central and Meliden wards, Denbighshire County Council has undertaken a review of the boundary in accordance with the provisions in the Local Government (Democracy)(Wales) Act 2013.

This review comprised of a preliminary consultation which ran from the 5 June 2015 to the 14 August 2015 involving the Town Council, county councillors, regional and constituency Assembly members, the member of Parliament for the Vale of Clwyd, the Local Democracy and Boundary Commission for Wales, the North Wales Police

and Crime Commissioner and a public consultation through the Council's public website.

A second consultation on draft proposals was held between the 30 October 2015 and the 11 December 2015 with the previous consultees and residents of Bishopswood Road and Cambrian Drive who would be affected by the draft proposals.

The responses received to the consultation are shown in Appendix 2 and 3. The draft proposals consulted upon form the recommendations being made to Council today but also incorporate an amendment suggested by the Boundary Commission on the grounds that it would be easily identifiable, maintain the changes proposed in the draft consultation and fit in with the Council's Local Development Plan (as shown in Appendix 4).

### The Existing Boundary

The current warding arrangements for the Community of Prestatyn are derived from the Rhuddlan Communities Order 1982 but it became evident that the register of electors previously did not reflect the boundary shown (see Appendix 1) with Bishopswood Road and Cambrian Drive having been included in Central ward on the register.

The inclusion of those streets in Central ward on the register first appeared in 1986/1987 indicating that a review of the ward boundary had been undertaken by the Borough of Rhuddlan. However, no record of the review or boundary amendment order to the 1982 Order has been found and in light of this the correct boundary is currently that specified in the 1982 Order. The register of electors for the area was amended in March 2014 to accord with the Order.

The current boundary is therefore anomalous in terms of dividing both Bishopswood Road and Cambrian Drive into two separate wards whilst the road networks lead only to Central ward. There is a delineation between the development boundaries for Prestatyn and Meliden with green barrier and open space land between them and with the two roads located entirely in the Prestatyn development boundary.

The responses received to the review suggest that the residents of Bishopswood Road and Cambrian Drive would prefer to be located within Central Ward, Prestatyn. It was also the Town Council's preference and would resolve the anomaly between the 1982 Order and the subsequent attempt from 1986/1987 to provide the residents with practical warding arrangements, and for these reasons, Council is recommended to amend the ward boundaries for those two roads to be entirely within the Central Ward.

### Meliden Road and The Paddock

A suggestion was made during the consultations to include properties on Meliden Road and the Paddock within Central ward and an informal survey undertaken by the

proposers with some of the residents appears to show a majority of the residents questioned in favour of being included within the Central Ward too. This change does not form part of the recommended boundary change at this time.

The reasons for this are that the Town Council itself was not in favour of making changes to the boundary line other than to the anomalous areas on Bishopswood Road and Cambrian Drive. The Meliden Road/Paddock properties are directly connected to Meliden (their existing ward) by the A547, unlike Bishopswood Road and Cambrian Drive where the road network runs through Central Ward first for some distance before reaching Meliden ward.

Amending the boundaries on Meliden Road and at the Paddock would not regulate an historic anomaly or error on the electoral registers whilst the consultation also returned a view regarding the historic importance of Meliden, a very old settlement, and the avoidance of further erosion of Meliden's boundaries. The Local Government (Wales) Bill proposes that the Local Democracy and Boundary Commission for Wales will review the communities within the new counties to be established in April 2020; allowing for a comprehensive review of the whole community of Prestatyn to take place.

**5. How does the decision contribute to the Corporate Priorities?**

No direct contribution to the Corporate Priorities.

**6. What will it cost and how will it affect other services?**

There are no significant costs arising from these recommendations.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report**

These recommendations are not proposing a new policy or changes to services though the recommended changes to the warding arrangements would make highway routes to a polling station for some electors more convenient and accessible.

**8. What consultations have been carried out with Scrutiny and others?**

Consultations have been undertaken in accordance with statutory provisions.

**9. Chief Finance Officer Statement**

There are no obvious cost implications as a result of this change.

**10. What risks are there and is there anything we can do to reduce them?**

The Council has a statutory duty to maintain warding arrangements that are desirable in the interests of effective and convenient local government and the existing anomalous situation in Cambrian Drive and Bishopswood Road are unsatisfactory.

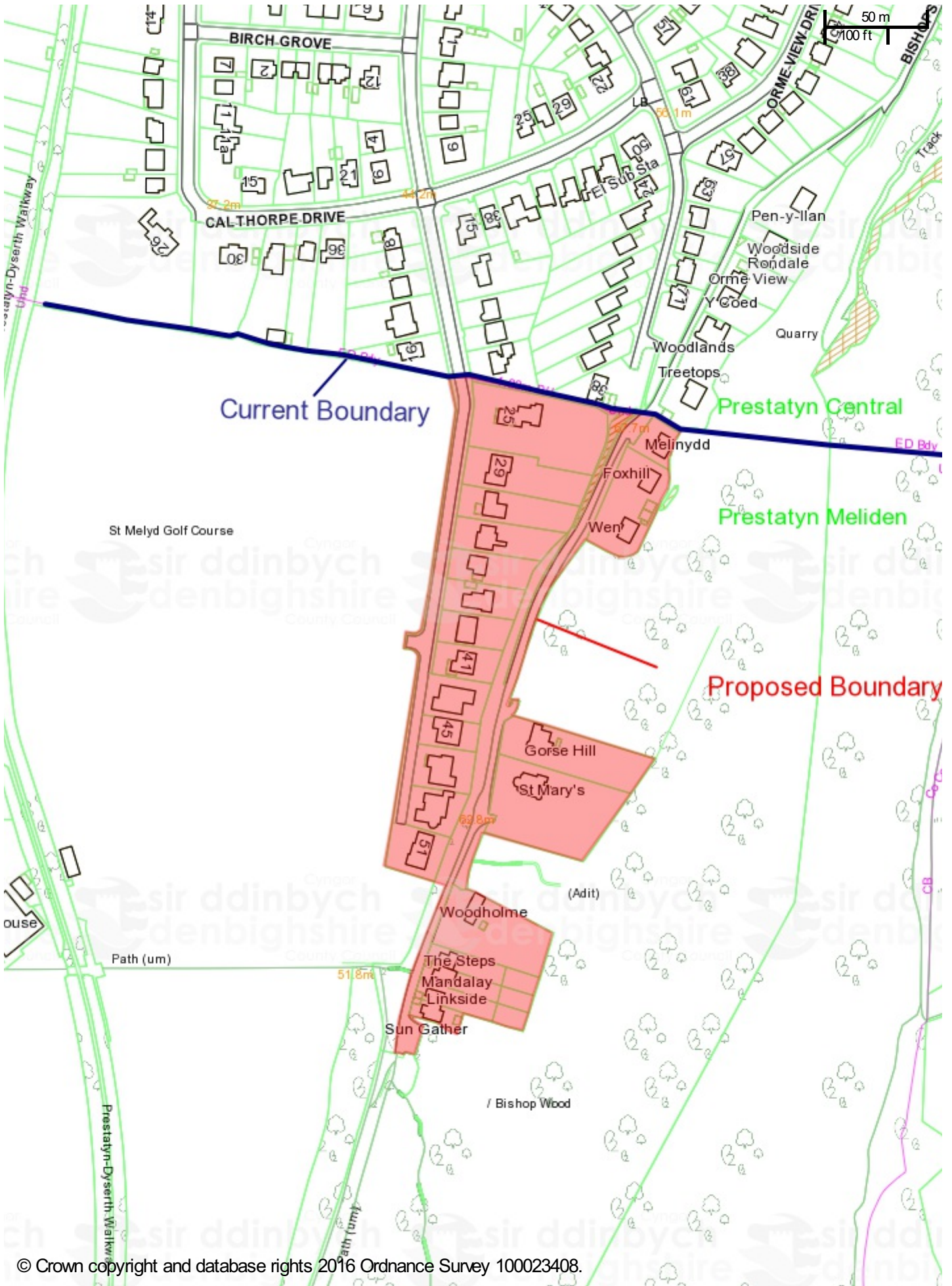
#### **11. Power to make the Decision**

Sections 31 and 33 of the Local Government (Democracy)(Wales) Act 2013.

Section 39(5) of the 2013 Act requires the Council to seek the consent from Welsh Ministers before an Order is made to change the ward boundaries.

Once final proposals have been agreed by Council a public notice will be published and consent requested from Welsh Ministers, prior to the Order being made.

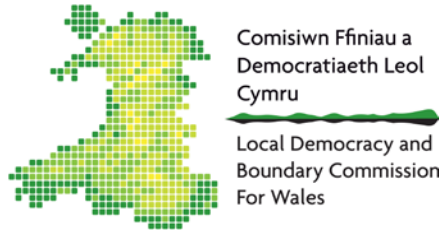




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Democratic Services Manager  
Council Offices, County Hall  
Wynnstay Road  
Ruthin  
Denbighshire  
LL15 1YN

3 December 2015

Dear Mr. Price

Thank you for bringing to our attention your Community Boundary Review.

The Commission has considered your Draft Proposal and agrees that the proposed change is sensible. However, the Commission believes the specific boundary for the change can be improved upon. The Local Government (Democracy) (Wales) Act 2013, in Section 33, specifies the desirability for fixing boundaries which are and will remain easily identifiable. The Commission suggests an amended boundary to the Council's proposal which would see the boundary run to the rear of the property boundary line encompassing the extent of the properties of Bishopswood Road.

Please find the enclosed map which shows the council's proposed change in yellow and the Commission's suggested alternative boundary in blue. We believe that this boundary would be easily identifiable, maintain the proposed change the Council desires and fits in with the Council's Local Development Plan.

The Gorse Hill property on Bishopswood Road appears to have been developed beyond the boundary that appears in the map which appears in your proposals and the latest Ordnance Survey mapping we possess. It is our suggestion that the boundary would need to encompass this extension in addition to that shown in the mapping enclosed.

Yours Sincerely



Chief Executive  
Steve Halsall



### Responses to the Preliminary Consultation

The initial consultation drew the following summarised responses.

- The Ward Boundary and the Electoral Ward Register should be the same
- That only the small number of residents in Cambrian Drive and Bishopswood Road who are affected by the review should be consulted for their views on inclusion within Central Ward.
- The majority of houses and gardens of Cambrian Drive and Bishopswood Road to remain in the Central Ward
- [After consulting with many residents of Cambrian Drive] Residents consider themselves to be part of the Central Ward and want the boundary to reflect this.
- Houses on Bishopswood Road and Cambrian Drive have no road access to Meliden except through a considerable part of the Central Ward.
- All of the houses in the contested boundary area have Prestatyn as their postal address.
- Residents think that Cambrian Drive and Bishopswood are already part of Central Ward.
- Favours the electoral boundary to run in front of St Melyd's Golf Club (a public footpath runs from the road to Bishopswood) or the dip where the town/village name place signs are at present (depending on the views of affected households in the Meliden Road and Paddock areas).
- Residents in Bishopswood Road and Cambrian Drive appear unanimous in wanting to continue to vote in Central ward as they consider themselves part of Prestatyn and do not have historical ties to Meliden.
- Suggests that as the boundary sign between Meliden and Prestatyn is in the dip of Meliden Road adjacent to the Golf Club this should form the ward boundary as well. It would be logical for the boundary to be the Golf Club on one side of the road and farmland adjacent to Tiny Tots Day Nursery on the other side of the road.
- Recommends that residents of Bishopswood Road, Cambrian Drive, The Paddock and the relevant houses on Meliden Road should be formally consulted on this proposal if that is thought to be appropriate.
- The properties mentioned all have a natural place within the community of Prestatyn rather than an affinity with Meliden.
- The enquiries I have made with residents confirm that a substantial majority wish to be considered as part of Prestatyn.
- The areas concerned are clearly separated from Meliden by a number of fields and the golf course and have natural links with Central Ward.
- Elections in recent decades have been conducted on the basis that the entirety of Bishopswood Road and Cambrian Drive are located within Prestatyn Central ward.



- I understand that there was a strong opinion last year from residents living within the areas concerned when the electoral register was amended to change this.
- The view being voiced was that residents feel their homes (and indeed much of Bishopswood itself) are located in Prestatyn and not in Meliden; in fact the properties are not accessible by car from Meliden without travelling through Prestatyn Central ward first.
- It would seem nonsensical in the absence of very good reasons to divide properties on these two quiet residential roads between two different electoral wards.
- There has for a number of years been an anomaly whereby the Paddock and the section of Meliden Road from numbers 93/102 have been located in Meliden Ward rather than Central ward. This appears to relate to historical boundaries but has never been addressed to accommodate modern-day realities. Those living in the properties indicate that they live in Prestatyn and not Meliden – in fact there is a band of green barrier land between them and the start of the development boundary of Meliden (where the community boundary signs are located).
- I appreciate the logic of both Bishopswood Road and Cambrian Drive aligning themselves to the The Central Ward as they have no direct road link to the village of Meliden, but the area involved should only be as agreed by the members of Prestatyn Town Council on the evening of 24.6.15 to incorporate the houses and curtilage of the gardens to the above roads only. The remaining boundary line should adhere to the original Meliden Parish/Ward Boundary. As for Meliden Road, The Paddock, and St Melyd Golf Club these should remain in the Meliden Ward, as it has a direct road link A547, which is part of the village.
- Bearing in mind the history of Meliden, it is a very old village mentioned in the Domesday Book, and in the 16th Century the Bishop of St.Asaph Diocese used to reside in the Bishops Palace now known as Llys Farm, and that is why Coed Yr Esgob has its name. There is a direct path from Llys Farm to the Bishopswood on the hillside upto Offa's Dyke Walkway, which is in the Parish and Ward Boundary of Meliden.
- Considering the history and heritage of the village, right up to the end of the 19th Century when it was one of the biggest Lead and Zinc Mining producers in the country, and we must not forget that Prestatyn was once in the Parish of Meliden up until the Prestatyn Parish Church was built next to the vicarage in the High Street in 1863.
- You don't just move ward boundaries to suit a number of people with possible ulterior motives.
- The importance of taking this stance as the Ward Member for Meliden is because of the existing erosion of Meliden Boundaries over the years to Prestatyn ie: The South West Ward.
- Now that this matter has arisen, it is now the time to relocate the Village Name Signs to the correct locations to prevent future confusion as to where the actual Boundaries are.

## Responses to the Draft Proposals Consultation

- The Local Democracy and Boundary Commission agreed that the proposed change is sensible but believed it could be improved upon. See Appendix 2 for their full response.
- The Prestatyn Conservative Group of councillors commented as follows:

‘We are pleased that the residents of Bishopswood Road and Cambrian Drive who had been transferred out of the Central ward into Meliden will be returned into Central going forward. This is entirely sensible and logical and represents what these residents wish to happen.

We are disappointed that the proposals under consultation do not address the historical anomaly which means that a small number of residents on Meliden Road and The Paddock from the junction with Melyd Avenue to The Paddock, who consider themselves to be Prestatyn and not Meliden residents are to be retained with the Meliden ward.

These houses largely have been constructed in the last 40 years or so when the historical boundary between Prestatyn and Meliden was essentially the line of Melyd Avenue. We note that the reasoning is that they are along a main spine road however if you look at the site physically there is a clearly logical delineation point being the green land adjacent to Tiny Tots Nursery on one side of the road and the Golf Club on the other side of the road. In both cases the land is highly unlikely to be built upon to create additional housing.

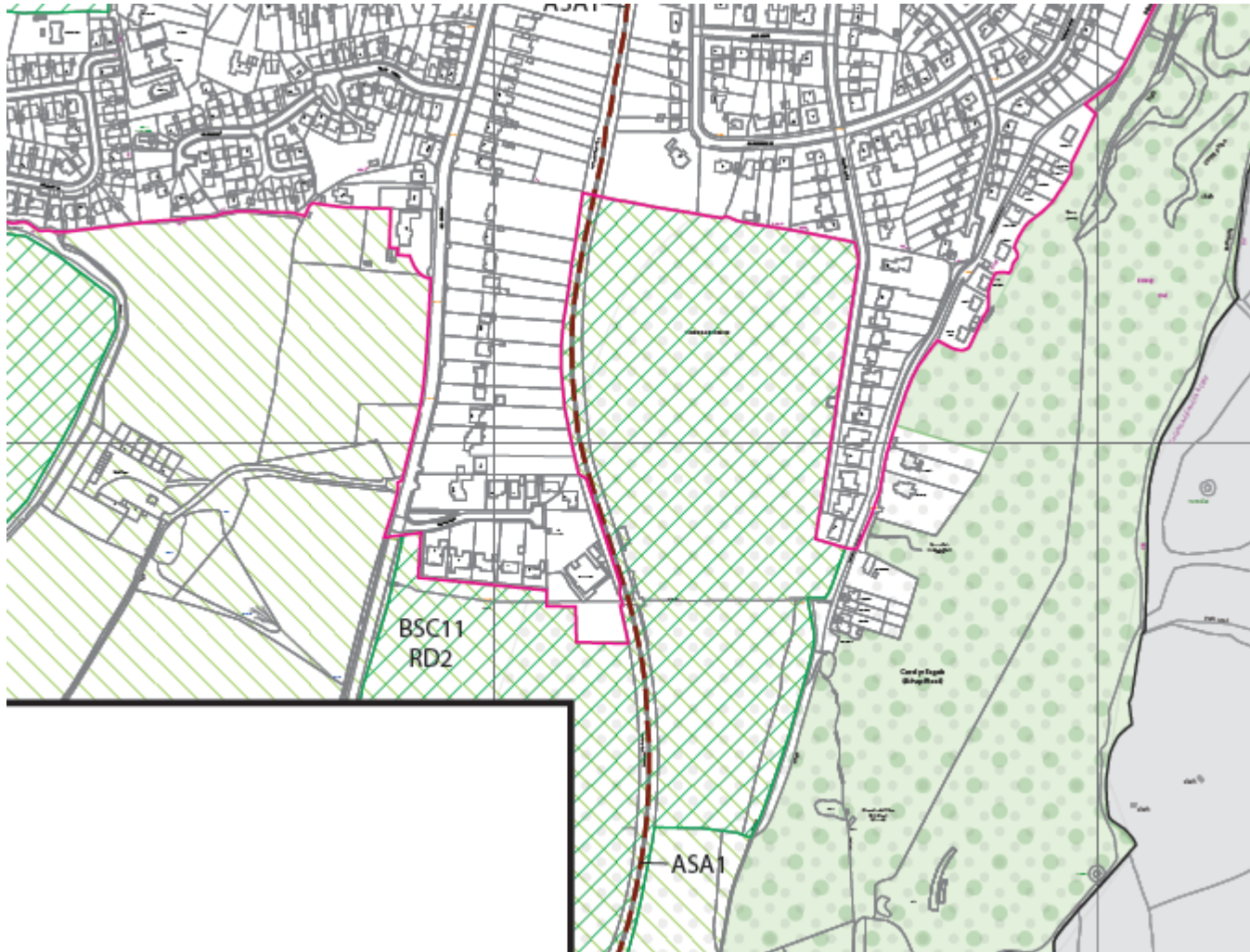
Physically, utilising Google Maps the distance between the last house within "Prestatyn" and the first houses on the slope going into "Meliden" are separated by some 0.4miles which would not suggest that they are connected in any way apart from sharing the same road name. Our albeit informal consultation with the affected residents would tend to support our strong recommendation that you look again at regularising this border between wards on an eminently sensible and defensible line and include these few houses within the Prestatyn Central ward and hence there would be no requirement to have an inset portion on the border line between the two wards.

We trust that you will reconsider this request within this consultation as we feel that this regularises a long-standing anomaly and would not likely need to be revisited for some time thereafter as the would then be clear green barrier separation between the two communities.’

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LOCAL DEVELOPMENT PLAN MAP



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<b>Report To:</b>	<b>County Council</b>
<b>Date of Meeting:</b>	<b>12 April 2016</b>
<b>Lead Member / Officer:</b>	<b>Gary Williams, Head of Legal, HR &amp; Democratic Services</b>
<b>Report Author:</b>	<b>Steve Price, Democratic Services Manager</b>
<b>Title:</b>	<b>Independent Remuneration Panel for Wales Annual Report 2016/17</b>

---

## **1 What is the report about?**

- 1.1 The report is about the Independent Remuneration Panel for Wales' (the 'Panel') annual report for 2016/17.

## **2 What is the reason for making this report?**

- 2.1 To make the Committee aware of the Panel's determinations for 2016/17 in respect of payments to members and co-opted members.

## **3 What are the Recommendations?**

- 3.1 That Members note the determinations of the Panel for the 2016/17 municipal year in respect of the payment of Basic Salaries and Senior Salaries and payments to co-opted members.
- 3.2 That Members adopt the schedule of remuneration as set out in appendix 1 (which remains unchanged from 2015/16) for the 2016/17 municipal year.

## **4 Report details**

- 4.1 The Independent Remuneration Panel for Wales was established in 2008. The Panel's remit and functions were extended in the Local Government (Wales) Measure 2011. The Panel's remit includes councillors, other members of National Park Authorities, Welsh Fire and Rescue Authorities and Community and Town Councils in addition to County and County Borough Councils.
- 4.2 The Panel is able to stipulate the actual amount of payment an authority may make to a member and the duties and responsibilities which may qualify councillors to receive payments.
- 4.3 The Panel is required to produce an annual report setting out the levels at which members are to be paid for various duties and responsibilities for the coming municipal year. That report is attached as appendix 2. The Local Government (Wales) Measure 2011 requires local authorities to implement the recommendations of the Panel.
- 4.4 The report sets out three bands of Council, sets out the number of councillors in each and the maximum number of senior salaries that the relevant council may pay. These groupings are set out in Table 1 of the attached report. Table 2 sets out the basic salary and senior salaries that shall be payable to Members of Councils in 2016/17.

- 4.5 This year the Panel have decided not to increase remuneration because of the continuing cuts in local government funds. The Panel has introduced the possibility for lower payment levels for most Cabinet members and the chairs of committees (see paragraphs 4.10 and 4.11 below and the Minister for Public Services' remit letter to the Panel in annex 5 of the attached report).
- 4.6 The Panel remains firmly of the view that maintaining the democratic values of local government is not cost free. Publicly funded remuneration is made available to encourage a diversity of willing and able local people to undertake local government, through their elected, appointed or co-opted roles.
- 4.7 When the Panel made its initial determinations in its 2009 report it aligned payments to Members to the medium gross earnings of all full time employees resident in Wales. The basic salary was set at  $\frac{3}{5}$  of the All Wales medium salary and senior salary at multiples of this annual medium salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.
- 4.8 Civic Salaries - The Panel introduced responsibility levels for each council to determine the level of payments for civic leaders and deputy civic leaders. For Denbighshire this means the Chair of Council and the Vice Chair of Council. The levels remain unchanged and are shown below.

	Civic leaders	Deputy civic leaders
a	£24,000	£18,000
b	£21,500	£16,000
c	£19,000	£14,000

- 4.9 In April 2014, Council decided to set the level of payments for the Chair of Council at £21,500 and for the Vice Chair at £14,000. **Both figures include the basic salary each councillor is entitled to be paid of £13,300.** The payment of Civic Salaries is not included in the cap on the number of Senior Salaries available to an authority. A Council may decide not to pay any Civic Salaries.
- 4.10 Senior Salary Band 1 and 2 – The Panel has determined five bands of Senior Salary. Band 1 includes Leader and Deputy Leader and Band 2 includes other Cabinet Members. In the Panel's discussions with elected Members across Wales in 2013 there was a consistent view expressed that leadership with executive roles carried the greatest accountability. The Panel also received representations that these accountabilities are often the same regardless of the size of population served by the Council. The Panel did however determine that the size of population remains a major factor in levels of responsibility and has decided to maintain the use of the population groups as set out in Table 1 for the purposes of Senior Salaries in Bands 1 and 2.

This year the Panel have allowed for Band 2 Cabinet members (i.e. Cabinet members other than the Leader and Deputy Leader) to be paid (inclusive of the basic salary) either £26,000 as at present or £23,400. It is for individual authorities to decide on the appropriate level. Relevant considerations include Denbighshire's decision to reduce the size of its Cabinet from 10 members to 8 to save money, which as the Panel notes in its report results in a much greater range of portfolio responsibilities for each Cabinet member.

4.11 Band 3 – In the same manner the Panel has directed that for 2016/17 committee chairs may be paid either the present £22,000 (inclusive of the basic salary) or £20,000. Again, this is a matter for local determination and in Denbighshire's case there are fewer scrutiny committees than in most other authorities and the importance of the chairing roles for the other committees such as the Planning and Licensing Committees should be recognised.

Denbighshire has set the number of its senior salary payments (the number of Cabinet and committee chair allowances being paid) at 2 below the maximum allowed by the Panel for an authority of Denbighshire's size.

4.12 Band 4 and 5 – The Panel has taken the view that the payment of the leader of the largest opposition group is important for local democracy. The Panel have therefore continued their previous determination that this Senior Salary (band 4) must be paid. The payment corresponds to the higher level of payment for committee chairs.

4.13 The Panel notes that very few leaders of other political groups have been allocated a salary in Welsh authorities. The Panel has determined that where such salaries are paid the level should be at £17,000 per annum as set out in Table 2.

4.14 Co-opted Members – Table 4 of the Panel's report has the fees for co-opted members with voting rights which remain unchanged from last year and are based on an attendance allowance and time commitment of up to 4 hours (a half day fee) or over 4 hours (a daily fee). The Panel has again allowed co-opted voting members to include travelling time and reasonable time for pre-meeting preparation, the extent of which can be determined by the appropriate officer in advance of the meeting.

4.15 Co-opted members are also eligible to receive payments of fees for attending working group meetings, meetings with officers, training and attendance at conferences or any other formal meetings to which they have been invited to attend.

4.16 Mileage and Subsistence Rates – Authorities can only reimburse travel costs for their members undertaking official business. There is to be no change to the mileage rates. The Panel has clarified that a member who has been a passenger in a vehicle driven by someone else should be paid the prescribed rate provided that the authority is satisfied that the cost has been incurred by the member.

4.17 Presiding Member - The Local Government Democracy Act 2013 allows local authorities to appoint a presiding member who would chair the business meetings of the Council in addition to a civic leader. A Council may also appoint a deputy presiding member. Where appointed, a presiding member would be paid at the higher level committee chair salary and the post would contribute towards the cap on the number of senior salaries that can be paid. The post of deputy presiding members would not receive a payment.

4.18 Joint Scrutiny Committees – Two or more authorities can establish joint scrutiny committees and decide whether or not the chairs of those committees (or a sub-committee of a joint scrutiny committee) will be paid. If they decide to make payments the following determinations apply:

- The Chair of a Joint Scrutiny Committee is eligible for a salary equivalent to that part of a lower level band 3 Senior Salary that remunerates a Committee Chair; namely £6,700

- In cases where the chair is already in receipt of a senior salary for a band 3, 4 or 5 role the payment will be £3,350
- The chair of a sub-committee of a joint scrutiny committee is eligible for a salary of £1,675.
- In cases where the chair of the sub-committee is already in receipt of a senior salary payment for a band 3, 4 or 5 role the payment will be £837.
- A vice chair of a joint scrutiny committee or sub-committee will not receive a payment
- Payments to a chair of a joint scrutiny committee or sub-committee are not counted as part of Denbighshire's maximum number of councillors (17) who may receive a senior salary payment although there is a statutory limit of no more than 50% of a council's membership being allowed to receive a senior salary payment.

4.19 Heads of Paid Service and Chief Officers – The Panel has been given powers to be consulted on changes to the head of paid service's salary (the Chief Executive) or to chief officers' salaries unless the change being considered is commensurate with a general pay increase or decrease for the "authorities other staff" and for authorities to have regard to the Panel's recommendations.

4.20 Support to Members to Discharge Functions – The Panel remains concerned at the wide variation and inconsistency of support provided to members by different authorities to enable them to discharge their functions effectively. Denbighshire provides a range of support and will be reviewing the appropriate support for members of the new Council from May 2017.

## **5 How does the decision contribute to the Corporate Priorities?**

5.1 This report outlines the decisions taken by the Panel and does not in itself contribute to the corporate Priorities.

## **6 What will it cost and how will it affect other services?**

6.1 The Panel's annual report largely continues the payment levels of 2015/2016 which are contained within existing budgets.

## **7 What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?**

7.1 This report is made in accordance with statutory obligations. An Equality Impact Assessment has not been required for this report.

## **8 Chief Finance Officer Statement**

8.1 The proposals as listed are allowed for within existing resources and therefore do not create an additional budget pressure.

## **9 What risks are there and is there anything we can do to reduce them?**

9.1 The majority of the payments set out in the annual report have to be made available to members and co-opted members and a budget has been allocated to cover the payments.

## **10 Power to make the Decision**

10.1 Section 111 Local Government Act 1972

10.2 Local Government (Wales) Measure 2011

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<b>SENIOR SALARIES</b>	<b>ANNUAL AMOUNT (includes basic salary)</b>
<b>ROLE</b>	
Leader of the Council	£43,000
Deputy Leader of the Council	£30,000
Executive Member (Cabinet member)	£26,000
Committee Chairs	£22,000
Leader Of The Largest Opposition Group	£22,000
<b>CIVIC SALARIES</b>	<b>ANNUAL AMOUNT (includes basic salary)</b>
<b>ROLE</b>	
Civic Head (Chair)	£21,500
Deputy Civic Head (Deputy Mayor / Chair)	£14,000

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# Independent Remuneration Panel for Wales

## Annual Report

February 2016

## Foreword



This is our eighth Annual Report since the Panel was established in 2008 and is the fifth Annual Report since the approval of the Local Government (Wales) Measure 2011 ('the Measure')<sup>1</sup>.

In 2013 the Panel revisited the 22 principal councils, the 3 national park authorities (NPAs) and the 3 fire and rescue authorities (FRAs) to discuss how our determinations were working in practice and what matters we should address in our Annual Report. This resulted in a number of significant changes to the Panel's remuneration framework in its Annual Report published in February 2014, including a small increase in the Basic Salary.

Last year the Panel decided that given the continuing constraints on local government spending there would be no increase in remuneration in 2015/16. The Panel has taken the same approach this year and has decided that there will be no increase in remuneration in 2016/17.

For the first time, the Panel was given a remit letter by the Minister for Public Services in which he drew the Panel's attention to the desire of Welsh Government to reduce the cost of politics to the public purse. The Independent Remuneration Panel has given due consideration to the remit letter.

This year the Panel has also given further consideration to the remuneration of members of community and town councils in the light of additional information it has obtained about their work, and we have decided to make some amendments to the remuneration framework as it applies to these councils.

The Panel remains concerned at the inconsistency of support provided to members to enable them to discharge their functions effectively. We are also concerned that some councillors have not always fully utilised the support that has been provided through the Panel's remuneration framework and urges all those involved to ensure that the Panel's determinations are fully implemented and that individual councillors are encouraged to access all the support available, including the Care Allowance.

The Welsh Government amended the Local Government (Wales) Measure 2011 by inserting section 143A that enables the Panel to take a view on any change to the salary of the Head of Paid Service (normally the Chief Executive or Chief Fire Officer) or anything in the Pay Policy Statement of an authority that relates to this post. The Local Government (Wales) Act 2015 has extended this on a temporary basis, to Chief Officers of principal local authorities. In addition the Act provides that the Panel be given powers to determine remuneration for members of shadow authorities and newly forming principal councils.

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<sup>1</sup> <http://www.legislation.gov.uk/mwa/2011/4/contents/enacted>.

The Panel has continued to contribute wherever possible through its determinations to enhancing diversity in local government in Wales. It has also taken steps to help Welsh Government to broaden the Panel's membership when the opportunity occurs, and the Minister has appointed Julie May, to the Panel from 1 January 2016.

The Panel is keenly aware of the way Welsh Government is progressing the work of the Commission on Public Service Governance and Delivery and will be liaising closely with the Local Democracy and Boundary Commission for Wales in preparation for the implementation of the various Acts that will determine the future shape of local government in Wales.

The Panel's determinations for 2016/17 can be found at Annex 1.

My term of office as Chair of the Panel ends on 31 December 2015, after eight very interesting and rewarding years in that role. I want to thank my fellow Panel members, past and present, for their support to me throughout that time and for their commitment to the work of the Panel. I am very happy to welcome my colleague, John Bader, as the new Chair of the Panel and to wish him and the other Panel members every success in the future.

Finally, on behalf of the Panel I would like to put on record our appreciation of the support we receive for our work from the Welsh Government officials who constitute our secretariat.

*Richard Penn*

**Chair  
December 2015**

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## Summary of payments to members and co-opted members of principal councils, community and town councils, national park authorities and Welsh fire & rescue authorities in 2016/17

**Table 1:** Maximum numbers of council membership eligible for payment of a senior salary

Council	Number of councillors	Number of senior salaries
<b>Group A</b>		
Cardiff	75	19
Rhondda Cynon Taf	75	19
Swansea	72	19
<b>Group B</b>		
Bridgend	54	18
Caerphilly	73	18
Carmarthenshire	74	18
Conwy	59	18
Flintshire	70	18
Gwynedd	75	18
Neath Port Talbot	64	18
Newport	50	18
Pembrokeshire	60	18
Powys	73	18
Vale of Glamorgan	47	18
Wrexham	52	18
<b>Group C</b>		
Blaenau Gwent	42	17
Ceredigion	42	17
Denbighshire	47	17
Isle of Anglesey	30	15
Merthyr Tydfil	33	16
Monmouthshire	43	17
Torfaen	44	17

### Table 1 notes

- (i) Following the commencement of the provisions of the Local Government (Democracy) (Wales) Act 2013 there is no longer a need for the Panel to express the limit on senior salaries in percentages. It should be remembered however, that the Measure restricts the maximum number of senior salaries to 50% of the membership of the council, unless Welsh Ministers agree that the

Panel may determine an increased proportion<sup>2</sup>. That has implications for Merthyr Tydfil where the maximum number is 16 and for Isle of Anglesey where the equivalent number is 15 (both of which include civic salaries in respect of the posts of civic head and deputy civic head).

- (ii) The civic salaries in respect of civic head and deputy civic head do not count towards the maximum proportion of senior salaries that a council is allowed to pay (except for the Isle of Anglesey and Merthyr Tydfil).

**Table 2:** Basic salary and senior salaries shall be payable as follows to all members of principal councils

<b>Basic salary (payable to all elected members) £13,300</b>			
	<b>Group A</b> (Cardiff, Rhondda Cynon Taf, Swansea)	<b>Group B</b> (Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham)	<b>Group C</b> (Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey)
<b>Senior salaries (inclusive of basic salary)</b>			
<b>Band 1</b>			
Leader	£53,000	£48,000	£43,000
Deputy leader	£37,000	£33,500	£30,000
<b>Band 2</b>			
Executive members – Level 1	£32,000	£29,000	£26,000
Executive members – Level 2	£28,800	£26,100	£23,400
<b>Band 3</b>			
Committee chairs (if remunerated):	Level 1	£22,000	
	Level 2	£20,000	
<b>Band 4</b>			
Leader of largest opposition group <sup>3</sup>		£22,000	
<b>Band 5</b>			
Leader of other political groups		£17,000	

<sup>2</sup> As set out in The Local Government (Wales) Measure 2011: Section 142; sub-section 5.

<sup>3</sup> Leader of largest opposition group. See IRPW Regulations, Annex 2, Part 1(2) for a definition of “largest opposition group” and “other political group”.



## Table 2 Notes

- (i) The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group (subject to the 10% of membership requirement).

**Table 3:** Civic salaries (where paid) shall be as follows to members of principal councils

<b>Remuneration of civic leaders and deputy civic leaders</b> <i>(inclusive of basic salaries)</i>		
Responsibility Level	Civic leaders	Deputy civic leaders
Level 1	24,000	18,000
Level 2	21,500	16,000
Level 3	19,000	14,000

**Table 4:** Fees for co-opted members (with voting rights) of local authorities (including national park authorities and fire and rescue authorities)

Chairs of standards committees and audit committees	£256 (4 hours and over) £128 (up to 4 hours)
Ordinary members of standards committees who also chair standards committees for community and town councils	£226 daily fee (4 hours and over) £113 (up to 4 hours)
Ordinary members of standards committees; education scrutiny committee; crime and disorder scrutiny committee and audit committee	£198 (4 hours and over) £99 (up to 4 hours)

**Table 5:** Basic and senior salaries shall be as follows to members of national park authorities (NPAs)

<b>Basic salary</b>	£3,600
<b>Senior salaries (inclusive of basic salary)</b>	
Chair <sup>4</sup> (Band 3)	£12,300
Deputy chair/committee chair (see note i)	
Level 1	£7,300
Level 2	£6,000

**Table 6:** Basic and senior salaries shall be as follows to members of Welsh fire and rescue authorities (FRAs)

<b>Basic salary</b>	£1,700
<b>Senior salaries (inclusive of basic salary)</b>	
Chair <sup>5</sup> (Band 3)	£10,400
Deputy chair	£5,400
Committee chair (see note i)	£5,400

**Tables 5 & 6 notes**

**(i)** A National Park Authority / Fire & Rescue Authority senior salary can be paid to the chair, deputy chair, and up to two other committee chairs.

**(ii)** National Park Authorities and Fire & Rescue Authorities, as in the case of principal councils, can decide on the maximum number of days for which co-opted members may be paid in any one year.

<sup>4</sup> Brecon Beacons, Pembrokeshire Coast, Snowdonia.

<sup>5</sup> Mid & West Wales, North Wales, South Wales.

# 1. Introduction

- 1.1 This is the eighth Annual Report of the Independent Remuneration Panel for Wales (the Panel), and the fifth published under the requirements of the Local Government (Wales) Measure 2011. The Measure extended the responsibilities of the Panel and its powers under Section 142 to decide (prescribe) payments to members of relevant authorities. This enabled the Panel to move beyond the previous limitation of setting maximum limits for member payments and the Panel has been able to use this power of prescription from April 2012. The Measure also extended the Panel's remit to include responsibility for the remuneration of members of National Park Authorities (NPAs), Fire and Rescue Authorities (FRAs) and Community and Town Councils.
- 1.2 Section 63 of The Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting Section 143A. This requires that any principal council or fire and rescue authority that intends to change the salary of its Head of Paid Service must consult the Panel unless the change is in keeping with changes applied to other officers. Section 143A also enables the Panel to take a view on anything in the Pay Policy Statement of an authority that relates to the salary of the Head of Paid Service (normally the Chief Executive or Chief Fire Officer). The Panel's approach to its use of this power is set out in Section 11 of this Report and accords with the guidance issued to the Panel by the Welsh Government that can be found at Annex 6.
- 1.3 The Local Government (Wales) Act 2015 provides additional powers and responsibilities for the Panel. This, on a temporary basis, extends its functions relating to Heads of Paid Service to Chief Officers of principal local authorities. In addition the Act provides that the Panel be given powers to determine remuneration for members of shadow authorities and newly forming principal councils.
- 1.4 In the determinations for this Annual Report the Panel has continued to take into account affordability and acceptability, given the ongoing constraints on local authority budgets.
- 1.5 Although there has been an increase in population throughout Wales, the 2011 census<sup>6</sup> did not indicate that this has been sufficient to move any principal council to a higher population group and the Panel's framework is unchanged in respect of population groups.
- 1.6 As with the Panel's previous Reports, its determinations on member remuneration are underpinned by a set of principles set out in Section 2 of this Annual Report.
- 1.7 The Panel remains firmly of the view that maintaining the democratic values of local governance cannot be cost-free. Members of local authorities (including co-opted and appointed members) are there to represent the interests of local

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<sup>6</sup> 2011 Census table CP04: Usual resident population all ages, unitary authorities in Wales.

people, undertake the governance of local communities, and secure value-for-money public services for local tax-payers through effective scrutiny. These are significant and considerable tasks for members of relevant authorities within the Panel's remit. Publicly funded remuneration is made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.

- 1.8 In determining the level of payments to members of local councils, the Panel has sought to meet its principle of 'acceptability' by ensuring that these are not 'so great as to require a significant diversion of resources from key council priorities'. But Section 142(8) of the Measure is more explicit on 'affordability' when it states that "*when setting an amount*<sup>7</sup> ...the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities". Meeting the requirement of the Measure in regard to affordability has been a challenge for the Panel, not least because of public interest in the payments made to members. The Panel acknowledges that the issue of affordability – in relation both to relevant authorities' service budgets and to the electorate's disposable incomes – is likely to exert a powerful impact on the public perception of any increases to members' payments.
- 1.9 As a charge on the public purse, payments to members for their time, worth and responsibility must be, and must be seen to be, fair and affordable. The Panel's determinations in its 2009 Report aligned payments to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). The basic salary was set at three-fifths of the All Wales Median Salary and senior salaries were set at multiples of this annual median salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.
- 1.10 Given the very modest relaxation in the constraints on public sector pay and also to prevent further erosion of the relative levels of remuneration, the Panel decided last year in view of the continuing severe constraints on local government resources not to increase remuneration in 2015/16. There has been no change in that situation in the current year and the Panel has decided not to increase remuneration in 2016/17. This will further compromise the alignment to median gross earnings in Wales that underpinned the basic salary set in 2009. This is a matter that the Panel intends to re-examine at an appropriate time in the future.
- 1.11 For the first time the Panel this year was provided with a 'remit' letter<sup>8</sup> by the Minister for Public Services which is normal practice for Assembly sponsored public bodies. The Minister drew the Panel's attention to the desire of Welsh Government to reduce the cost of politics to the public purse and pointed to a number of aspects of the current remuneration framework for consideration. The Minister also asked the Panel to consider whether the rates of payment to leaders and executive members is justified when compared with those paid in

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<sup>7</sup> <http://www.legislation.gov.uk/mwa/2011/4/contents/enacted>.

<sup>8</sup> At Annex 5

similarly sized councils in other parts of the UK. The Panel has given due consideration to the remit letter.

- 1.12 The Panel obtained comparative information from a UK expert on elected member remuneration and met with him to discuss his findings. As a result of this the Panel was reassured that generally the rates of remuneration that it has determined for leaders and executive members in Wales are justified and appropriate in comparison to those of other UK nations.
- 1.13 Consultation responses to this year's draft Annual Report have raised issues about the independence of the Panel and the way the Panel has responded to the remit letter - and the evidence on which the Panel bases its determinations. So far as the first issue is concerned, the Panel has always made it clear that it is a creation of Welsh Government and that the Minister appoints the Chair and members of the Panel and provides its funding as well as a Secretariat to support its work. Notwithstanding this, the Panel has reached its determinations without direction from Welsh Government and the determinations set out in the draft 2016 Report resulted from continuing consideration of the Framework generally and in particular a desire to maximise local flexibility.

In respect of the evidence base the Panel has used to make its determinations, the Panel has made it clear that this is essentially qualitative rather than quantitative. It is derived from information collected from a questionnaire survey of all councillors updated through regular visits to authorities, during which the Panel met many members. Meetings were also conducted with particular interest groups and submissions were regularly received from officers, councillors and members of the wider community. The Panel members all have wide-ranging and lengthy experience either as councillors and/or senior officers and use this extensive qualitative information to make relevant and appropriate determinations.

- 1.14 In its draft 2015 Annual Report the Panel proposed to extend to chairs of committees and civic heads the flexibility it had introduced in its 2014 report in respect of the payments for the roles of committee chair and deputy chairs of NPAs. Following consultation about this proposal the Panel decided to postpone the implementation of this flexibility for committee chairs pending further consideration. The Panel has decided to extend flexibility to the payment of Executive members and committee chairs.
- 1.15 The Panel remains concerned at the wide variation and inconsistency of support provided to members to enable them to discharge their functions effectively. The Panel has determined that such support should be provided without cost to the individual elected member, and that the cost of support must be appropriate, reasonable and publicly declared. Deductions must not be made from members' salaries by the respective authority as a contribution towards those support costs which the authority considers necessary for the effectiveness and/or efficiency of members. However, the Panel is aware that a number of authorities have not fully implemented the Panel's determinations in

this regard and last year amendments were made to its previous determinations to ensure there is greater consistency across Wales.

Further to its discussions with members of Democratic Services Committees and Heads of Democratic Services in 2015 the Panel is still concerned that there continues to be variation in the support provided to members. It is important that authorities are aware that insufficient support can undermine the ability of elected members to discharge their basic duties effectively.

- 1.16 The Panel expects that the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable. Members of Democratic Service Committees and Heads of Democratic Services indicated at our meetings with them that it would be beneficial for authorities to be proactive in sharing information and establishing benchmarks for levels of provision and good practice in how authorities support the work of elected members.
- 1.17 The Panel notes that members have not always utilised the support that has been provided through the Panel's remuneration framework, particularly in respect of the care allowance. Some members are reluctant to claim all that they are entitled to claim in support of their work, particularly the care allowance, because of concerns about the adverse publicity this can attract. Democratic Services Committees should take steps to encourage and facilitate eligible members in claiming these allowances.
- 1.18 The Panel urges all those involved to ensure that the Panel's determinations are fully implemented and that individual members are encouraged to access all the available support, including the care allowance, which has been extended to include provision for members who themselves require personal support and assistance.
- 1.19 The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. It has also taken steps along with the Public Appointments Unit that should help broaden the Panel's membership when the opportunity occurs. The Panel responded to an invitation from the then Minister for Local Government and Government Business to report on its approach to increasing diversity within its membership. The report can be found on the Panel's website<sup>9</sup>.
- 1.20 Section 153 of the Measure empowers the Panel to monitor relevant authorities' compliance with its requirements. An examination of the level of compliance by principal councils revealed that over half of the councils had significant deficiencies in respect of the requirements relating to the Schedule of Member Remuneration and the publication of remuneration as set out in Annual Reports. Although specific concerns were raised with individual authorities and actions

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<sup>9</sup> <http://wales.gov.uk/docs/dsilg/publications/140926-irp-report-on-local-diversity.pdf>

taken to address them, the Panel continues to emphasise the importance of providing accurate and timely information about payments to councillors that can be readily accessed by members of the public. Panel members will continue to engage with representatives of Democratic Services Committees and officers to discuss ways to improve the consistency and ease of access to this information in the future.

- 1.21 There are significant issues of non-compliance by town and community councils which will be the subject of detailed examination and appropriate action.
- 1.22 The Panel recognises the importance that Welsh Government places on effective scrutiny as an essential element of the cabinet system of local government. The Panel will continue to liaise with the Welsh Government's Scrutiny Reference Panel to inform future determinations in relation to the scrutiny function.
- 1.23 The Panel is also aware of the way Welsh Government is progressing the legislation that will determine the future shape of local government in Wales and the Panel will be liaising closely with the Local Democracy and Boundary Commission for Wales in preparation for its implementation.

## **2. The Panel's Framework: Principles of Remuneration**

### **Upholding trust and confidence**

- 2.1 Citizens rightly expect that all those who choose to serve in public authorities uphold the public trust by embracing the values and ethics implicit in such public service. These principles underpin the contribution that the work of the Panel and its Framework make towards upholding public trust and confidence.

### **Simplicity**

- 2.2 The Framework is clear and understandable. This is essential for the Panel to be able to communicate its determinations effectively to all those who are affected by, or who have an interest in, its work.

### **Remuneration**

- 2.3 The Framework provides for payment to members of public authorities who carry a responsibility for serving their identified communities of geography and of interest. The level of remuneration should not act as a barrier to taking up or continuing in post. There should be no requirement that resources necessary to enable the discharge of duties are funded from the salary. The Framework provides additional recompense for those who are given greater levels of responsibility.

### **Diversity**

- 2.4 Democracy is strengthened when the membership of public authorities adequately reflects the demographic and cultural make-up of the communities such authorities serve. The Panel will always take in to account the contribution its framework can make in encouraging the participation of those who are significantly under-represented at local authority level.

### **Accountability**

- 2.5 Taxpayers and citizens have the right to receive value for money from public funds committed to the remuneration of those who are elected, appointed or co-opted to serve in the public interest. The Panel expects all principal councils to make information readily available about the activities of their members and in particular expects all local authority councillors to produce an annual report of their council-related activity.

### **Fairness**

- 2.6 As an essential test of the framework's fairness, the Panel ensures that its decisions on remuneration for members take account of the earnings of the electorate in Wales. The framework will be capable of being applied consistently to members of all public authorities as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable.



## **Quality**

- 2.7 The Panel recognises that the complex mix of governance, scrutiny and regulatory duties incumbent upon members requires them to engage with a process of continuous quality improvement. The Panel expects members to undertake such training and personal development opportunities as are required to properly discharge the duties for which they are remunerated.

## **Transparency**

- 2.8 Transparency of members' remuneration is in the public interest. Some members receive additional levels of remuneration by virtue of being elected or appointed to more than one public body. The framework serves to ensure that knowledge of all members' remuneration is made easily available to the public.

### **3. Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries**

#### **Basic salary for elected members of principal councils**

- 3.1 In view of the continuing reduction in public sector funding, the Panel has determined there shall be no increase from spring 2016 in the level of basic salary for members of principal councils.

**Determination 1: Basic salary in 2016/17 for elected members of principal councils shall remain at £13,300.**

#### **Note to Determination 1:**

The Panel originally determined (IRP Annual Report December, 2009) that the payment of basic salary would be aligned to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). Given the pressures on public expenditure it was not possible for this alignment to be maintained. The Panel will revisit when appropriate the basis on which the basic salary has been determined.

#### **Senior salaries for elected members of principal councils**

- 3.2 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2016/17 the maximum number of senior salaries payable within each council will not be altered and will be as set out in Table 1.

**Table 1:** Maximum numbers of council membership eligible for payment of a senior salary

<b>Council</b>	<b>Number of councillors</b>	<b>Number of senior salaries</b>
<b>Group A</b>		
Cardiff	75	19
Rhondda Cynon Taf	75	19
Swansea	72	19
<b>Group B</b>		
Bridgend	54	18
Caerphilly	73	18
Cardiff	74	18
Carmarthenshire	59	18
Conwy	70	18
Flintshire	75	18
Gwynedd	64	18
Neath Port Talbot	50	18
Newport	60	18
Pembrokeshire	73	18
Powys	47	18
Vale of Glamorgan	52	18
Wrexham		
<b>Group C</b>		
Blaenau Gwent	42	17
Ceredigion	42	17
Denbighshire	47	17
Isle of Anglesey	30	15
Merthyr Tydfil	33	16
Monmouthshire	43	17
Torfaen	44	17

### **Payments to members of the Executive, Chairs of committees and the Leader of the Opposition**

3.3 The Panel has revisited its previous decisions in respect of the senior salaries paid to these post holders.

(i) The Executive:

The visits to all principal councils by the Panel in 2009 produced the general conclusion that Executive members should be considered as working the equivalent of full time (up to 40 hours per week) but not necessarily nine to five. However, we have stressed that in reaching this decision there was recognition that with a potential of nearly 200 Executive members (excluding Leaders) there would be a variety of arrangements and that some portfolio holders would have

greater responsibility and workloads than others. But this was dependent on the specific organisational arrangements of the cabinets of each authority.

We have now given further consideration to this issue following more recent visits as well as views expressed to us as to the appropriateness of paying cabinet members the same salary irrespective of the responsibility of the portfolio held. Although many councils operate with a cabinet of 10, the statutory maximum, others choose to have smaller cabinets and therefore the range of individual portfolios is much greater. We have concluded that this should be reflected in the remuneration framework. It is not the role of the Panel to determine the structure of cabinets of local authorities so the new determinations provide flexibility for each council to decide the appropriate range of portfolios to meet local needs, recognising that there is an inevitable variation on the level of responsibility and workload.

Executive members may be paid at either of the two senior salary levels below:

Level 1 -

Group A - £32,000

Group B - £29,000

Group C - £26,000

Level 2 -

Group A - £28,800

Group B - £26,100

Group C - £23,400

It will be a matter for individual authorities to decide the implementation of the determinations within their specific cabinet structures.

(ii) Chairs of Committees

The Panel continues to take the view that the responsibility and function of chairing a committee is not generally influenced by population of the authority. However, there is recognition that the specific responsibility and workload of some chairs is greater than others, and this has been a topic of ongoing dialogue and debate. We consider that this should be reflected in the remuneration framework.

The Panel is therefore introducing two levels of remuneration for chairs of committees:

Level 1 chairs - £22,000

Level 2 chairs - £20,000

It is a matter for individual authorities to determine at which level a chair is paid to reflect the appropriate responsibility attached to the specific post

## The senior salary bands

**Determination 2: The Panel has determined that senior salary levels in 2016/17 for members of principal councils shall be as set out in table 2.**

**Table 2:** Basic salary and senior salaries payable to members of principal councils

<b>Basic salary (payable to all elected members) £13,300</b>			
	<b>Group A</b> (Cardiff, Rhondda Cynon Taf, Swansea)	<b>Group B</b> (Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham)	<b>Group C</b> (Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey)
<b>Senior salaries (inclusive of basic salary)</b>			
<b>Band 1</b>			
Leader	£53,000	£48,000	£43,000
Deputy leader	£37,000	£33,500	£30,000
<b>Band 2</b>			
Executive members Level 1	£32,000	£29,000	£26,000
Executive members Level 2	£28,800	£26,100	£23,400
<b>Band 3</b>			
Committee chairs (if remunerated):	Level 1	£22,000	
	Level 2	£20,000	
<b>Band 4</b>			
Leader of largest opposition group <sup>10</sup>		£22,000	
<b>Band 5</b>			
Leader of other political groups		£17,000	

<sup>10</sup> Leader of largest opposition group. See IRPW Regulations, Annex 2, Part 1(2) for a definition of “largest opposition group” and “other political group”.

## Table 2 notes:

- a. The Panel considers that the leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability and that 'size of population' remains a major factor in influencing levels of responsibility and the use of the three population groups (A, B and C) has therefore been retained.
- b. Committee chairs will be paid at Band 3, either Level 1 or 2 (for decision by the authority); although an individual authority may determine not to pay particular chairs.
- c. The Panel is aware of the importance placed by the Welsh Government on the value of the scrutiny function for local democracy and has noted that in total there are currently 91 chairs of scrutiny who receive senior salaries. The Panel believes that this is a clear recognition of the importance of this function and should be maintained.
- d. The stipulation that an opposition group leader or any other group leader must represent at least 10% of the council membership before qualifying for a senior salary remains unchanged.
- e. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- f. The Panel has determined that, if remunerated, a Band 5 senior salary must be paid to leaders of other political groups.
- g. See IRPW Regulations, Annex 2, Part 1(2) for a definition of "*largest opposition group*" and "*other political group*".

## Payments to civic heads and deputies (civic salaries)

- 3.4 The Panel maintains the view that it is appropriate for authorities to set remuneration levels which reflect activity and responsibility of civic heads and deputies rather than the local population. The Panel is aware but surprised that many councils have set the salaries for their civic heads and deputies to accord with the population groups rather than necessarily reflecting the specific responsibilities attached to the roles. For the removal of doubt, the three established groups of principal councils calculated by population are not required to be applied in relation to payments to civic heads and deputies.
- 3.5 The Panel has set three possible levels of civic salary - higher, mid and lower. Each authority must decide which level (if any) is to be paid for each of these roles according to local factors. For example, the civic head of a small council may be paid at the highest rate, whilst the civic head of a large council may be paid at the lowest rate, rates of payment to deputy civic heads may be similarly varied. This also allows for civic heads and their deputies in the same authority to

be paid at different levels.

- 3.6 A council may decide not to apply any civic salary to the posts of civic head and/or deputy civic head.

**Determination 3: The Panel has determined that (where paid) civic salaries at the following levels are payable (Table 3) and will be applied by principal councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.**

**Table 3:** Civic salaries (where paid) shall be payable as follows to members of principal councils

<b>Remuneration of civic heads and deputy civic heads (inclusive of basic salaries)</b>		
Responsibility Level	Civic heads	Deputy civic heads
Level 1	£24,000	£18,000
Level 2	£21,500	£16,000
Level 3	£19,000	£14,000

**Table 3 notes:**

- a. The posts of civic head and deputy civic head are not included in the cap (with the exception of Isle of Anglesey and Merthyr Tydfil Councils).
  - b. The Panel's requirement that members should not have to pay for the cost of the support (see determination 7) that is needed to carry out their duties applies also in respect of civic heads. The Panel recognises the range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing. The Panel does not consider it appropriate for councils to expect or require that contributions towards any such provision should be met from the net senior salaries paid to civic heads.
- 3.7. Civic roles are senior posts within councils which are distinct from political or executive leadership. In addition to chairing major meetings the civic head is the authority's 'first citizen' and 'ambassador', representing the council to a wide variety of institutions and organisations, and this requires the post holder to exemplify and promote good citizenship.
- 3.8. Deputy civic heads are often 'civic heads in waiting' for the following year, 'learning the ropes' by participating in a separate schedule of events as well as deputising for the civic head.

- 3.9. The intention of the civic allowance as defined by sections 22(5) and 24(4) of the Local Government Act 1972 remains to allow a council to pay a chair and vice-chair of a council an allowance which it thinks fit for the purposes of meeting the expenses of those offices.
- 3.10. In many instances civic heads receive secretarial support, are provided with transport for official duties and can access a separate hospitality budget which is managed and controlled by council officers.
- 3.11 The level of support given, the personal financial outlay and the level of activity during the year of office varies considerably between authorities and the size of authority does not necessarily relate to the commitment required of, or given by, civic heads.
- 3.12 All principal councils have a number of community councils within their areas and many also include town councils. Where a community council has a particularly active civic head this may have some impact on the workload of the principal council's civic head.
- 3.13 The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint a presiding member whose role it will be to chair meetings of the whole council. Where appointed, there would be a consequential reduction in the responsibilities of the respective civic head.

#### **Payments to presiding members**

**Determination 4: The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Level 1 senior salary. This post will count towards the cap.**

**Determination 5: The Panel has determined that the post of deputy presiding member will not be remunerated.**

#### **Key factors underpinning the Panel's determinations:**

- 3.14 The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance for the time equivalent of three days a week. Any time commitment beyond three days is an unpaid public service contribution.
- 3.15 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the authority's proper officer to forego all or any element of the payment.



The following must be applied:

- 3.16 An elected member must not be remunerated for more than one senior post within his or her authority (but see section 4 on JOSCs).
- 3.17 An elected member must not be paid a senior salary and a civic salary.
- 3.18 All senior and civic salaries are paid inclusive of basic salary.
- 3.19 If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.
- 3.20 Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed.

### **Supporting the work of local authority elected members**

- 3.21 The Panel held a series of meetings in 2015 with Chairs and members of Democratic Service Committees and Heads of Democratic Services. The Panel remains concerned that there is variation and inconsistency of support provided to members. It is important for authorities to remain aware that insufficient support undermines the ability of members to discharge their basic duties effectively.
- 3.22 The Panel expects that the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable. At the meetings with the Panel in 2015 Heads of Democratic Services suggested that it would be beneficial for authorities to be pro-active in sharing information and establishing benchmarks for levels of provision and good practice in how authorities support the work of elected members.
- 3.23 The Panel considers it is necessary for each elected member to have ready use of telephone and e-mail services, and to have electronic access to appropriate information via an internet connection. This comprises the necessary provision for a member to be in proper contact with council services and to maintain contact with those they represent. Many councils in Wales are committed to 'paperless working' and without electronic access a member would be significantly limited in his or her ability to discharge their duties. As indicated above it is the responsibility of each council through its Democratic Services Committee to establish its provision of support based on an assessment of the needs of its members. It would not be appropriate for such facilities only to be available within council offices within office hours. When specific training,

additional needs or matters of disability apply, each authority will need to assess any particular requirements of individual members.

**Determination 6: The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.**

**Determination 7: The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.**

### **Reimbursement of travel, subsistence and care costs when on official business**

#### **Reimbursement of mileage costs**

3.24 The Panel has determined that there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at current HMRC rates which are:

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles in a year by car
5p per passenger per mile	Passenger supplement
24p per mile	Motor cycles
20p per mile	Bicycles

3.25 Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member. Travel expenses paid to councillors by their local authority are exempt from Income Tax and employee NICs.

#### **Reimbursement of other travel costs**

3.26 All other claims for travel must only be reimbursed on production of receipts showing the actual cost and will be subject to any requirement or further limitation that an authority may determine. Members should always be mindful of choosing the most cost effective method of travel.

- 3.27 The Panel noted that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. This is not the case in those authorities where travel arrangements are made directly by the authority.

### Reimbursement of subsistence costs

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£200 per night	London
£95 per night	Elsewhere
£30 per night	Staying with friends and/or family

- 3.28 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 3.29 All authorities must continue to reimburse subsistence expenses for their members up to the maximum rates set out above on the basis of receipted claims except for occasions when members stay with friends and/or family.
- 3.30 There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where it is reasonable and cost effective to reimburse overnight accommodation costs, instead of repeated daily mileage costs, then it is permissible to do so.
- 3.31 It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24 hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

### Reimbursement of costs of care

**Determination 8: All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made on presentation of receipts from the person providing the care.**

**Determination 9: All authorities must provide for the reimbursement of necessary costs for the care of personal assistance needs (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made on presentation of receipts from the person providing the care.**

- 3.32 The reimbursement of cost of care allowance is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer or by their own requirements for personal care and assistance. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense. However the Panel urges authorities to promote this allowance and encourage greater take-up of this support to facilitate increased engagement amongst authority members.
- 3.33 Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

### **Entitlement to family absence**

- 3.34 The Regulations relating to Family Absence for elected members of principal councils were approved by the National Assembly for Wales in November 2013.
- 3.35 The Panel considered the implications for the remuneration of such members who are given absence under the terms of the Welsh Government Regulations and the Panel's determinations are set out below.

**Determination 10: An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.**

**Determination 11: When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.**

**Determination 12: It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.**

**Determination 13: If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.**

**Determination 14: When a Council agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.**

**Determination 15: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.**

## 4. Joint Overview and Scrutiny Committees (JOSC)

- 4.1 The Panel has set out the arrangements for the remuneration of chairs of Joint Overview and Scrutiny Committees and Sub-committees. The payments align with those of chairs of committees of principal councils set out in Section 3 (Level 2).

The following determinations apply:

**Determination 16: The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 Level 2 senior salary that remunerates a committee chair of a principal authority (£6,700).**

**Determination 17: In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £3,350.**

**Determination 18: The chair of a sub committee of a JOSC is eligible for a salary of £1,675.**

**Determination 19: In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £837.**

**Determination 20: Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.**

**Determination 21: Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).**

**Determination 22: A deputy chair of a JOSC or sub committee is not eligible for payment.**

**Determination 23: Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.**

- 4.2 The remuneration of chairs of JOSCs (or a sub-committee of JOSCs) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is paid, it must be at the level set out in section 4 of this report.

## **5. Pension provision for elected members of principal councils**

- 5.1 The Local Government (Wales) Measure 2011 (“*The Measure*”) provides a power to the Panel to make determinations on pension entitlement for elected members of principal councils.

**Determination 24: The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.**

## **6. Payments to members of national park authorities**

- 6.1 Given the continuing reduction in public sector funding, the Panel has determined there shall be no increase from spring 2016 in the levels of basic salary for members of national park authorities.
- 6.2 The Panel has based its determinations on the following key points:
- NPA members are drawn from two sources. Welsh Government appointees make up one third of the total of members and two thirds are local authority members nominated by constituent authorities.
  - In addition, standards committees of NPAs have co-opted members whose remuneration is included in the framework.
  - Welsh Government appointees and council nominated members are treated equally in relation to remuneration.
  - NPAs manage their work via formal authority meetings, committees and task and finish groups. Each has a Development/Management/Planning Committee and other committees include Performance and Resources and Audit and Scrutiny. Ordinary NPA members are members of at least one committee as well as being involved in site visits and inspection panels.
  - There is an expectation that members will participate in training and development.
  - The chair of an NPA has a leadership and influencing role in the authority, a representational role similar in some respects to that of a civic head and a high level of accountability. The chair is not only the leader of the authority but is also the public face of the particular national park and is the link with the Minister and AMs with whom they have regular meetings. The role requires a high level of commitment and time.

### **Basic and senior salaries**

- 6.3 The Panel has previously determined that the role of ordinary members of a NPA warranted alignment to the basic salary of a member of a principal council, to be paid for a time commitment of 42 days per year. This continues to underpin its determinations.
- 6.4 The payment of NPA and FRA chairs is set on the same basis (See Section 7). The remuneration of the chair has been aligned to that part of a Band 3 Level 1 senior salary received by a committee chair of a principal authority.
- 6.5 The Panel decided in 2014 to provide local flexibility so that an NPA can decide at which of two levels the roles of deputy chair and other committee chairs can be remunerated. An NPA may choose to pay its deputy chair and/or committee chairs a salary of either £7,300 or £6,000, commensurate with the duties to be discharged in a particular role.



6.6 The Panel has determined that up to two NPA committee chairs can be remunerated.

The Panel has made the following determinations:

**Determination 25: The basic salary for NPA ordinary members should be £3,600 ( $42/156 \times £13,300$ )**

**Determination 26: An NPA senior salary can be paid to the chair, deputy chair, and up to two committee chairs.**

**Determination 27: The senior salary of the chair of an NPA should be £12,300**

**Determination 28: The senior salary of a deputy chair and chairs of NPA committees can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility:**

**£6,000 or £7,300**

**Determination 29: Members must not receive more than one NPA senior salary.**

**Determination 30: An NPA senior salary is paid inclusive of the NPA basic salary.**

**Determination 31: Members of principal local authorities in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.**

**Reimbursement of travel, subsistence and care costs when on official business**

**Reimbursement of mileage costs**

6.7 The Panel has decided that there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at current HMRC rates which are:

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles in a year by car
5p per passenger per mile	Passenger supplement
24p per mile	Motor cycles
20p per mile	Bicycles

6.8 Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member. Travel expenses paid to councillors by their local authority are exempt from Income Tax and employee NICs.

### **Reimbursement of other travel costs**

6.9 All other claims for travel must only be reimbursed on production of receipts showing the actual cost, and are subject to any requirement or further limitation that an authority may determine. Members should always be mindful of choosing the most cost effective method of travel.

6.10 The Panel noted that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. This is not the case in those authorities where travel arrangements are made directly by the authority.

### **Reimbursement of subsistence costs**

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£200 per night	London
£95 per night	Elsewhere
£30 per night	Staying with friends and/or family

6.11 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.

6.12 All authorities must continue to reimburse subsistence expenses for their members up to the maximum rates set out above on the basis of receipted claims except for occasions when members stay with friends and/or family.

6.13 There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where it is reasonable and cost effective to reimburse

overnight accommodation costs, instead of repeated daily mileage costs, then it is permissible to do so.

- 6.14 It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24 hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

#### **Reimbursement of costs of care**

- 6.15 All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs, up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer. (See Determinations 8 & 9)
- 6.16 The reimbursement of cost of care allowance is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer or by their own requirements for personal care and assistance. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense. However the Panel urges authorities to promote this allowance and encourage greater take-up of this support to facilitate increased engagement amongst authority members.
- 6.17 Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

## **7. Payments to members of Welsh fire and rescue authorities**

7.1 Given the continuing reduction in public sector funding, the Panel has determined there shall be no increase from spring 2016 in the levels of salary for members of Welsh fire and rescue authorities.

7.2 Key points that continue to underpin the Panel's determinations for FRA member remuneration in 2016/17 are that:

- The chair has a leadership and influencing role in the authority, and a high level of accountability especially when controversial issues relating to the emergency service arise. In addition to fire authority meetings, all FRAs have committees that include in different combinations: audit, performance management, scrutiny, human resources, resource management as well as task and finish groups and disciplinary panels. As well as attending formal meetings of the authority and committees, members are encouraged to take on a community engagement role, including visiting fire stations.
- There is a strong training ethos in FRAs. Members are expected to participate in training and development. Induction programmes are available as well as specialist training for appeals and disciplinary hearings.
- Training sessions often follow on from authority meetings to make the training accessible.

### **Basic and senior salaries**

7.3 The Panel has previously determined that the remuneration of ordinary members of an FRA should be aligned to the basic salary of a member of a principal council and that the time commitment required is in the region of 20 days per year. This remains the basis of the Panel's determinations.

7.4 The Panel determined that the remuneration of an FRA chair should be aligned to that part of a Band 3 Level 1 senior salary that remunerates a committee chair of a principal council.

7.5 The Panel determined that the remuneration of an FRA deputy chair where there is significant and sustained senior responsibility will be aligned with the Band 5 senior salary.

7.6 The Panel has determined that up to two FRA committee chairs can be remunerated.

The Panel has therefore determined that:

**Determination 32: The basic salary for FRA ordinary members should be £1,700 (20/156 x £13,300).**

**Determination 33: A Fire & Rescue Authority senior salary can be paid to the chair, deputy chair, and up to two chairs of committees.**

**Determination 34: The senior salary of the chair of an FRA should be £10,400.**

**Determination 35: The senior salary of a deputy chair of an FRA, with significant and sustained senior responsibility, should be £5,400.**

**Determination 36: The senior salary of a chair of an FRA committee should be £5,400.**

**Determination 37: Members must not receive more than one FRA senior salary.**

**Determination 38: An FRA senior salary is paid inclusive of the FRA basic salary.**

**Determination 39: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.**

## **Reimbursement of travel, subsistence and care costs when on official business**

### **Reimbursement of mileage costs**

7.7 The Panel has decided there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at current HMRC rates which are:

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles in a year by car
5p per passenger per mile	Passenger supplement
24p per mile	Motor cycles
20p per mile	Bicycles

7.8 Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member. Travel expenses paid to councillors by their local authority are exempt from Income Tax and employee NICs.

### Reimbursement of other travel costs

7.9 All other claims for travel must only be reimbursed on production of receipts showing actual expense and are subject to any requirement or further limitation that an authority may determine. Members should always be mindful of choosing the most cost effective method of travel.

7.10 The Panel noted that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. This is not the case in those authorities where travel arrangements are made directly by the authority.

### Reimbursement of subsistence costs

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£200 per night	London
£95 per night	Elsewhere
£30 per night	Staying with friends and/or family

7.11 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.

7.12 All authorities must continue to reimburse subsistence expenses for their members up to the maximum rates set out above on the basis of receipted claims except for occasions when members stay with friends and/or family.

7.13 There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where in such a case it is reasonable and cost effective to reimburse overnight accommodation costs, instead of repeated daily mileage costs, then it is permissible to do so.

7.14 It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24 hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

## **Reimbursement of costs of care**

7.15 All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers), and personal assistance needs, up to a maximum of £403 per month. Reimbursements shall only be made on production of receipts from the carer. (See Determinations 8 & 9)

7.16 The reimbursement of costs of care allowance is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer or by their own requirements for personal care and assistance. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense. However the Panel urges authorities to promote this allowance and encourage greater take-up of this support to facilitate increased engagement amongst authority members.

7.17 Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

## 8. Payments to co-opted members of principal councils, national park authorities and fire & rescue authorities<sup>11</sup>

- 8.1 The Panel has determined that a daily/half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities. The level of payments is equivalent to the current daily rates for chairs and members of the Welsh Government's Band 2 sponsored bodies. The Panel notes there has been no uplift in these payment levels across such bodies since 2010.
- 8.2 Principal councils, NPAs and FRAs can decide on the maximum number of days in any one year for which co-opted members may be paid.
- 8.3 The determinations are set out below:

**Determination 40: Principal councils, NPAs & FRAs must pay the following fees to co-opted members (Table 4) (who have voting rights).**

**Table 4:** Fees for co-opted members (with voting rights)

Chairs of standards, and audit committees	£256 (4 hours and over) £128 (up to 4 hours)
Ordinary members of standards committees who also chair standards committees for community and town councils	£226 daily fee (4 hours and over) £113 (up to 4 hours)
Ordinary members of standards committees; education scrutiny committee; crime and disorder scrutiny committee and audit committee	£198 (4 hours and over) £99 (up to 4 hours)

**Determination 41: Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.**

**Determination 42: Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).**

**Determination 43: The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.**

<sup>11</sup> This section does not apply to co-opted members of community and town councils.



**Determination 44: Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.**

## Reimbursement of travel, subsistence and care costs when on official business

### Reimbursement of mileage costs

8.4 The Panel has decided there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at current HMRC rates which are:

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles in a year by car
5p per passenger per mile	Passenger supplement
24p per mile	Motor cycles
20p per mile	Bicycles

8.5 Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member. Travel expenses paid to councillors by their local authority are exempt from Income Tax and employee NICs.

### Reimbursement of other travel costs

8.6 All other claims for travel must only be reimbursed on production of receipts showing actual expense, and are subject to any requirement or further limitation that an authority may determine. Members should always be mindful of choosing the most cost effective method of travel.

8.7 The Panel noted that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. This is not the case in those authorities where travel arrangements are made directly by the authority.

### Reimbursement of subsistence costs

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£200 per night	London
£95 per night	Elsewhere
£30 per night	Staying with friends and/or family

- 8.8 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 8.9 All authorities must continue to reimburse subsistence expenses for their members up to the maximum rates set out above on the basis of receipted claims except for occasions when members stay with friends and/or family.
- 8.10 There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where in such a case it is reasonable and cost effective to reimburse overnight accommodation costs, instead of repeated daily mileage costs, then it is permissible to do so.
- 8.11 It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24 hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

#### **Reimbursement of costs of care**

- 8.12 All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers), and personal assistance needs up to a maximum of £403 per month. Reimbursements shall only be made on production of receipts from the carer. (See Determinations 8 & 9)
- 8.13 The reimbursement of costs of care allowance is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer or by their own requirements for personal care and assistance. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense. However the Panel urges authorities to promote this allowance and encourage greater take-up of this support to facilitate increased engagement amongst authority members.
- 8.14 Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

## 9. Specific or additional senior salaries

- 9.1 The Panel has allowed for greater flexibility through the provision for authorities to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework, or which could not be accommodated within the maximum number of senior salaries relating to the authority.

**Determination 45: The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

- 9.2 Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:
- a. The total number of senior salaries cannot exceed fifty percent<sup>12</sup> of the membership (this applies to principal councils; different restrictions will apply to national park authorities and fire and rescue authorities).
  - b. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
  - c. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
  - d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

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<sup>12</sup> Local Government (Wales) Measure 2011 Section 142 (5) The proportion fixed by the Panel in accordance with subsection (4) may not exceed fifty percent unless the consent of the Welsh Ministers has been obtained.

## **10. Payments to members of community and town councils**

- 10.1 The Panel has had responsibility for the remuneration of community and town councils since the Measure of 2011 and its first determinations for such members came into effect in the financial year 2013/2014.
- 10.2 Determinations 46 to 54 are permissive powers, each of which requires a formal decision by each community or town council. Where a community or a town council does make such a decision, it must apply to all its members at the levels determined by the Panel. An individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these allowances by giving notice in writing to the proper officer of the council.
- 10.3 The Panel has made considerable efforts to consult with the 735 community and town councils in Wales over the past three years with limited success. Its survey in 2014 achieved a return rate of only 11.5%. Members of the Panel have researched council websites and have attended conferences of One Voice Wales in order to engage with members. One Voice Wales has undertaken a further survey on behalf of the Panel.

### **Costs and expenses**

- 10.4 In order to compensate members of community and town councils for expenses and costs involved in carrying out their duties, the Panel has determined that councils should be authorised to make a payment to each member. This payment may be taxable – this is a matter for each individual member to establish with her/his tax office.

**Determination 46: Community and town councils are authorised to make a payment to each of their members of a maximum amount of £100 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

### **Senior roles**

- 10.5 The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, can involve greater responsibility, it has therefore determined that councils should be authorised to pay up to three responsibility payments for specified roles.

**Determination 47: Community and town councils are authorised to make an additional annual payment not exceeding £500 to up to 3 members in recognition of specific responsibilities.**

## Civic allowance

- 10.6 Recognising that some mayors and chairs of community and town councils and their deputies are very active during their year of office (potentially more active in some respects than the mayors or chairs of the principal councils covering their council area), the Panel has determined that community and town councils should be authorised to pay an allowance for these roles.

**Determination 48: Community and town councils are authorised to provide a civic allowance to the mayor/chair and deputy mayor/chair of the council at an amount that they deem appropriate to undertake the functions of that office.**

## Reimbursement of travel and subsistence when undertaking approved duties

- 10.7 The Panel has decided to change the arrangements under which community and town councils may reimburse travel costs for their members undertaking approved duties both within and outside the authority's boundaries. (Previously community and town councils were only authorised to reimburse travel costs on approved duties outside the area of the council.)

## Reimbursement of Mileage

**Determination 49: Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties both within and outside the area of the council.<sup>13</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:**

- 45p per mile up to 10,000 miles in the year.
- 25p per mile over 10,000 miles.
- 5p per passenger per mile – passenger supplement.
- 24p per mile for private motor cycles.
- 20p per mile for bicycles.

## Reimbursement of other travel costs

- 10.8 All other claims for travel must only be reimbursed on production of receipts showing the actual cost and will be subject to any requirement or further limitation that an authority may determine. Members should always be mindful of choosing the most cost effective method of travel.

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<sup>13</sup> Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member.

## Reimbursement of subsistence

**Determination 50: Community and town councils are authorised to reimburse subsistence expenses to their members for attending approved duties outside the area of the council at the maximum rates set out below on the basis of receipted claims:**

- £28 per day allowance for meals, including breakfast where not provided.
- £200 – London overnight.
- £95 – elsewhere overnight.
- £30 – staying with friends and/or family overnight.

**Determination 51: Community and town councils are authorised to pay an Attendance Allowance to each of their members for attending approved duties outside the area of the council as follows:**

- £16.23 for a period not exceeding 4 hours.
- £32.46 for a period exceeding 4 hours but not exceeding 24 hours.

**Determination 52: Community and town councils are authorised to pay a Financial Loss Allowance to each of their members where such loss has actually occurred, for attending approved duties outside the area of the council as follows:**

- £30.05 for a period not exceeding 4 hours.
- £60.11 for a period exceeding 4 hours but not exceeding 24 hours.
- £60.11 plus such amount as is payable above as appropriate for a period exceeding 24 hours.

Councillors are eligible for either an attendance allowance or financial loss allowance, but not both for the same approved duty.

## Care allowance

10.9 In order to address issues of democratic participation and diversity, the Panel has decided to permit payments to members for the care of dependent children and others whilst attending meetings and other approved duties.

**Determination 53: Community and town councils are authorised to provide for the reimbursement of necessary costs for the care of dependent children and**

**adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made on presentation of receipts from the carer.**

**Determination 54: Community and town councils are authorised to provide for the reimbursement of necessary costs for the care of personal assistance needs (provided by informal or formal carers), up to a maximum of £403 per month. Reimbursement shall only be made on presentation of receipts from the carer.**

### **Publicity requirements**

10.10 There is a requirement on community and town councils to publish details of all payments made to individual members. This information must be published (for example, on council websites) and provided to the Panel by email or by post no later than 30 September following the end of the year to which the payments relate. The Panel notes with concern that this requirement has not been complied with by many councils and draws attention to the requirements stipulated at Annex 4.

These payments are:

- Costs incurred in respect of telephone usage, information technology, consumables etc.
- Responsibility payments
- Allowances made to a mayor/chair and deputy mayor/chair.
- Attendance Allowance.
- Financial Loss Allowance.
- Costs incurred in respect of travel and subsistence
- Care allowance.

## **11. Salaries of heads of paid service of principal councils and fire and rescue authorities and chief officer of principal councils**

- 11.1 Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting section 143A. This enables the Panel to take a view on anything in the Pay Policy Statements of these authorities that relates to the salary of the head of paid service (normally the chief executive or chief fire officer). Section 39 of the Local Government (Wales) Act 2015 further amended the Measure extending this function to include Chief Officers of Principal Councils.
- 11.2 The Welsh Government has issued amended guidance to the Panel which can be found at Annex 6. This sets the basis on which the Panel will carry out the function contained in the legislation.
- 11.3 In essence the functions of the Panel and the requirements on authorities established by the legislation and the subsequent guidance are:
- a) If a principal council intends to change the salary of the head of paid service or chief officer, or if a fire and rescue authority intends to change the salary of its head of paid service it must consult the Panel unless the change is in keeping with changes applied to other officers of that authority (whether the change is an increase or decrease). 'Salary' includes payments under a contract for services as well as payments of salary under an employment contract.
  - b) The authority must have regard to the recommendation(s) of the Panel when reaching its decision.
  - c) The Panel may seek any information that it considers necessary to reach a conclusion and produce a recommendation. The authority is obliged to provide the information sought by the Panel.
  - d) The Panel may publish any recommendation that it makes. It is the intention that, in the interests of transparency, it will normally do so.
  - e) The Panel's recommendation(s) could indicate:
    - approval of the authority's proposal
    - express concerns about the proposal
    - recommend variations to the proposal
- as long as these comply with any guidance issued by the Welsh Government.
- 11.4 The Panel also has a general power to review the Pay Policy Statements of authorities so far as they relate to the heads of paid service.



- 11.5 It is important to note that the Panel will not decide the amount that an individual head of paid service will receive.
- 11.6 The Panel is very aware that this additional function is significantly different from its statutory responsibilities in relation to members' remuneration. However, it will ensure that it undertakes this role with clarity and openness, taking into account all the relevant factors in respect of specific individual cases. Authorities are encouraged to consult the Panel at an early stage in their decision making on such matters. This will enable the Panel to respond in a timely manner.
- 11.7 Future Annual Reports will continue to include appropriate information on any recommendation(s) made by the Panel in respect of this function during the previous year.

## 12. Compliance with Panel requirements

### The Panel's remit under the Measure

- 12.1 Section 153 of the Measure empowers the Panel to require a relevant authority<sup>14</sup> to comply with the requirements imposed on it by an Annual Report of the Panel and further enables the Panel to monitor the compliance of relevant authorities with the Panel's determinations.
- 12.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting.

### Monitoring compliance

- 12.3 The Panel will monitor the compliance with the determinations in this Annual Report by relevant authorities against the following requirements:
- (i) A relevant authority must maintain an annual **Schedule of Member Remuneration** (IRPW Regulations 4 & 5). Guidance at Annex 3 sets out the content which must be included in the Schedule.
  - (ii) A relevant authority must make arrangements for the Schedule's publication within the authority area (IRPW Regulation 46) and send the Schedule to the Panel as soon as practicable and not later than 31 July in the year to which it applies. Annex 4 provides further details of the publicity requirements.
  - (iii) Any amendments to the Schedule made during the year must be conveyed to the Panel as soon as possible after the amendment is made.

**Note: The above requirements do not apply to community and town councils at this time. The following applies to all authorities.**

- (iv) A relevant authority must make arrangements for publication within the authority area of the total sum paid by it to each member and co-opted member in respect of salary (basic, senior and civic), allowances, fees and reimbursements (in accordance with Annex 4 that sets out the content that must be included in the Publicity Requirements) as soon as practicable and no later than 30 September following the close of the year to which it relates. It must be submitted to the Panel no later than that date.

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<sup>14</sup> Interpretation of "Relevant Authority" provided in the Independent Remuneration Panel for Wales (IRPW) Regulations, Part 1, 'Interpretation'.

## **Annex 1: The Panel's determinations for 2016/17**

1. Basic salary in 2016/17 for elected members of principal councils shall remain at £13,300.
2. The Panel has determined that senior salary levels in 2016/17 for members of principal councils shall be as set out in table 2.
3. The Panel has determined that (where paid) civic salaries at the following levels are payable (Table 3) and will be applied by principal councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.
4. The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Level 1 senior salary. This post will count towards the cap.
5. The Panel has determined that the post of deputy presiding member will not be remunerated.
6. The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.
7. The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.
8. All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made on presentation of receipts from the person providing the care.
9. All authorities must provide for the reimbursement of necessary costs for the care of personal assistance needs (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made on presentation of receipts from the person providing the care.
10. An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
11. When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.

12. It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
13. If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
14. When a Council agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
15. The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
16. The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 Level 2 senior salary that remunerates a committee chair of a principal authority, (£6,700).
17. In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £3,350.
18. The chair of a sub committee of a JOSC is eligible for a salary of £1,675.
19. In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £837.
20. Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.
21. Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).
22. A deputy chair of a JOSC or sub committee is not eligible for payment.
23. Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.
24. The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.

25. The basic salary for NPA ordinary members should be £3,600 ( $42/156 \times £13,300$ ).
26. An NPA senior salary can be paid to the chair, deputy chair, and up to two committee chairs.
27. The senior salary of the chair of an NPA should be £12,300.
28. The senior salary of a deputy chair and chairs of NPA committees can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility:  

£6,000 or £7,300
29. Members must not receive more than one NPA senior salary.
30. An NPA senior salary is paid inclusive of the NPA basic salary.
31. Members of principal local authorities in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.
32. The basic salary for FRA ordinary members should be £1,700 ( $20/156 \times £13,300$ ).
33. A Fire & Rescue Authority senior salary can be paid to the chair, deputy chair, and up to two chairs of committees.
34. The senior salary of the chair of an FRA should be £10,400.
35. The senior salary of a deputy chair of an FRA, with significant and sustained senior responsibility, should be £5,400.
36. The senior salary of a chair of an FRA committee should be £5,400.
37. Members must not receive more than one FRA senior salary.
38. An FRA senior salary is paid inclusive of the FRA basic salary.
39. Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.
40. Principal councils, NPAs & FRAs must pay the following fees to co-opted members (Table 4) (who have voting rights).
41. Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.

42. Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
43. The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
44. Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
45. The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.
46. Community and town councils are authorised to make a payment to each of their members of a maximum amount of £100 per year for costs incurred in respect of telephone usage, information technology, consumables etc.
47. Community and town councils are authorised to make an additional annual payment not exceeding £500 to up to 3 members in recognition of specific responsibilities.
48. Community and town councils are authorised to provide a civic allowance to the mayor/chair and deputy mayor/chair of the council at an amount that they deem appropriate to undertake the functions of that office.
49. Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties both within and outside the area of the council.<sup>15</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:
  - 45p per mile up to 10,000 miles in the year.
  - 25p per mile over 10,000 miles.
  - 5p per passenger per mile – passenger supplement.
  - 24p per mile for private motor cycles.
  - 20p per mile for bicycles.
50. Community and town councils are authorised to reimburse subsistence expenses to their members for attending approved duties outside the area of the council at the maximum rates set out below on the basis of receipted claims:
  - £28 per day allowance for meals, including breakfast where not provided.

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<sup>15</sup> Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member.

£200 – London overnight.  
£95 – elsewhere overnight.  
£30 – staying with friends and/or family overnight.

51. Community and town councils are authorised to pay an Attendance Allowance to each of their members for attending approved duties outside the area of the council as follows:

£16.23 for a period not exceeding 4 hours.  
£32.46 for a period exceeding 4 hours but not exceeding 24 hours.

52. Community and town councils are authorised to pay a Financial Loss Allowance to each of their members where such loss has actually occurred, for attending approved duties outside the area of the council as follows:

£30.05 for a period not exceeding 4 hours.  
£60.11 for a period exceeding 4 hours but not exceeding 24 hours.  
£60.11 plus such amount as is payable as appropriate for a period exceeding 24 hours.

53. Community and town councils are authorised to provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made on presentation of receipts from the person providing the care.

54. Community and town councils are authorised to provide for the reimbursement of necessary costs for the care of personal assistance needs (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made on presentation of receipts from the person providing the care.

## **Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations:**

**a) for the remuneration of members and co-opted members of relevant authorities**

**b) for functions relating to the salaries of heads of paid service of local authorities**

### **Introduction**

Part 8 (sections 141 to 160) and schedules 2 and 3 of the Local Government (Wales) Measure 2011 (*the Measure*) set out the arrangements for the payments and pensions for members of relevant authorities and the functions and responsibilities of the Independent Remuneration Panel for Wales (the Panel).

Sections 62 to 67 of the Local Government (Democracy) (Wales) Act 2013 amends sections 142, 143, 144, 147, 148 and 151 of the Measure and confers additional powers on the Panel.

The powers contained in part 8 and schedules 2 and 3 of the Measure (as amended) have replaced the following Statutory Instruments:

- The Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 (No. 1895 (W.196)).
- The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (No. 2555 (W.227)).
- The Local Authorities (Allowances for Members) (Wales) Regulations 2007 (No.1086 (W.115)).

The Measure also has replaced the sections of the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000 relating to payments to councillors in Wales.

Allowances for members of community and town councils are set out in Part 5 of these Regulations. The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (No. 895(W.115)) were revoked from 1<sup>st</sup> April 2013.

### **Part 1**

#### **General**

1. a. The short title of these Regulations is: "IRPW Regulations".



- b. The IRPW Regulations came into force on 1 April 2012. The implementation date for each of the relevant authorities is set out in the Annual Report or Supplementary Report of the Panel.
- c. Authorities are required to produce a schedule of payments to members and co-opted members no later than the 31<sup>st</sup> July each year, for submission to the Panel and publication (see paragraph 46).

## **Interpretation**

### **2. In the IRPW Regulations:**

- “The 1972 Act” means the Local Government Act 1972.
- “The 2000 Act” means the Local Government Act 2000.
- “The 2013 Act” means the Local Government (Democracy) (Wales) Act 2013.
- “Allowance” means the actual or maximum amount which may be reimbursed to members and co-opted members of a relevant authority for expenses necessarily incurred when carrying out the official business of the relevant authority.
- “Annual report” means a report produced by the Panel in accordance with section 145 of the Measure.
- “Approved duty” in relation to community and town councils has the meaning as set out in Part 5 of these Regulations.
- “Attendance Allowance” in relation to community or town councils has the meaning set out in Part 5 of these Regulations.
- “Authority” means a relevant authority in Wales as defined in Section 144(2) of the Measure, and includes a local authority (county or county borough council), a national park authority and a Welsh fire and rescue authority, a community or town council.
- “Basic Salary” has the same meaning as set out in paragraph 6 of these Regulations, and may be qualified as “LA Basic Salary” to refer to the basic salary of a member of a principal council; “NPA Basic Salary” to refer to the basic salary of a member of a national park authority; and “FRA Basic Salary” to refer to the basic salary of a member of a Welsh fire and rescue authority.
- “Care allowance” has the same meaning as set out in paragraph 21 of these Regulations.
- “Chief Officer of a principal authority as contained in the Localism Act 2011.
- “Civic Head” is the person elected by the council to carry out the functions of the chair of that council and is designated as mayor or chair.
- “Committee” includes a sub-committee.

- “Community or town council” means in relation to Part 8 of the Measure, a community council as defined in section 33 of the Local Government Act 1972 or a town council in accord with section 245B of the same Act.
- “Consultation draft” means the draft of an Annual or Supplementary report under Section 146 (7) or 147(8) of the Measure, representations on which must be taken into account by the Panel.
- “Constituent authority” – for national park authorities this is a local authority falling within the area of a national park authority; for Welsh fire and rescue authorities it is a local authority falling within the area of a fire and rescue authority.
- “Controlling group” means a political group in a local authority where any of its members form part of the executive.
- “Co-opted Member” has the meaning contained in section 144 (5) of the Measure, that is those with the right to vote on matters within the purview of the committee on which they serve.
- “Co-opted Member fee” has the same meaning as set out in paragraph 19 of these Regulations.
- “Democratic Services Committee” means the local authority committee established under section 11 of the Measure.
- “Deputy Civic Head” is a person elected by the council to deputise for the mayor or chair of that council.
- “Executive” means the executive of an authority in a form as specified in sections 11(2) to (5) of the 2000 Act, as amended by section 34 of the Measure.
- “Executive arrangements” has the meaning given by section 10(1) of the 2000 Act.
- “Family absence” as defined in Section 142 (2) (b) of the Measure has the meaning given to it by Part 2 of the Measure, and contained in the Regulations relating thereto.
- “Financial Loss Allowance in relation to community or town councils has the meaning as set out in Part 5 of the Regulations.
- “Fire and rescue authority” means an authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- “Head of paid service” means as designated under section 4(1) of the Local Government and Housing Act 1989.
- Joint Overview and Scrutiny Committee means a committee or sub committee set up by two or more principal councils under the Local Authority (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
- “Largest opposition group” means a political group other than a controlling group which has a greater number of members than any other political group in the authority.

- “Local authority” means a county or county borough council.
- “Member” means in respect of a local authority or a community or town council a person who has been elected to serve as a councillor for that authority; for a national park authority means a member appointed by a constituent authority and also a person appointed by Welsh Ministers; for Welsh fire and rescue authorities means a member appointed by a constituent authority.
- “National Park authority” means a national park authority established under section 63 of the Environment Act 1995.
- “Official business” has the meaning contained in Section 142 (10) of the Measure in relation to the payment of allowances for care, travel and subsistence as reimbursement of expenses necessarily incurred by members and co-opted members of a relevant authority (excluding community and town councils) when:
  - a. Attending a meeting of the authority or any committee of the authority or any body to which the authority makes appointments or nominations or of any committee of such a body.
  - b. Attending a meeting of any association of authorities of which the authority is a member.
  - c. Attending a meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities.
  - d. Attending any training or development event approved by the authority or its executive.
  - e. A duty undertaken for the purpose of or in connection with the discharge of the functions of an executive within the meaning of Part 2 of the 2000 Act, as amended.
  - f. A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.
  - g. A duty undertaken in connection with the discharge of any function of the authority to inspect or authorise the inspection of premises.
  - h. A duty undertaken by members of principal councils in connection with constituency or ward responsibilities which arise from the discharge of local authority functions.
  - i. Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.
- “Other political group” means a political group other than a controlling group or the largest opposition group (if any) which comprises not less than ten per cent of the members of that authority.
- “Overview and Scrutiny Committee” means a committee of the authority which has the powers set out in sections 21(2) and (3) of the 2000 Act, as amended by Part 6 of the Measure.

- “Panel” means the Independent Remuneration Panel for Wales as set out in section 141(1) and schedule 2 of the Measure.
- “Pay policy statement” means a statement produced by a relevant authority under section 38 of the Localism Act 2011.
- “Presiding Member” means a member of a principal council who has been designated by that council to carry out functions in relation to the chairing of its meetings and proceedings.
- “Principal council” means a county or county borough council.
- “Proper officer” has the same meaning as in section 270(3) of the 1972 Act.
- “Public body” means a body as defined in section 67(b) of the 2013 Act.
- “Qualifying provision” means a provision that makes a variation to a previous decision of the Panel. (Section 65 (c) of the 2013 Act).
- “Qualifying relevant authority” is an authority within the meaning of section 63 of the 2013 Act, required to produce a pay policy statement.
- “Relevant authority” is set out in Section 144(2) of the Measure (as amended) and in section 64 of the 2013 Act and, for the purposes of these Regulations, includes a local authority/principal council, a community or town council, a national park authority and a Welsh fire and rescue authority.
- “Relevant matters” are as defined in Section 142(2) of the Measure.
- “Schedule” means a list setting out the authority’s decisions in respect of payments to be made during the year (as relating to that authority) to all members and co-opted members of that authority.
- “Senior Salary” has the same meaning as set out in paragraph 11 of these Regulations and may be qualified as “Local Authority/Principal council Senior Salary” to refer to the senior salary of a member of a principal council; “National Park Senior Salary” to refer to the senior salary of a member of a National Park authority; or “Fire and Rescue authority Senior Salary” to refer to the senior salary of a member of a Fire and Rescue authority.
- “Supplementary report” has the meaning contained in section 146(4 to 8) of the Measure.
- “Travelling and subsistence allowance” has the same meaning as set out in paragraph 25 of these Regulations.
- “Year” has the following meanings:
  - “financial year” – the period of twelve months ending 31 March;
  - “calendar year” – the period of twelve months ending 31 December;
  - “municipal year” – the year commencing on the date of the annual meeting of the local authority and ending the day before the annual meeting of the following year; for national park authorities and Welsh fire and rescue

authorities it is the period of up to twelve months following the annual meeting of the authority.

## **Part 2: Schedule of member/co-opted member remuneration**

### **Commencement of term of office**

3. The term of office of:
  - A member of a local authority or community or town council begins on the date which that member makes a declaration of acceptance of that office under section 83(1) of the 1972 Act.
  - A councillor member of a national park authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of a Welsh Government appointed member begins on the date of that appointment. The term of office of the chair and deputy chair of the national park authority begins on the date of election by that authority to that office.
  - A councillor member of a Welsh fire and rescue authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of the chair and deputy chair of the fire and rescue authority begins on the date of election by that authority to that office.
  - A co-opted member of a relevant authority begins on the date of appointment by the relevant authority.

### **Schedule of member remuneration (the Schedule) (does not apply to community or town councils – see Part 5)**

4. An authority must produce annually, a schedule of payments it intends to make to its members and co-opted members. The amount of those payments must accord with the Panel's determinations made for that year in its Annual or Supplementary Reports. The Schedule must be produced no later than four weeks following the annual meeting of the authority.

### **Amendment to the Schedule**

5. An authority may amend the Schedule at any time during the year (as relating to the authority) provided that such amendments accord with the Panel's determinations for that year.

### **Basic salary**

6. An authority must provide for the payment of a basic salary, as determined by the Panel in its Annual or Supplementary Reports, to each of its members. The amount of the salary must be the same for each member. For principal councils only, this salary remains payable during a period of family absence.

7. A member may not receive more than one basic salary from a relevant authority, but a member of one relevant authority may receive a further basic salary by being appointed as a member of another relevant authority (except in the case as indicated in paragraph 16).
8. The amount of the basic salary will be set in accordance with Section 142(3) of the Measure and will be one of the following:
  - The amount the authority must pay to a member of the authority.
  - The maximum amount that the authority may pay to a member of the authority.
9. Where the term of office of a member begins or ends other than at the beginning or end of the year (as relating to the authority), the entitlement of that member is to such proportion of the basic salary as the number of days during which the member's term of office subsists during that year bears to the number of days in that year.
10. Where a member is suspended or partially suspended from being a member of an authority (Part 3 of the 2000 Act refers) the part of the basic salary payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

### **Senior salary**

11. Subject to paragraphs 12 to 18 an authority can make payments of a senior salary to members that it has given specific responsibilities. Such payments must accord with the Panel's determination for the year (as relating to the authority) that the payments are made and must be set out in the Schedule of that authority. For principal councils only, a senior salary will remain payable during the family absence of the office holder.
12. The Panel will prescribe in its Annual or Supplementary Reports the following:
  - The categories of members eligible for the payment of a senior salary which may not be the same for all authorities or categories of authorities.
  - The discretion available to authorities in relation to the payment of senior salaries which may not be the same for all authorities or categories of authorities.
13. The amount of the senior salaries payable will be in accordance with section 142(3) of the Measure and specify:
  - The amount that a relevant authority must pay to a member of the authority.
  - The maximum amount that a relevant authority may pay to a member of the authority.

14. The Senior Salary will comprise an amalgam of the basic salary and an additional amount for the relevant specific responsibility determined by the Panel in its Annual or Supplementary Reports. This may not be the same for all authorities or categories of authorities.
15. The Panel in its Annual or Supplementary Reports will determine either the maximum proportion of its membership or the total number of members that an authority can pay as senior salaries. The percentage may not exceed fifty percent without the express approval of Welsh Ministers (Section 142(5) of the Measure). For principal councils only, the maximum proportion or number may be exceeded to include payment of a senior salary to an additional member who is appointed to provide temporary cover for the family absence of a senior salary office holder (subject to the 50% limit). For national park authorities and Welsh fire and rescue authorities, senior salary payments will be restricted to specified post-holders as determined by the Panel in its Annual or Supplementary Reports.
  - 15(a) Payments to chairs of Joint Overview and Scrutiny Committees or Sub Committees are additional to the maximum proportion of its membership that an authority can pay as senior salaries subject to the overall maximum of fifty percent as contained in Section 142(5) of the Measure. The Panel will determine the amounts of such payments in an Annual or Supplementary Report.
16. An authority must not pay more than one senior salary to any member. A principal council member in receipt of a senior salary as leader or executive member of a local authority (determined as full-time by the Panel) may not receive a second salary as a member appointed to serve on a national park authority or a Welsh fire and rescue authority.
  - 16(a). Paragraph 16 does not apply to payments made to a chair of a Joint Overview and Scrutiny Committee or Sub Committee who is in receipt of a senior salary for a role that is not classified as full time equivalent. It continues to apply to leaders or members of the executive.
17. Where a member does not have, throughout the year specific responsibilities that allow entitlement to a senior salary, that member's payment is to be such proportion of the salary as the number of days during which that member has such special responsibility bears to the number of days in that year.
18. Where a member is suspended or partially suspended from being a member of the authority (Part 3 of the 2000 Act refers) the authority must not make payments of the member's senior salary for the duration of the suspension (Section 155(1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the basic salary.

## **Co-opted member payment**

19. A relevant authority must provide for the payment of a fee to a co-opted member as determined by the Panel in its Annual or Supplementary Reports. In relation to this regulation 'co-opted member' means a member as determined in Section 144(5) of the Measure and set out in paragraph 2 of these Regulations.
20. Where a co-opted member is suspended or partially suspended from an authority (Part 3 of the 2000 Act refers) the authority must not make payment of a co-opted member fee for the duration of the suspension (Section 155(1) of the Measure).

## **Allowances**

### **Care allowances**

21. Authorities must provide for the payment to members and co-opted members of an authority an allowance ("care allowance") in respect of such expenses of arranging the care of children or dependants or in respect of the personal care requirements of a member as are necessarily incurred in carrying out official business as a member or co-opted member of that authority. Payments under this paragraph must not be made:
  - In respect of any child over the age of fifteen years or dependant unless the member/co-opted member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of the duties of a member or co-opted member.
  - To more than one member/co-opted member of the authority in relation to the care of the same child or dependant.
  - Of more than one care allowance to a member or co-opted member of the authority who is unable to demonstrate to the satisfaction of the authority that the member/co-opted member has to make separate arrangements for the care of different children or dependants.
22. The maximum amount of the care allowance payable by an authority is to be determined by the Panel in its Annual or Supplementary Reports.
23. Where a member/co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers) the part of the care allowance payable to that member/co-opted member in receipt of the responsibilities or duties from which that member/co-opted member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).
24. An authority's Schedule must stipulate the maximum amount of the care allowance payable each month and its arrangements for making claims, taking full account of the Panel's determinations in this respect.



## **Travel and subsistence allowances**

25. Subject to paragraphs 26 and 27 below a member or co-opted member is entitled to receive payments from the authority by way of travelling and subsistence allowances at rates determined by the Panel in its Annual or Supplementary Reports. Such allowances are in respect of expenditure incurred by a member or co-opted member in the performance of the official business of the authority.

### **(Paragraphs 26 & 27 apply only to principal councils)**

26. Payment of a subsistence allowance to a local authority member for the performance of official business within the boundaries of a county or county borough where s/he is a member should only be made when the authority is satisfied that it can be justified on economic grounds. This does not apply in respect of co-opted members of a local authority who live outside that authority.
27. A local authority may make provision, subject to any limitations it thinks fit, for members to claim mileage expenses for official business in connection with constituency or ward responsibilities where they arise out of the discharge of the functions of the county or county borough.
28. Where a member or co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers), travelling and subsistence allowances payable to that member/co-opted member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

## **Part 3: Further provisions**

### **Pensions**

29. Under Section 143 of the Measure, the Panel may make determinations in respect of pension arrangements for local authority members in its Annual or Supplementary Reports. Such determinations may:
- Describe the description of members for whom a local authority will be required to pay a pension.
  - Describe the relevant matters in respect of which a local authority will be required to pay a pension.
  - Make different decisions for different principal councils.

### **Allowances to support the function of a local authority member**

30. A local authority must provide for the requirements of a member to undertake their role and responsibilities more effectively. The way in which this support should be provided is determined by the Panel in its Annual or Supplementary Reports.

### **Payment of expenses for official and courtesy visits**

31. The arrangements contained in Section 176 of the Local Government Act 1972 will continue to apply but no payment may be made to a person under that arrangement when a payment has been made to that person pursuant to any payment made under these Regulations.

### **Arrangements in relation to family absence**

32. Part 2 of the Measure sets out the rights of local authority members in relation to family absence. The Panel will set out its determinations and the administrative arrangements in relation to the payment of salaries and allowances by principal councils in this respect in its Annual or Supplementary Reports.

## **Part 4: Salaries, allowances or fees**

### **Repayment of salaries, allowances or fees**

33. An authority must require that such part of a salary, allowance or fee be repaid where payment has already been made in respect of any period during which the member or co-opted member concerned:
  - is suspended or partially suspended from that member's/co-opted member's duties or responsibilities in accordance with Part 3 of the 2000 Act or Regulations made under that Act.
  - ceases to be a member or co-opted member of the authority.
  - or in any way is not entitled to receive a salary, allowance or fee in respect of that period.

### **Forgoing salaries, allowances or fees**

34. Under Section 154 of the Measure, any member or co-opted member may by notice in writing to the proper officer of the authority elect to forgo any part of their entitlement to a salary, allowance or fee under the determination of the Panel for that particular year (as relating to the authority).

## **Part 5: Specific provisions relating to community and town councils ("the council")**

### **Interpretation**

35. For the purposes of this Part the term member means both an elected member and a co-opted member.

## Allowances

### 36. Allowances:

- a) The council can if it so determines make an annual payment to members in respect of costs incurred in carrying out the role of a member. The maximum amount payable will be set out in the Annual or Supplementary Report of the Panel.
- b) The council can if it so determines make payments to members in respect of costs of travel for attending approved duties outside the area of the council. The amounts claimable will be set out in the Annual or Supplementary Report of the Panel.
- c) The council can if it so determines reimburse subsistence expenses to its members when attending approved duties outside the area of the council. The arrangements for reimbursement will be set out in the Annual or Supplementary Report of the Panel.
- d) The council can if it so determines pay an Attendance Allowance to its members for attending approved duties outside the area of the council. The Allowance will be set out in the Annual or Supplementary Report of the Panel.
- e) The council can if it so determines pay a Financial Loss Allowance to its members where such loss has occurred for attending approved duties outside the area of the council. The Allowances will be set out in the Annual or Supplementary Report of the Panel.
- f) The council can if it so determines pay an allowance to the chair or mayor of the council for the purposes of undertaking the role of that office. The allowance will be set out in the Annual or Supplementary Report of the Panel.
- g) The council can if it so determines pay a responsibility allowance to members as stipulated in the Annual Report of the Panel.
- h) The council can if it so determines pay a care allowance as stipulated in the Annual Report of the Panel.

37. A member is not entitled to more than one Attendance Allowance in respect of any period of 24 hours or if that member claims a Financial Loss Allowance for the same period.

38. A member may elect to forgo any part of an entitlement to an allowance under these Regulations by giving notice in writing to the proper officer of the council.

39. A member making a claim for Attendance or Financial Loss Allowance must sign a statement that the member has not made and will not make any other claim in respect of the matter to which the claim relates.

40. "Approved Duty" under this Part means:

- i. Attendance at a meeting of the council or of any committee or sub-committee of the council or of any other body to which the council makes appointments or nominations or of any committee or sub-committee of such a body.
- ii. Attendance at any other meeting the holding of which is authorised by the council or a committee or sub-committee of the council, or a joint committee of the council and one or more councils, or a sub-committee of such a joint committee provided that at least two members of the council have been invited and where the council is divided into political groupings at least two such groups have been invited.
- iii. Attendance at a meeting of any association of councils of which the council is a member.
- iv. Attendance at any training or development event approved by the council.
- v. Any other duty approved the council or duty of a class approved by the council for the discharge of its functions or any of its committees or sub-committees.

## **Part 6: Miscellaneous**

### **Arrangements for payments**

41. The Schedule of an authority must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of that authority. Such payments may be made at such times and at such intervals as determined by the authority.

### **Claims**

42. An authority must specify a time limit from the date on which an entitlement to travelling or subsistence allowance arises during which a claim for those allowances must be made by the person to whom they are payable. However, this does not prevent an authority from making a payment where the allowance is not claimed within the period specified.
43. Any claim for payment of travelling or subsistence allowance in accordance with these Regulations (excluding claims for travel by private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses.

### **Avoidance of duplication**

44. A claim for a payment of travelling allowance or subsistence allowance must include, or be accompanied by, a statement signed by the member or co-opted member that the member/co-opted member has not made and will not make any other claim in respect of the matter to which the claim relates.

## Records of salaries, allowances and fees

45. An authority must keep a record of the payments made in accordance with these Regulations. Such record must:
- Specify the name of the recipient and the amount and nature of each payment.
  - Be available, at all reasonable times, for inspection (without charge) by any local government elector (within the meaning of section 270(1) of the 1972 Act) for the area of the authority.
  - Allow a person who is entitled to inspect the record to make a copy of any part of it upon payment of such reasonable fee as the authority may require.

## Publicity requirements

(The required content of publicity requirements is given at Annex 4)

46. An authority must, as soon as practicable after determining its Schedule of Remuneration for the year under these Regulations and any Report of the Panel and not later than 31 July of the year to which the Schedule refers, make arrangements for the Schedule's publication within the authority's area. **(This section does not apply to community and town councils).**
47. As soon as practicable and no later than 30 September following the end of a year an authority must make arrangements for the publication within the authority's area, the total sum paid by it to each member/co-opted member in respect of basic salary, senior salary, co-opted member fee, care, travel and subsistence allowances. **(This section applies to all relevant authorities).**
48. In the same timescale and in the same manner, a local authority must make arrangements for the publication of any further remuneration received by a member nominated or appointed to another relevant authority. **(This section applies only to principal councils).**

## Publicising the reports of the Panel

49. Under Section 146(7) (a) and (b) of the Measure, the Panel will send a consultation draft of its Annual Report or Supplementary Report to all relevant authorities for circulation to authority members and co-opted members, so that representations can be made by members/co-opted members to the Panel, normally in a period of eight weeks.
50. The Panel will determine in its Annual or Supplementary Reports the arrangements publicising its Reports in accordance with Section 151 and 152 of the Measure.

## **Monitoring compliance with the Panel's determinations**

51. Section 153 of the Measure determines that relevant authorities must comply with the requirements imposed by the Panel in its Annual Reports. It also empowers the Panel to monitor the payments made by relevant authorities and for it to require the provision of information that it specifies. The requirements under this section will be set out in the Annual Report of the Panel.

## **Annex 3: Schedule of member remuneration**

1. Principal councils, national park authorities (NPAs) and Welsh fire and rescue authorities (FRAs) (but not community and town councils) must maintain an annual Schedule of Member Remuneration (the 'Schedule') which is in accord with the Panel's determinations on member salary and co-opted member payments and which must contain the following information:

In respect of a principal council:

- a. Named members who are to receive only the basic salary and the amount to be paid.
- b. Named members who are to receive a Band 1 and Band 2 senior salary, the office and portfolio held and the amount to be paid.
- c. Named members who are to receive a Band 3, Band 4 and Band 5 senior salary, the office and portfolio held and the amount to be paid.
- d. Named members who are to receive a civic salary and the amount to be paid.
- e. Named members who are to receive the co-opted member fee and whether chair or ordinary member and the amount to be paid.
- f. Named members who are to receive a senior salary as a chair of a Joint Overview and Scrutiny Committee or Sub Committee and the amount to be paid.
- g. Named members in receipt of a specific or additional senior salary approved by the Panel and the amount to be paid.

In respect of National Park and Fire & Rescue Authorities:

- a. Named members who are to receive a basic salary and the amount to be paid.
  - b. Named member who is to receive a senior salary as a chair of the authority and the amount to be paid.
  - c. Named members who are to receive a senior salary as deputy chair of a committee and the amount to be paid.
  - d. Named members who are to receive the co-opted member fee and whether a chair or ordinary member and the amounts to be paid.
2. Amendments made to the Schedule during the municipal year must be communicated to the Panel as soon as it is practicable.
  3. Principal councils must confirm in their annual Schedule that the maximum limit of senior salaries set for the council has not been exceeded.

4. Principal councils, NPAs and FRAs must include a statement of allowable expenses and the duties for which they may be claimed for care, travel and subsistence in their annual Schedule which is in accord with the Panel's determinations.
5. The Schedule must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of the relevant authority (IRPW Regulation 35); arrangements for making claims for care, travel and subsistence expenses (IRPW Regulations 24 and 36-37); arrangements for the avoidance of duplication (IRPW Regulation 38) and arrangements for re-payment of salaries, allowances and fees (IRPW Regulation 33). This schedule must also include the duties for which members and co-opted members are able to claim travel, subsistence and care allowances.
6. Principal councils must declare in the Schedule whether:
  - A statement of the basic responsibility of a councillor is in place.
  - Role descriptors of senior salary office holders are in place.
  - Records are kept of councillor attendance.
  - Annual reports are prepared by councillors, and published on the council website.
7. Principal councils, NPAs and FRAs must make arrangements for the publication of the Schedule of Member Remuneration as soon as practicable after its determination and no later than 31 July of the year to which it applies. This should be sent to the Panel no later than this date. The Schedule should be published in a manner that provides ready access for members of the public.
8. The Schedule must also be sent to the Panel Secretariat to be received by 31<sup>st</sup> July.



## Annex 4: Publicity requirements

In accordance with Section 151 of the Measure the Panel requires that:

Relevant authorities must make arrangements for the publication within the authority area of the remuneration received by its members and co-opted members (including chairs of JOSCs or sub-committees of JOSCs). This information must be published and provided to the Panel no later than 30 September following the end of the year to which the payments relate. The following information must be provided:

- a. The amount of basic salary, senior salary, civic salary and co-opted member fee paid to each named member/co-opted member of the relevant authority, including where the member had chosen to forego all or part of the salary, or fee for the municipal year in question. Where a senior salary has been paid, the title of the senior office held is to be provided.
- b. The payments made by community and town councils to named members as:
  - Costs incurred in respect of telephone usage, information technology, consumables etc.
  - Responsibility payments
  - Allowances made to a mayor/chair and deputy mayor/chair
  - Attendance Allowance.
  - Financial Loss Allowance.
  - Costs incurred in respect of travel and subsistence
  - Care allowance.

Nil returns are required to be provided to the Panel by the 30th September.

- c. All care, travel and subsistence expenses and other payments received by each named member and co-opted member of the relevant authority, with each category identified separately.
- d. The amount of any further payments received by any named member nominated to, or appointed by, another relevant authority or other public body as defined by Section 67 of the Local Government (Democracy) (Wales) Act 2013, namely:
  - a local health board
  - a police and crime panel
  - a relevant authority
  - a body designated as a public body in an order made by the Welsh Ministers.
- e. Names of members who did not receive basic or senior salary because they were suspended for all or part of the annual period to which the Schedule applies.

**Annex 5: Ministerial Remit Letter to the Independent Remuneration Panel for Wales (See next page)**

Leighton Andrews AC / AM  
Y Gweinidog Gwasanaethau Cyhoeddus  
Minister for Public Services



Llywodraeth Cymru  
Welsh Government

Ein cyfrOur ref SF/LA/0859/15

Richard Penn  
Chair  
Independent Remuneration Panel for Wales

[irpmailbox@wales.gsi.gov.uk](mailto:irpmailbox@wales.gsi.gov.uk)

25 March 2015

*Dear Richard,*

I was pleased to receive a copy of your Annual Report for 2015. It is clear from your determinations that you are taking account of the ongoing pressures on finances and the need to be mindful of public expectations in relation to the remuneration of elected members and public sector pay more generally.

With this in mind, your recent recommendations in relation to the salaries of the Head of Paid Services at Pembrokeshire and Anglesey councils indicate a readiness to take into account realistic comparisons with salary levels across England and Wales, which I welcome.

I recognise also the efforts of the Panel to address the need to improve diversity in local government, most particularly through the care allowance and the message to local authorities that they should encourage qualified members to take it up.

I am aware that you recently gave evidence to the Assembly Committee considering the Local Government (Wales) Bill 2015. The Bill contains provisions which would enable the Welsh Ministers to direct the Panel to consider the appropriate remuneration for members of shadow authorities and new principal councils. I would expect the Panel to be giving consideration as to how it might approach this new responsibility over the next year.

You will note also the proposed extension of the Panel's responsibilities in relation to the salaries of Heads of Paid Service to additionally encompass chief officers for the period from the enactment of the Bill until 2020, a year after new councils would be expected to have become fully operational. I would welcome the Panel's opinion as to how you might approach this.

The Bill will also increase the size of the Panel from 5 to 6, in recognition of your increased workload. I very much hope that the creation of this additional position, together with the

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recruitment exercise which will take place over this year and next to refresh the Panel's membership, will result in a more equitable gender representation than is currently the case.

Finally, you will be aware of the proposals in the White Paper, *Reforming Local Government: Power to Local People*, which is the subject of consultation at present. I would draw your attention to the desire of Welsh Government to reduce the cost of politics to the public purse and, in particular, for consideration to be given as to whether all local authority cabinet posts should be treated as full-time commitments, whether all cabinet members in an authority should be paid the same and that rates of payment of leaders and cabinet members should be justifiable when compared with those paid in similarly-sized councils in other parts of the UK.

The White Paper also includes proposals for Area Boards, which would see elected members in leadership positions within their communities. This has implications for the way they would work and their relationship with their council. I would ask the Panel to give early consideration to this.

I shall look forward to your next draft report to see the extent to which these matters have been taken into account.

Yours sincerely,  


**Leighton Andrews AC / AM**  
Y Gweinidog Gwasanaethau Cyhoeddus  
Minister for Public Services

# **Annex 6: Guidance to the Independent Remuneration Panel for Wales on the salaries of local authority chief executives and chief officers**

## **1. Background**

1.1. The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) received its Royal Assent on 30 July 2013. Its prime purpose was to reform the structure and functions of what is now known as the Local Democracy and Boundary Commission for Wales. There were, however, other provisions concerning Local Government and related issues. They included:

- Allowing Principal Councils to appoint Presiding Members to chair their meetings, in preference to the traditional civic chair or mayor;
- Enabling Local Authorities to promote or oppose private bills in the National Assembly, rather than Parliament, if it is the appropriate legislature;
- Requiring Town and Community Councils to publish information on the Internet;
- Amending provisions within the Local Government (Wales) Measure 2011 (“the 2011 Measure”) relating to remote attendance at Council meetings and the constitution of audit and democratic services committees, and
- Enabling Local Authorities to establish joint standards committees.

1.2. In addition, the responsibilities of the Independent Remuneration Panel for Wales (“the Panel”) within the 2011 Measure were amended by the 2013 Act in a number of ways but particularly in relation to the pay of Heads of Paid Service of certain Local Authorities.

1.3. Heads of Paid Service are statutory posts introduced under the Local Government and Housing Act 1989. Principal Councils and some other local authorities are required to designate one of their officers as the Head of Paid Service. This is usually the Council’s Chief Executive Officer. This officer is required to advise the Council with respect to the discharge of its functions and as to the number and organisation of its staff. For the purpose of this guidance, the term Chief Executive (“CEO”) is to be considered as a reference to the Head of Paid Service and/or a Chief Fire Officer.

1.4. The Local Government (Wales) Act 2015 (“the Act”) contains provisions designed to prepare for a restructuring of local government in Wales over the next few years. It contains provisions which:

- allow for voluntary mergers between principal authorities;
- Provide for the establishment of transition committees to prepare for new authorities;

- Enable the Local Democracy and Boundary Commission for Wales to review the electoral arrangements for proposed new areas;
  - Enable the Panel to determine remuneration of members of proposed councils;
  - Place restraints on existing authorities carrying out certain transactions in advance of mergers and require them to provide certain information to Welsh Ministers and other authorities.
- 1.5. Section 29 *et seq* of the Act contains provisions permitting the Welsh Ministers to issue directions to place restraints on, amongst other things, certain transactions and recruitment by “merging authorities”. A “merging authority” is a principal authority which is to be merged into a new principal area, whether by merger regulations (voluntary mergers) or by virtue of a Bill introduced in the Assembly by the Welsh Ministers or in an Assembly Act.
- 1.6. In relation to recruitment, directions may impose restrictions on proposed recruitment to certain posts, including chief officers. Should the Welsh Ministers decide to issue directions under subsection (1), no chief officer may be recruited without consent of a person specified in the direction. Should the Welsh Ministers issue a direction under subsection (3), the authority must comply with specified requirements. Directions – and therefore the consent or requirements – can contain matters connected to the length of any appointment and its remuneration.
- 1.7. In an appointment made subject to the Ministerial directions described, the responsibility of the Panel under section 143A of the 2011 Measure to make recommendations in respect of the pay associated with these posts does not apply where the direction is given in relation to a proposal to pay the person a salary which is different to the person’s predecessor.
- 1.8. Section 39(1) of the Act also provides that section 143A of the 2011 Measure has the following effect: the functions of the Panel in relation to CEOs are extended to include all “chief officers” of principal authorities. This is a time limited provision, lasting from the coming into force of this provision, on 25 January 2016 until 31 March 2020. This is the day before the intended “vesting day” on which shadow authorities for new principal areas would take over responsibilities from the currently existing principal authorities.
- 1.9. The definition of “chief officer” in section 39 is taken from the Localism Act 2011:
- (a) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
  - (b) its monitoring officer designated under section 5(1) of that Act;
  - (c) a statutory chief officer mentioned in section 2(6) of that Act;
  - (d) a non-statutory chief officer mentioned in section 2(7) of that Act;

(e) a deputy chief officer mentioned in section 2(8) of that Act.

The descriptions for (c)-(e) used in the 1989 Act are (in summary)::  
“Statutory chief officers” include—

- (a) the chief education officer or director of education
- (b) the chief officer of a fire brigade
- (c) the director of social services or chief social work officer
- (d) the section 151 or chief finance officer

“Non-statutory chief officer” means -

- (a) a person for whom the head of the authority’s paid service is directly responsible;
- (b) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority’s paid service; and
- (c) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority.

“Deputy chief officer” means, a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.

- 1.10 Section 39(3) of the Act provides that the Welsh Ministers may issue guidance to the Panel in relation to the temporary extension of its functions relating to chief officers’ pay described above..

Further, section 40 amends section 143A of the 2011 Measure to allow an authority that has consulted the Panel about a proposed reduction in salary to reduce (but not increase) the salary payable to a head of paid service (or chief officer for the duration of that provision) while awaiting the recommendation of the Panel provided that the contract under which the salary is payable allows for its alteration once the Panel’s recommendation has been considered.

Section 40 also provides that the Panel must notify the Welsh Ministers of any recommendation it makes on officers’ remuneration.

## **2. The Panel’s responsibilities in relation to Chief Officer/CEO pay**

- 2.1 Section 63 of the 2013 Act amended the 2011 Measure by inserting a new section 143A. Sections 141 to 160 of the 2011 Measure deal with local authority members’ payments and pensions and the powers of the Panel in relation to them. Section

143A enables the Panel to make recommendations, in relation to principal councils and fire and rescue authorities (FRAs), on anything in their Pay Policy Statement (PPS) which relates to the salary of their CEO. As stated above, the Act extends this power for a period to all chief officers in a principal authority. For the purpose of this guidance, salaries include payments made by a relevant authority to an officer who is not an employee of the Authority under a contract for provision of services, as well as payments of salary made to an employed officer under an employment contract. The Panel's power to make recommendations however, is related only to authorities which must produce Pay Policy Statements (principal councils and FRAs).<sup>16</sup>

2.2 Pay Policy Statements are a requirement under the Localism Act 2011 (sections 38 to 43), to be published on an annual basis by principal councils and FRAs. The purpose of the statement is to provide transparency with regard to a local authority's approach to setting the pay of its employees, by identifying the methods by which salaries are determined. In particular, it must include:

- Policies on all aspects and elements of the remuneration of Chief Officers;
- The approach to the publication of, and access to, information relating to all aspects of the remuneration of Chief Officers;
- The council's policy on the remuneration of its lowest paid employees;
- The relationship between the remuneration of its Chief Officers and other employees.

2.3 The Welsh Government has issued guidance to Local Authorities on this matter. <http://wales.gov.uk/topics/localgovernment/finandfunding/publications/payaccount/?lang=en>.

2.4 Pay Policy Statements (PPSs) are designed to cater for decision-making in relation particularly, to the pay of Chief Officers and the lowest paid staff. The position of the Welsh Government, expressed in the PPS guidance, is decision-making on PPSs takes place in public, is open to scrutiny and is subject to a vote of all Council Members. This is reinforced by the Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014), which require a principal council to advertise publicly where it proposes to appoint a Chief Officer and the remuneration it proposes to pay in respect of that role is £100,000 per annum or greater.

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<sup>16</sup> It should be noted that section 64 of the 2013 Act, which enables Welsh Ministers to specify a public body which could be added to those for which the Panel has responsibilities, does not apply in relation to the Panel's responsibilities for Chief Executives' or Chief Officers' pay.



- 2.5 In addition to making recommendations about any policy in the authority's PPS which relates to the salary of the CEO, section 143A of the 2011 Measure also provides that the Panel may make recommendations in respect of any proposal to change the salary of a Chief Executive. Principal councils and fire and rescue authorities are obliged to have regard to any recommendation the Panel makes in relation to what is in their PPS concerning Chief Executives' pay. As set out above, this now applies also to chief officers of principal authorities.
- 2.6 Should a Principal council or FRA wish to change the salary of their CEO, or a principal council wish to change the pay of a chief officer, it will have to consult the Panel, unless the change being considered is commensurate with a general pay increase or reduction for "the authority's other staff"<sup>17</sup>. The council or FRA must have regard to the Panel's recommendation when reaching its decision.
- 2.7 The Panel may request any information it needs to assist it to reach a conclusion on the matter and the Council/FRA will be obliged to provide it. The Panel may publish any recommendation it decides to make.
- 2.8 The Panel's recommendation could express approval of the local authority's proposal, express criticism of or concerns about the proposal, or recommend variations of the proposals but it must have regard to this guidance issued by the Welsh Government.

### **3. The Panel's deliberation**

- 3.1 When considering the issue of officers' salaries, it is important that the Panel fully appreciates it is in a fundamentally different position to that in relation to the remuneration of members of local authorities. In the latter situation, the Panel is the final arbiter in the matter. The Panel has the power to set precisely what a member of a local authority should receive, unless it confines itself to setting maxima instead. However, even in this situation it is the Panel, not the local authority or the Welsh Government, which has the power to make the decisions.
- 3.2 In contrast, in relation to Chief Executives or Chief Officers, the Panel's role is limited to taking a view and making a recommendation. Although the Local authority/authorities concerned must have regard to the recommendation, they are not obliged to follow it. The Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014) require any such decision to be made through a vote of full Council. The authority however, under section 143A must notify the

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<sup>17</sup> For the purposes of this guidance, "staff" can be interpreted as "officers", so does not include, for instance, teachers or front-line employees delivering services.

Welsh Ministers and the Panel of its response to a recommendation made by the Panel about a change in salary of its CEO. If the Welsh Ministers consider that an authority's response is inconsistent with the Panel recommendation, the authority might be subject to a direction from the Welsh Ministers to re-consider the salary.

- 3.3. Nevertheless, the Panel does not decide what an individual Chief Executive or Chief Officer is paid. This should avoid any need for the Panel to be pulled into negotiations with Trade Unions or professional associations, for instance. Although one cannot rule out the possibility of a legal challenge to a recommendation by the Panel, it is less likely because of the indirect nature of the Panel's relationship to the final decision. It is perhaps more likely, however, in the case of Chief Officers, that the Panel may be subject to pressure from trade unions or professional associations, who may view the Panel's role as intruding into their negotiation process
- 3.4. The Panel is being asked to use its own experience and expertise to arrive at a recommendation in each case that arises. Local authorities are required to provide the Panel with any information it may reasonably require in reaching a conclusion and that provides the Panel with considerable power to gather necessary information. The sort of information the Panel may require could include the following:
- Papers or reports prepared by the Authority in relation to the matter;
  - Reports or other information provided to the Authority by any consultancy, Trade Union or professional association;
  - Details of the total package available, or under consideration, for the Chief Executive or Chief Officer. This could include the length of contract on offer, pension arrangements, severance package, returning officer fees, performance bonuses, provision for annual and other leave, payment in kind (i.e. cars) and relocation costs. The Panel may also wish to take into account any interdependency of individual salaries within pay structures ;
  - Information concerning the remuneration on offer to other Local Authority Chief Executives/Officers. (Note: the Panel are not restricted to only requiring information from the local authority considering a variation in salary).
  - Details of agreements made at the National Joint Council level.
- 3.5. Should there be a situation where, probably as a result of national negotiations, a pay award is made to chief officers across local authorities which differs from that awarded to other staff, the Panel may consider joint or collective approaches from local authorities, rather than each authority needing to separately engage with the Panel. However, this does not fetter the ability of the Panel to make different recommendations to different authorities if they feel so justified.

- 3.6. It is also likely the Panel would wish to take into account more general data relating to prices and incomes, which it may well have available through its relevance to the remuneration of Local Authority members.
- 3.7. The legislation does not restrict the Panel to a purely reactive role. If it wished, the Panel could use its power to make recommendations relating to provisions within local authorities' PPSs irrespective of any proposal to vary the pay of a Chief Executive or Chief Officer provided the recommendation "related to" the salary of the Chief Executive or Chief Officer. The Panel would, however, need to consider whether it had the time and resource to carry out such an exercise and bear in mind that the policy driver behind the provisions in the 2013 Act was related to control over what were viewed as unacceptable decisions in relation to pay increases. Exercising the power in a way that was inconsistent with its purposes, could give rise to legal challenge. However, it does mean any individual or organisation could refer an issue concerning the Chief Executive's or Chief Officer's pay to the Panel for its consideration and the Panel could decide to act on that reference if it felt it necessary.
- 3.8. The Panel needs to be consulted if there is a downward variation being proposed for a Chief Executive's or Chief Officer's pay (unless, as in the case of an increase, it is commensurate with a general approach to officers pay in that Authority). The Panel is likely to take the same type of evidence requirements into account.
- 3.9. Finally, what factors should the Panel take into account in reaching a recommendation? It is for the Panel to make its own assessment of what factors are relevant to the exercise of its discretion in any particular case and how much weight is to be given to them. However, the following paragraphs cover what the Welsh Ministers consider to be key factors to be taken into account by the Panel.
- 3.10. When recruiting Chief Executives and Chief Officers, public sector bodies are obliged to consider what remuneration will be required to recruit and retain the most suitably qualified persons. That is why there is often a large differential between the highest paid individual officer at Chief Executive Officer level and the next level within an Authority. Particularly in relation to Chief Fire Officers, the Panel needs to recognise the professional expertise required for the post and will need to refer to the National Joint Council for Brigade Managers of Local Authority Fire and Rescue Services ("the Gold Book").
- 3.11. The Panel will need to be sensitive to this but also take a balanced approach. Public acceptability is a legitimate factor for the Panel to take into account, but it should not be given undue weight. Although perceived excesses in remuneration of politicians and public officials have given rise to public controversy, it is understandable any significant increase in pay for an already well-paid post may be criticised at a time when economic circumstances are difficult for many families. The Panel also needs to be aware that one of the reasons for the new duty in relation to chief officers being introduced is to introduce an element of control over

any possibility of unreasonable pay rises taking place as mergers approach. Generous increases could have a marked impact on entitlement to redundancy or pension packages.

- 3.12. Salary levels for Chief Executive Officers within comparable local authorities need to be taken into account. In addition, there is a tendency to set arithmetic limits on the differential between the highest and lowest paid staff in an organisation, as well as the differential between the highest and second highest paid. It will be for the Panel to decide whether to take cognisance of this and how much weight to give it.
- 3.13. The Panel will also be able to take into account whether the salary under consideration is reasonable for the area concerned.
- 3.14. In conclusion, the Panel will want to satisfy itself the local authority concerned has made a clear business case for a proposed change and examined the options. The view of the Panel should be taken at the end, not the beginning of the process, in order that the Panel is able to see all the evidence the authority has taken into account in making its proposal. This will be particularly important when an urgent appointment is being considered. If the Panel's view is required quickly, it will need to have all the background information readily available.

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**The Report and other information about the Panel and its work are available on our website at:**

**[www.remunerationpanelwales.org.uk](http://www.remunerationpanelwales.org.uk)**

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**Report To:** Council

**Date of Meeting:** 12 April 2016

**Lead Officer:** Democratic Services Manager

**Report Author:** Democratic Services Manager

**Title:** Committee Timetable 2017, Annual Review of Political Balance, and Appointment of Scrutiny Chairs

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## 1. What is the report about?

This report contains information and requests decisions on committee-related issues.

## 2. What is the reason for making this report?

It is necessary for Council to approve a timetable for 2017 in line with Council's decision to maintain an 18 month timetable, to enable meeting venues and resources to be confirmed, to publicise the timetable and to populate the Members' diary. As the new municipal year starts in May it is also appropriate for Council to consider changes in political balance and be aware of how Scrutiny chairing arrangements work.

## 3. What are the Recommendations?

- (i) That Council approves the draft timetable.
- (ii) That Council re-appoints the existing chair and membership of the Democratic Services Committee for the 2016/17 municipal year, subject to any changes notified by the Groups.
- (iii) That Council appoints 1 councillor to the Standards Committee

## 4. Report details.

### 4.1 Committee Timetable

The new municipal year begins with the Annual Meeting of Council in May. The current timetable of committee meetings continues until the end of 2016 and will be extended until the end of 2017 in accordance with Council's request to maintain an 18 month timetable. The draft timetable for 2017 is attached as appendix 1 and also contains a committee-by-committee explanation of the factors behind the identification of suitable dates for each meeting.

### 4.2 Annual Review of Political Balance

The Council is required to consider at least annually how the membership of its committees relates to the political balance of the Groups. Changes to the membership of committees and the strength of the political groups mean that not all committees are currently politically balanced, and these are shown in appendix 2.

At the time of writing this report the recommendations in appendix 2 are relevant. The actual membership of each of the committees is shown in appendix 3 for information.

The recent deaths of Councillors Peter Owen and Richard Davies have reduced the size of the Conservative Group from 8 members to 7 and the Independent Group from 13 to 12. This reduction does not affect the political balance calculations for most of the committees other than the Corporate Health, Safety and Welfare Committee and SACRE where the Conservative Group would be entitled to 1 seat on each rather than either 1 or 2 (previously with 8 members each both the Conservative and Plaid Cymru Groups had the same political balance weighting so either (but only one of them) could take a second seat on those committees). The second seat would now be allocated to the Plaid Cymru Group.

The political balance of the Council will change slightly once again following by-elections in June for the vacant seats.

#### **4.3 Democratic Services Committee**

Section 11 of the Local Government (Wales) Measure 2011 requires the Council to appoint a committee to review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions, and to make reports and recommendations to the authority in relation to such provision.

The members of the Democratic Services Committee must be appointed by Full Council. There are to be no co-opted members. Under the Measure there may be no more than one member of the Cabinet on the Committee (who cannot be the Leader), but Council in May 2012 decided that the membership would be 11 councillors and would not include members of the Cabinet.

The Committee must be politically balanced and Council must appoint its chair who must not be a member of any of the political groups represented on the Cabinet. For Denbighshire, this means that the chair will be a member of the Labour group. The Labour group have nominated the existing chair, Councillor Barry Mellor.

The existing members of the Democratic Services Committee are shown in appendix 3.

#### **4.4 Appointment of Chairs of Scrutiny Committees**

According to the principles for allocating Scrutiny chairs in the 2011 Local Government (Wales) Measure the Groups represented in the Cabinet (Independents, Conservatives and Plaid Cymru) will be entitled to 1 of the 3 scrutiny chairs, and it will be for those groups to decide amongst themselves which of their eligible members will be a chair. The Labour Group, as the only group which does not have members on Cabinet, is entitled to appoint 2 of the scrutiny chairs.

Neither the Measure nor the associated statutory guidance make provisions for changing or re-appointing scrutiny chairs, except where the political make-up of Cabinet changes or where a scrutiny chair is vacated for some reason. The



appointment of chairs for the new municipal year is therefore a matter for the political groups to consider and to report any changes.

#### **4.5 Standards Committee**

The Council's Standards Committee membership includes 2 county councillors. Currently, Councillor Barry Mellor is appointed to this committee and Council is requested to appoint 1 more county councillor to the committee. There is no requirement for political balance in respect of this appointment.

#### **5. How does the decision contribute to the Corporate Priorities?**

The decisions and information arising from this report are central to the functioning of the democratic and committee systems which are essential elements of the Council's governance arrangements and contribute to the Council's corporate priorities.

#### **6. What will it cost and how will it affect other services?**

The costs of maintaining a committee system are covered within existing budgets but the Council in 2015 made a commitment through its *Freedoms and Flexibilities* process to reduce the number of committee meetings being held to save the associated costs. Services throughout the Council may contribute to the meetings included in the timetable, usually by contributing information, reports and officer time.

#### **7. What consultations have been carried out with Scrutiny and others, and has an Equality Impact Assessment Screening been undertaken?**

The annual timetable of meetings is an established process and meets the aims of the Equality Act. The principal 'service users' are the members of the committees and supporting officers although the press and public are also able to attend most meetings the interest of individuals or groups is likely to depend on the topic under consideration.

A survey of councillors was conducted in 2012 on the timing and location of meetings and the results have been taken into consideration. The Council uses the most suitable meeting rooms whenever possible (in terms of access, parking, toilet facilities, public transport).

#### **8. Chief Finance Officer Statement**

There are no additional costs arising from the recommendations in this report.

#### **9. What risks are there and is there anything we can do to reduce them?**

Failure to confirm a new meeting schedule and other committee-related issues in this report would be detrimental to the Council's governance arrangements.

#### **10. Power to make the Decision**

Schedule 12 of the Local Government Act 1972; Local Government and Housing Act 1989; Local Government (Wales) Measure 2011.

# Appendix 1

2017

	M	T	W	T	F		M	T	W	T	F		M	T	W	T	F		M	T	W	T	F		M	T						
Jan							2	3	4	5	6		9 Cabinet Briefing	10	11 Planning	12	13		16	17 Council	18	19 Partnerships	20		23	24 Cabinet	25 Corporate Governance	26 Performance	27		30	31
Feb			1	2 Communities	3 Corporate H&S		6	7 LJCC	8 Planning	9	10		13 SACRE	14 Council	15	16	17 Poss AONB JC		20 Cabinet Briefing	21	22	23	24		27	28 Cabinet						
Mar			1	2 Partnerships	3 Poss. AONB JC		6 Council Briefing	7	8 Licensing	9	10 Standards		13 Cabinet Briefing	14	15 Planning	16 Performance	17		20	21	22 Corporate Governance	23	24		27	28 Cabinet	29	30	31 Dem Servs			
Apr							3 Cabinet Briefing	4 Council	5	6 Partnerships	7		10	11	12 Planning	13	14		17	18	19	20	21 Corporate H&S		24	25 Cabinet	26 Corporate Governance	27	28			
May	1	2	3	4 Election	5		8	9	10	11	12		15	16	17	18	19		22	23 Annual Council	24	25	26		29	30	31					
June				1	2		5	6 Cabinet	7	8 Performance	9		12 Council Briefing	13	14 Planning	15	16 Poss. AONB JC		19	20	21 Corporate Governance	22	23 Poss. AONB JC		26	27	28 Licensing	29	30 Standards			
July							3 Cabinet Briefing	4 Council	5 SACRE	6	7		10	11	12 Planning	13	14		17	18	19 Corporate Governance	20	21		24 25 26 27 Royal Welsh			28 Corporate H&S	31			
Aug		1	2	3	4		7	8	9	10	11		14	15	16	17	18		21	22	23	24	25		28	29	30	31				



## COMMITTEE TIMETABLE 2017

Committee	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
COUNTY COUNCIL 10 a.m.	17	14		4	23 Annual Meeting		4	<b>SUMMER RECESS</b>	5	17		5
COUNCIL BRIEFING 2 p.m.			6			12					13	
CABINET 10 a.m.	24	28	28	25		6	18		26	24	21	12
CABINET BRIEFING 2 p.m.	9	20	13	3			3		4	2	6	4
PLANNING 9.30 a.m.	11	8	15	12		14	12		13	11	15	13
PERFORMANCE SCRUTINY 9.30 a.m.	26		16	27		8	13		28			7
COMMUNITIES SCRUTINY 9.30 a.m.		2	23			15	20		7	19	30	
PARTNERSHIPS SCRUTINY 9.30 a.m.	19		2	6		22			14		2	14
CORPORATE GOVERNANCE 9.30 a.m.	25		22	26		21	19		27		29	
LICENSING 9.30 a.m.			8			28			20			6

Committee	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
LICC 2.p.m.		7				26				4			
SACRE 10 a.m.		13					5			13			
STANDARDS 10 a.m.			10			30				22		24	
DEMOCRATIC SERVICES COMMITTEE 10 a.m.			31								20		
CORPORATE HEALTH, S&W 10 a.m.		3		21			28					3	
AONB JOINT COMMITTEE 10a.m.		17 (or 3/3)	3 (or 17/2)			16 or 23						10 or 17	

## OTHER MEETINGS IN 2017

Committee	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Conwy & Denbighshire Joint Adoption Panel												
Fostering Panel	11	8	8	12	10	14	12	9	13	11	8	13
<b>MEMBER AREA GROUPS</b>												
Denbigh 2 p.m.	9		6		8							
Rhyl 2 p.m.	11		8		10							

Committee	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Prestatyn & Meliden 6 p.m.	25		22		24							
Elwy 1 p.m.	6		3		28							
Ruthin 10 a.m.	23		20		24							
Dee Valley 2 p.m.	16		13		15							

## **Timetabling Information**

Elections to Denbighshire County Council will be held on the 4 May 2017 with the period immediately following being used to induct new members, for the new political groups to form, for membership of the various committees to be agreed and for essential member training and support to be given.

The proposed timetable is where possible based on current patterns and avoids dates that are known to be unsuitable, including most school holidays. It should be noted that, at the time this report was written, the school holidays for the 2017-18 academic year i.e. from September 2017, had not been formally agreed so the pattern of recent years has been used.

The first meeting would be the Annual Meeting of Council on the 23 May 2017 followed by the first meetings of the committees from the start of June.

### **Council / Council Briefings**

The 2017 timetable continues the current pattern of having either a full Council or Council Briefing each month.

There is a Council meeting scheduled in January for the Council to approve its Council Tax Reduction Scheme (required to be approved before the end of January each year) and this can be taken alongside the approval of the budget for the next financial year. A Council meeting will be held in February to set the council tax levels. In total the 2017 timetable has 8 Council meetings.

Council meetings consider business that requires formal approval by full Council with other issues of interest to all members being directed towards Council Briefing sessions. There are 3 Council Briefing sessions scheduled to take place during those months without a formal Council meeting. If required, those Briefing session dates could be utilised for a formal Council meeting after the requisite notice having been given.

### **Cabinet**

Dates for Cabinet meetings have again been scheduled for the end of a month where possible. The reason for this is that Cabinet considers an important budget monitoring report at each meeting, which covers the previous month. Collection of the budget information, report preparation, and publication can result in these reports being 'late'. Holding the Cabinet meetings at the end of a month will allow these reports to be circulated on time. Only the October 2017 Cabinet meeting falls during a school holiday.

The newly elected Cabinet will have its first meeting on the 6 June 2017 and then mid-month Cabinet meetings have been included for July 2017 (avoids school



holidays and the Royal Welsh Show which a number of members attend) and December 2017 to avoid the Christmas period.

### Scrutiny Committees

The timetable for the scrutiny committee meetings has been developed to include meetings at times when information for known business of the committee in question will be available, and otherwise to ensure a reasonable spread of meetings throughout the year.

Recently, the Scrutiny Committees have made increased use of task and finish groups.

### Performance Scrutiny Committee

Meetings of the Partnerships Scrutiny Committee have been scheduled for school term time only as this committee will normally consider matters relating to education and schools to which the 5 co-opted voting members would be invited to attend as education scrutiny members. Certain meetings of the Performance Scrutiny Committee have been scheduled to attend to the following business:

- January (verified school examination results); June (Director of Social Services' Annual Report, Corporate Risk Register and the quarter 4 Corporate Plan performance report); September (provisional school examination results); December (quarter 2 Corporate Plan performance report and the Corporate Risk Register)

### Communities and Partnerships Scrutiny Committees

In line with current arrangements and those for the Performance Scrutiny Committee 7 meetings each have been scheduled for the Communities and Partnerships Scrutiny Committees.

The Scrutiny Co-ordinator has reviewed and agreed the draft timetable.

### Planning Committee

Planning officers have agreed the proposed schedule for Planning Committee meetings which is designed to ensure that the committee meetings and associated post-committee work (issuing decision certificated, etc.) are complementary.

### Corporate Governance Committee

The Corporate Governance Committee is also the Council's Audit Committee and the proposed schedule takes into account when the committee will be required to consider treasury management performance, Internal Audit annual reports and assurance plans, the annual governance statement and to approve the statement of accounts.

The July 2017 (19<sup>th</sup> July) meeting is scheduled earlier than usual – it would normally be later to allow members more time to consider the draft Statement of Accounts before the Committee meets. The July meeting could be moved to the later date of 26 July if required though this is both a school holiday and during the royal Welsh Show.

#### Standards Committee

The Standards Committee dates are similar to the current schedule with quarterly meetings but if issues arise that require extra meetings they will be arranged accordingly.

#### Licensing Committee

Four Wednesday meetings have been scheduled for 2017 in accordance with existing timetabling arrangements.

Licensing sub-committee meetings are arranged as and when required.

#### Corporate Health, Safety and Welfare Committee

Meetings of this internal committee have been scheduled for approximately 1 month after the end of the previous quarter to allow the committee to review quarterly health and safety reports. Two of the meetings will be held during school holidays (in April 2017 and July 2017) but this does allow the committee to meet before the current Council ends and before the August recess respectively.

#### Local Joint Consultative Committee (LJCC)

The LJCC is a consultative committee bringing together elected members with trade union representatives and meets 3 times a year though special meetings might have to be arranged if issues arise that require negotiation at the LJCC level.

The LJCC meetings have been scheduled to be held before meetings of Council to allow formal feedback from the LJCC to be taken to full Council. The previous pattern of holding meetings on a Wednesday has been changed for 2017 with meetings proposed for a Monday (June), Tuesday (February) and Wednesday (October). The reasons for this are to assist attendance by trade union members and for the LJCC to meet at appropriate times in terms of the busy overall schedule.

This timetable has been discussed with the unions.

#### Standing Advisory Council for Religious Education (SACRE)

The membership of this statutory committee includes representatives from Denbighshire County Council, religious denominations and teacher associations. As with the current year, the new schedule proposes to hold their 3 termly meetings on different days of the week (a Monday, Wednesday and Friday) to lessen the impact

on teacher representatives caused by taking time out of school on the same week-day for each meeting.

SACRE has requested that meetings be held in either Rhyl or Prestatyn as the majority of members live in the north of the county. The draft timetable has been agreed with SACRE's adviser.

#### Democratic Services Committee

This committee must meet at least once every calendar year and is able to review the level of support for democratic services, committees and associated matters. Two Friday meetings have been scheduled for March and October 2017 although extra meetings could be added if necessary.

#### Cabinet Briefing

This is an informal but important meeting for Cabinet members and meetings are proposed for Mondays leading up to a Cabinet meeting to complement the cycle of Cabinet meetings.

The meeting on the 20 February 2017 will be during a school holiday (it could be moved to the 6 February) and there is a gap in meetings during May and June 2017 to allow time for the formation of the new Council following the elections in May 2017.

## Political Balance Position

Updated 23 March 2016

The tables below summarise the position for each of the committees. The third column headed *Political Balance* shows the actual number of seats each Group is entitled to have on the committee.

Changes to committee memberships can occur at any time and the Groups are encouraged to ensure that each committee has a full contingent of members throughout the year. A general review of the political balance of the committees is undertaken annually to re-balance committees for the start of the new municipal year in May.

Cabinet	Current Membership	Political Balance
Labour	0	3
Independent	4	2
Conservative	2	1
Plaid Cymru	2	2
<p>Comments: The political balance requirements have been achieved for the groups participating in the executive.</p> <p>In the event of a political group with 5 or more members declining to take up their seats on the Cabinet the Leader may appoint councillors to fill the vacancies and the rules of political balance do not apply to the filling of those vacancies. No further actions required.</p>		

Corporate Governance Committee	Current Membership	Political Balance
Labour	1	2
Independent	2	2
Conservative	1	1
Plaid Cymru	1	1
<p>Comments: The membership of the Corporate Governance Committee is 6 councillors of whom one shall be the Vice Chair of the Council, politically balanced.</p> <p><b>Action: Labour to appoint 1 member</b></p>		

Communities Scrutiny Committee	Current Membership	Political Balance
Labour	4	4
Independent	3	3
Conservative	2	2
Plaid Cymru	2	2
Comments: This committee is politically balanced.		
<b>Actions: None required.</b>		

Partnerships Scrutiny Committee	Current Membership	Political Balance
Labour	4	4
Independent	1	3
Conservative	2	2
Plaid Cymru	2	2
Comments: The Independents have 2 vacant seats.		
<b>Actions: The Independents to nominate 2 members.</b>		

Performance Scrutiny Committee	Current Membership	Political Balance
Labour	4	4
Independent	2	3
Conservative	1	2
Plaid Cymru	2	2
Comments:		
<b>Action: Conservative Group to appoint 1 member. Independent Group to appoint 1 member.</b>		

Planning Committee	Current Membership	Political Balance
Labour	12	12
Independent	7	8
Conservative	4	5
Plaid Cymru	5	5
Comments:		
<b>Actions: Conservative Group to appoint 1 member. Independent Group to appoint 1 member.</b>		

Licensing Committee	Current Membership	Political Balance
Labour	4	4
Independent	2	3
Conservative	2	2
Plaid Cymru	2	2
Comments:		
<b>Actions: Independent Group to appoint 1 member.</b>		

Democratic Services Committee	Current Membership	Political Balance
Labour	4	4
Independent	3	3
Conservative	1	2
Plaid Cymru	2	2
Comments: The Chair and members of this committee are appointed by Council based on a politically balanced allocation.		
<b>Actions: Conservative Group to nominate 1 member for appointment by Council.</b>		

Local Joint Consultative Committee (LJCC)	Current Membership	Political Balance
Labour	2	2
Independent	2	2
Conservative	1	1
Plaid Cymru	1	1
Comments: This committee is politically balanced.		
<b>Actions: None required.</b>		

Corporate Health, Safety and Welfare Committee	Current Membership	Political Balance
Labour	2	3
Independent	0	2
Conservative	1	1
Plaid Cymru	2	2
Comments: Labour and the Independents are currently below their entitlements on the committee.		
<b>Actions: Independent Group to appoint 2 members. Labour Group to appoint 1 member.</b>		

Standing Advisory Council for Religious Education (SACRE)	Current Membership	Political Balance
Labour	1	3
Independent	1	2
Conservative	2	1
Plaid Cymru	1	2
<p>Comments: The Independents are entitled to 1 extra seat whilst Labour have 2 vacant seats. The recent change in political balance would entitle Plaid Cymru to take 2 seats and the Conservative Group 1 seat (previously both were entitled to 1 seat and equally entitled to the remaining seat available)</p> <p><b>Action: Labour Group to appoint 2 members and the Independent Group to appoint 1 member. Conservative Group to vacate 1 seat if the Plaid Cymru Group appoint a second representative.</b></p>		

Appeals and complaints Committee	Current Membership	Political Balance
Labour	4	4
Independent	2	3
Conservative	1	2
Plaid Cymru	2	2
<p>Comments: This 'committee' provides a pool of members for appeals and complaints work.</p> <p><b>Actions: Independent Group and Conservative Group each to nominate 1 member.</b></p>		

SourceFile-PoliticalBalancePosition.docx/BalansGwleidyddol2016





**COMMITTEES/PANELS**

<b>CORPORATE HEALTH &amp; SAFETY (8)</b>	<b>L.J.C.C. (6)</b>	<b>SACRE (8)</b>	<b>PLANNING (30)</b>	
Jones, Alice	Butterfield, Joan	Davies, Ann	Armstrong, Ian	
Jones, Huw	Davies, Meirick Lloyd	Owens, Dewi	Bartley, Raymond (chair)	
Lloyd-Williams, Geraint	Hilditch-Roberts, Huw	Roberts, Arwel (vice chair)	Blakeley, Brian	
Mullen-James, Win	Holland, Martyn	Tasker, Bill	Butterfield, Joan	
Thompson-Hill, Julian (Chair)	Hughes, Colin	Welch, Joe	Chamberlain-Jones, Jeanette	
	Smith, Barbara (LM for HR)		Cowie, Bill	
			Davies, Meirick Lloyd	
			Davies, Stuart	
			Evans, Peter	
			Hilditch-Roberts, Huw	
			Hughes, Rhys	
			Jones, Alice	
			Jones, Pat	
			Mellor, Barry	
			Mullen-James, Win (vice chair)	
			Murray, Bob	
			Owens, Dewi	
			Parry, Merfyn	
			Prendergast, Pete	
			Roberts, Arwel	
			Sampson, Anton	
			Simmons, David	
			Tasker, Bill	
			Thompson-Hill - Julian	
			Welch, Joe	
			Williams, Cefyn	
			Williams, Cheryl	
			Williams, Huw	



**POLITICAL GROUPS AND GROUP LEADERS - JUNE 2012**

<b>Labour (18)</b>	<b>Independent (12)</b>	<b>Conservative (7)</b>	<b>Plaid Cymru (8)</b>	<b>Non-aligned (0)</b>
Armstrong, Ian	Bartley, Ray	Davies, Ann	Davies, Meirick Lloyd	
Blakekey, Brian	Cowie, Bill	Holland, Martyn (Leader)	Hughes, Rhys	
Butterfield, Joan (Leader)	Davies, Stuart	Irving, Hugh	Jones, Alice	
Chamberlain-Jones, Jeanette	Duffy, Peter	Owens, Dewi	Jones, Huw	
Guy-Davies, Carys	Evans, Hugh	Sampson, Anton	Kensler, Gwyneth	
Hughes, Colin	Evans, Peter	Thompson-Hill - Julian	Roberts, Arwel (Leader)	
Jones, Pat	Feeley, Bobby	Williams, Huw	Williams, Cefyn	
Lloyd-Williams, Geraint	Hilditch-Roberts, Huw		Williams, Eryl	
McLellan, Jason	Parry, Merfyn			
Mellor, Barry	Smith, Barbara			
Mullen-James, Win	Smith, David			
Murray, Bob	Welch, Joe (Leader)			
Penlington, Paul				
Prendergast, Pete				
Sandilands, Gareth				
Simmons, David				
Tasker, Bill				
Williams, Cheryl				

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COUNCIL FORWARD WORK PROGRAMME

Meeting	Item (Description / Title)		Purpose of Report	Council Decision Required (yes/no)	Lead member and Contact Officer
<b>Annual Meeting 10 May 2016</b>	1	Appointment of the Chair and Vice Chair of Council	For Council to appoint the Council's civic leaders for the 2016/17 municipal year	Yes	Gary Williams
	2	Annual Report of the Scrutiny Committees 2015/2016	To review the activities of the Scrutiny Committees	No	Rhian Evans/Steve Price
	3	WAO Annual Report	To inform Council of the WAO's conclusion and improvement proposals and to secure Council endorsement of a response to the report.	Yes	Cllr Julian Thompson-Hill / Alan Smith / Liz Grieve
	4	Annual Delivery Document for the Corporate Plan	For Members to approve the final version of the delivery document.	Yes	Cllr Barbara Smith / Alan Smith / Liz Grieve
	5	Right to Buy Business Case		Yes	Geoff Davies
	6	Webcasting		Yes	Steve Price
	7	Pay Policy / SLT Pay Review		Yes	Cllr Julian Thompson-Hill / Catrin Roberts (HR)
<b>COUNCIL BRIEFING 6 June 2016</b>	1	Learning from Rotherham – Corporate Safeguarding Panel		N/A	Cllr Bobby Feeley / Nicola Stubbins
	2	Young People Not in Education, Employment or Training ('NEET')	To consider how the Council is working to improve the lives and prospects for young people who are 'NEET'	N/A	Cllr Eryl Williams/John Gambles
	3	Presentation from the Chief Executive of the Board of Community Health Councils in Wales	To present to members on the role of the CHCs in Wales.	N/A	Cllr Bobby Feeley/Nicola Stubbins

COUNCIL FORWARD WORK PROGRAMME

<b>5 July 2016</b>	1	New Model Constitution	To adopt the Council's new Constitution	Yes	CLlr Barbara Smith/Gary Williams/Lisa Jones
<b>6 September 2016</b>					
<b>18 October 2016</b>	1	Annual Improvement Report		Yes	CLlr Julian Thompson-Hill / Alan Smith
<b>COUNCIL BRIEFING 14 November 2016</b>					
<b>6 December 2016</b>					

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***Note for Officers – Full Council Report Deadlines***

<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>
<i>May 2016</i>	<b>26 April 2016</b>	<i>July 2016</i>	<b>21 June 2016</b>	<i>September 2016</i>	<b>23 August 2016</b>
<i>October 2016</i>	<b>4 October 2016</b>	<i>December 2016</i>	<b>22 Nov 2016</b>		

Updated 29/03/2016 SLW

Council Work Programme.doc



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