

To: Members of the Democratic  
Services Committee

Date: 15 March 2018

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Dear Councillor

You are invited to attend a meeting of the **DEMOCRATIC SERVICES COMMITTEE** to be held at **10.00 am** on **FRIDAY, 23 MARCH 2018** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN LL15 1YN**.

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATION OF INTEREST (Pages 5 - 6)**

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

### **3 URGENT ITEMS 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 MINUTES OF THE LAST MEETING (Pages 7 - 10)**

To receive the minutes of the Democratic Services Committee meeting held on 20 October, 2017 (copy attached).

**5 INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2018 / 19 (Pages 11 - 96)**

To receive a report (copy attached) by the Democratic Services Manager to advise of the Panel's determinations for 2018 / 19 in respect of payments to members and co-opted members and to consider the Panel's recommendations specifically to the Democratic Services Committee.

**6 MEMBER TRAINING AND DEVELOPMENT**

To consider a verbal report by the Democratic services manager to review training and development provision and participation for members.

**7 FUTURE SCRUTINY OF THE PUBLIC SERVICES BOARD (Pages 97 - 128)**

To consider a report by the Scrutiny Coordinator (copy enclosed) on an update on the Scrutiny of the Public Services Board.

**8 DRAFT ANNUAL REPORT OF THE COUNCIL'S SCRUTINY COMMITTEES 2017/18 (Pages 129 - 132)**

To consider the draft report by the Scrutiny Coordinator (copy enclosed) on the proposed arrangements for compiling the Annual Report of the Council's Scrutiny Committees.

**9 ELECTORAL REVIEW OF DENBIGHSHIRE (Pages 133 - 140)**

To consider a report (copy enclosed) by the Democratic Services Manager on the implications of proposals submitted to the Local Democracy and Boundary Commission.

**10 FORWARD WORK PROGRAMME (Pages 141 - 142)**

To consider the Committee's Forward Work Programme (copy enclosed).

**MEMBERSHIP**

**Councillors**

Joan Butterfield  
Rachel Flynn  
Hugh Irving  
Alan James  
Huw Jones

Gwyneth Kensler  
Christine Marston  
Andrew Thomas  
Graham Timms  
Joe Welch

**COPIES TO:**

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Press and Libraries  
Town and Community Councils

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

## DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,  
(enw)

\*Aelod /Aelod cyfetholedig o  
(\*dileuer un)

Cyngor Sir Ddinbych

**YN CADARNHAU** fy mod wedi datgan buddiant **\*personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-  
(\*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)\*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

**Code of Conduct for Members**

**DISCLOSURE AND REGISTRATION OF INTERESTS**

I, *(name)*

a \*member/co-opted member of  
*(\*please delete as appropriate)*

**Denbighshire County Council**

**CONFIRM** that I have declared a **\*personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(\*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

\*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

# Public Document Pack Agenda Item 4

## DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting of the Democratic Services Committee held in CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN on Friday, 20 October 2017 at 10.00 am.

### PRESENT

Councillors Joan Butterfield, Rachel Flynn, Hugh Irving, Alan James (Chair), Gwyneth Kensler, Christine Marston, Graham Timms and Joe Welch

Observers - Councillor Tony Thomas and Councillor Emrys Wynne

### ALSO PRESENT

Head of Legal, HR and Democratic Services (Gary Williams), Democratic Services Manager (Steve Price), Scrutiny Co-Ordinator (Rhian Evans) and Committee Administrator (Stephanie Jones).

#### 1 APOLOGIES

Apologies for absence were received from Councillors Huw Jones and Andrew Thomas

#### 2 DECLARATION OF INTEREST

Councillors Rachel Flynn, Hugh Irving, Alan James, Graham Timms, Gwyneth Kensler, Christine Marston, Joan Butterfield and Joe Welch declared a personal interest in agenda item 5 – Independent Remuneration panel for Wales' draft annual report 2018/19.

#### 3 URGENT ITEMS AS AGREED BY THE CHAIR

No urgent items.

#### 4 MINUTES OF THE LAST MEETING

The minutes of the Democratic Services Committee held on the 31 March 2017 were submitted.

***RESOLVED**, that the minutes of the Democratic Services Committee's meeting held on the 31 March 2017 be confirmed as a correct record.*

#### 5 INDEPENDENT REMUNERATION PANEL FOR WALES' DRAFT ANNUAL REPORT FOR 2018/19

The Democratic Service Manager (DSM) introduced the Independent Remuneration Panel for Wales Annual report 2018/19 (previously circulated).

The Panel was required to produce an annual report setting out the levels at which members were paid for various duties and responsibilities for the municipal year. The draft report was presented to the Committee for comments.

The Panel have decided to propose an increase the basic annual allowance for members to £13,600 for the 2018 / 2019 municipal year.

Members' views were sought on the Draft annual report and the committee response to the Independent Remuneration Panel for Wales' consultation exercise.

During discussion, the following points were raised:

- Phone support- rural areas had difficulty receiving mobile signal so had to rely on landline telephones. Members noted that there was a variety of widely available packages for both mobile phones and landlines which enabled free calls or text messages sufficient for use by members on Council and constituency business at no additional costs to members. The Committee therefore felt that mobile phones supplied by Denbighshire County Council were not required.
- Increase to Town/City and Community councillors' allowance – Many small community councils had a small budget. Members felt that an increase to allowance would in some cases represent a large portion of some small councils' precepts and add pressure to local councils. However, the Committee acknowledged that this should be a matter for the town and community councils.
- Training provided to members- Members discussed training led by external and internal officers, benefits from receiving both types of training was observed. Training was seen as a vital element for County Councillors.
- Difference of opinion was observed from members with regard to the Panel's proposed increase in the basic salary for members.

In response to the committee's discussion, the DSM informed members that a reply to the Independent Remuneration Panel for Wales' draft report and consultation would be formed to include the key points raised. Included in this would be the Committee's difference of opinion with the Panel regarding the provision of telephone support by the Council and the mixed views within the Committee with regard to the increase in the basic salaries. The final Independent Remuneration Panel for Wales report would be published in early 2018 with a report presented to Council.

**RESOLVED** that the Democratic Service Committee:

- (a) *Notes the draft determinations in the Independent Remuneration Panel for Wales' draft annual report for the 2018-2019 municipal year;*
- (b) *Informs the Panel as part of its consultation on the draft determinations of the Committee's views on the appropriate level of Council provided telephony provision for members as outlined in the minutes above; and*
- (c) *Informs the Panel of the views expressed by the Committee in relation to the proposed increase in the basic salary level.*

## 6 FUTURE SCRUTINY OF THE PUBLIC SERVICE BOARD

The Democratic Service Manager (DSM) introduced the report (previously circulated).

The DSM informed the Committee that a version of this report was presented to the Scrutiny Chairs and Vice Chairs Group on the 12 October. Members of the Group had expressed a range of opinions on the merits of forming a Joint Scrutiny Committee with Conwy County Borough Council to scrutinise the Public Service Board (PSB). The DSM explained the report was to discuss the opinions of members prior to developing proposals to establish a joint scrutiny committee. He advised that establishing a joint committee would be a decision for full Council.

The Head of HR, Legal and Democratic Services informed members the joint committee would be an agreement reached between both Denbighshire and Conwy.

Members raised the following queries during discussion:

- Attendance at PSB meetings - members were informed that the next PSB meeting would be open to the public following a decision by the PSB in September to hold open meetings and allow access to all non-confidential PSB meeting documents. The Chair encouraged members to attend if available.
- Size of the Committee - the DSM explained that the size of a joint scrutiny committee would be an issue to be agreed between Denbighshire and Conwy.
- Timescale - Members were concerned that a decision would have to be made swiftly. The DSM ensured members that there was no timescale and no duty to agree to a joint Committee. The Council was currently complying with statutory requirements for scrutinising the PSB.

The DSM enquired if members felt more investigation would be beneficial. Work would be done towards a proposal to report to full Council if the proposal appeared to have the support of the elected members. An update report would be presented at the March meeting of Democratic Services.

The Chair thanked the DSM and scrutiny co-ordinator for the report and explanation to members concerns.

**RESOLVED** that the Democratic Service Committee:

- (a) *Receives the report, notes its contents and endorses the undertaking of further exploratory work on establishing a joint scrutiny committee; and*
- (b) *An update report be included in the Forward Work Programme to be presented to the Committee at the March 2018 meeting.*

## 7 ELECTORAL REFORM CONSULTATION

The Head of Legal, HR and Democratic Services (HLHRDS) guided members through the report (previously circulated).

The HLHRDS explained to members the Wales Act 2017 provisions on electoral and registration matters that were due to come into force in 2018.

During discussion the following points were raised:

- Method of voting - ideas put forward to change the way individuals could vote including electronic voting. Electronic voting was discussed as work was being done to look at in the future. Members discussed the importance of keeping the integrity of the vote a priority.
- The requirement for ID to be shown when voting - concerns were raised that this may cause a decline in the number of individuals voting as some may not have a valid form of identification. The HLHRDS informed the Committee a trial introduction of requesting ID would be conducted in England in 2018.
- Automatic registration to vote at the age of 16 - It was felt that at the age of 16 when individuals received their National Insurance number, automatic registration simultaneously to vote would be advantageous.

The Chair thanked the HLHRDS for providing detailed information regarding the Electoral Reform Consultation.

**RESOLVED** that, the Democratic Service Committee receive the Electoral Reform Consultation report and note its contents.

## 8 FORWARD WORK PROGRAMME

The Democratic Services Manager introduced the Forward Work Programme.

He informed Members if they needed items adding to the Forward Work Programme, to contact him directly.

**RESOLVED** that Members noted the Forward Work Programme.

**The meeting concluded at 12:15p.m.**



<b>Report To:</b>	<b>Democratic Services Committee</b>
<b>Date of Meeting:</b>	<b>23 March 2018</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 2018 / 19</b>

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

The report is about the Independent Remuneration Panel for Wales' (the 'Panel') annual report for 2018 /19. The Panel visited Denbighshire in September 2017.

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

To advise of the Panel's determinations for 2018 / 19 in respect of payments to members and co-opted members and to consider the Panel's recommendations specifically to the Democratic Services Committee.

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

- 3.1 That Committee notes the determinations of the Panel for the 2018 /19 municipal year in respect of the payment of Basic Salaries, Senior and Civic Salaries and payments to co-opted members.
- 3.2 That the Committee considers the views of the Panel in relation to supporting the work of local authority elected members.

## **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. 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.
- 4.2 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. The Local Government (Wales) Measure 2011 requires local authorities to implement the recommendations of the Panel.
- 4.3 This year the Panel have decided to provide an increment of £200 a year to the basic salary for each councillor. There is no change to the senior or civic salary levels from last year. However, the Panel has removed the two-tier payment options for Cabinet members and committee chairs.
- 4.4 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.

4.5 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.

4.6 Denbighshire and Conwy are currently considering whether to create a joint scrutiny committee to scrutinise the Conwy and Denbighshire Public Services Board.

4.7 Telephony Support - The Panel has determined that each authority, through its Democratic Services Committee, must ensure all its members are given as much support as is necessary to enable them to fulfil their duties effectively. The Panel reports that all elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.

4.8 In October 2017 the Democratic Services Committee reviewed the Panel’s draft report and commented on telephony provision. The minutes of that discussion are attached as Appendix A.

4.9 City, Town and Community Councils – The Committee also commented on the Panel’s proposals for town and community councils. The Panel has separated each council into one of three groups based on its income or expenditure in 2017 -18. These groups are:

<b>Community and Town Council Group</b>	<b>Income or Expenditure in 2017-18 of:</b>
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

4.10 The Panel is of the view that Community and Town Councillors are not volunteers because further to the democratic process they have accepted formal responsibilities and all face some degree of liability, in respect of the Council functions they are running. Also, the Panel wants any member who has personal support needs and / or caring responsibilities to be able to fulfil their role. To reflect this, the Panel is mandating payment of a contribution to costs and expenses for members of councils in Groups A and B; and authorising payment of a contribution to costs and expenses to be made available for members of councils in Group C as set out in determinations

44 and 45 of its report. The Panel is also mandating reimbursement of cost of care for all members of Community and Town Councils as set out in determination 51 of its report.

4.11 The 2018 / 19 annual report is attached as Appendix B.

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

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?**

The Panel's annual report largely continues the payment levels of 2017 / 2018 which are contained within existing budgets.

**7 What are the main conclusions of the Well-being Impact Assessment?**

This report is made in accordance with statutory obligations and the determinations of the Independent Remuneration Panel for Wales. An impact assessment is not required for this report.

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

The Panel consults nationally on the draft contents of each annual report.

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

The majority of the payments (basic salaries, leader of the largest opposition group, co-opted members with voting rights) set out in the annual report have to be made available and a budget has been allocated to cover the payments.

**10 Power to make the Decision**

Section 111 Local Government Act 1972

Local Government (Wales) Measure 2011

### Minutes of the Democratic Services Committee – 20.10.2017

The Democratic Service Manager (DSM) introduced the Independent Remuneration Panel for Wales Annual report 2018/19 (previously circulated).

The Panel was required to produce an annual report setting out the levels at which members were paid for various duties and responsibilities for the municipal year. The draft report was presented to the Committee for comments.

The Panel have decided to propose an increase the basic annual allowance for members to £13,600 for the 2018 / 2019 municipal year.

Members' views were sought on the Draft annual report and the committee response to the Independent Remuneration Panel for Wales' consultation exercise.

During discussion, the following points were raised:

- Phone support- rural areas had difficulty receiving mobile signal so had to rely on landline telephones. Members noted that there was a variety of widely available packages for both mobile phones and landlines which enabled free calls or text messages sufficient for use by members on Council and constituency business at no additional costs to members. The Committee therefore felt that mobile phones supplied by Denbighshire County Council were not required.
- Increase to Town/City and Community councillors' allowance – Many small community councils had a small budget. Members felt that an increase to allowance would in some cases represent a large portion of some small councils' precepts and add pressure to local councils. However, the Committee acknowledged that this should be a matter for the town and community councils.
- Training provided to members- Members discussed training led by external and internal officers, benefits from receiving both types of training was observed. Training was seen as a vital element for County Councillors.
- Difference of opinion was observed from members with regard to the Panel's proposed increase in the basic salary for members.

In response to the committee's discussion, the DSM informed members that a reply to the Independent Remuneration Panel for Wales' draft report and consultation would be formed to include the key points raised. Included in this would be the Committee's difference of opinion with the Panel regarding the provision of telephone support by the Council and the mixed views within the Committee with regard to the increase in the basic salaries. The final Independent Remuneration Panel for Wales report would be published in early 2018 with a report presented to Council.

**RESOLVED** that the Democratic Service Committee:

- (a) *Notes the draft determinations in the Independent Remuneration Panel for Wales' draft annual report for the 2018-2019 municipal year;*
- (b) *Informs the Panel as part of its consultation on the draft determinations of the Committee's views on the appropriate level of Council provided telephony provision for members as outlined in the minutes above; and*
- (c) *Informs the Panel of the views expressed by the Committee in relation to the proposed increase in the basic salary level.*



# Appendix B

## Independent Remuneration Panel for Wales

### Annual Report

February 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

Page 13

## **ANNUAL REPORT 2018**

### **FOREWORD**

Elections to Principal Councils and Community & Town Councils took place in 2017 and as with our previous approach when new councils are formed the Panel visited all 22 of the unitary authorities. This provides us with an opportunity to discuss issues with a cross section of members and senior officers. In total we met with 142 executive members, 280 other elected members, 59 co-optees and 90 chief officers. The visits have helped us form the direction for future consideration. On behalf of my colleagues I wish to express our thanks to all councils for their engagement with the visits and the welcome and hospitality we received.

The visits and the resulting discussions assisted in continuing to ensure that we have a comprehensive understanding of the development of the role of a councillor and the workload pressures that appear to be increasing across the board.

The conclusions from our discussions have wherever possible been incorporated in our determinations and in particular our decision to provide a modest increase in the basic salary.

As a Panel we believe the overwhelming majority of the 1,254 elected members of the 22 councils are committed to serving their communities and put in many hours that the basic remuneration could not cover. Affordability is an issue for both the councils and tax payers and this restricts other than modest additional costs to the total payments to members. What we wish to prevent is further erosion of the link with the average Welsh earnings.

In our draft report we proposed several changes in respect of the remuneration of community & town councillors. We received a large number of responses in relation to these changes, most of which suggested that our draft proposals were a step too far. We have taken account of many of the points that were raised and modified the arrangements contained in the draft report. Our decisions can be found in Section 13 of this report. The Panel received several enquiries during the recent consultation on the draft report regarding tax queries for community and town councils. The question was raised as to whether the Panel could contact HMRC to see if they could receive a blanket dispensation for community councils. This issue is outside of the

Panel's remit and it is therefore a matter for each individual councillor or community council to resolve their own taxation issues.

My personal thanks to my fellow Panel members who constantly demonstrate the knowledge and enthusiasm to ensure we produce reports that are based on key information.

Also my appreciation of the work of our secretariat without which we could not function effectively.

**John Bader**  
**Chair**

### **Panel Membership**

John Bader – Chair  
Gregory Owens - Vice Chair  
Stephen Mulholland

Julie May  
Saz Willey  
Roger Symonds

Detailed information about the members can be found on the website:  
<http://gov.wales/irpwsb/home/?lang=en>

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## Introduction



This is the tenth Annual Report of the Independent Remuneration Panel for Wales (the Panel), and the seventh published under the requirements of the Local Government (Wales) Measure 2011(as amended).

1. As with all the Panel's Annual Reports the determinations on member remuneration are underpinned by the principles set out in Section 1.
2. The Panel has consistently expressed its 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 people, undertake the governance of local communities, and secure appropriate value-for-money public services for local tax-payers through effective scrutiny. These are significant and considerable tasks for members of the relevant authorities within the Panel's remit. Payments to members are made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.
3. In determining the level of payments to members of local councils, the Panel seeks to meet the 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>1</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 impact on the public perception of any increases to members' payments.
4. 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 to those undertaking the role but at the same time be 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.

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

5. 2017 was an election year for councils in Wales and we visited all 22 principal councils as soon as practicable following the elections to provide an opportunity for members and officers to comment on the Remuneration Framework and to put forward ideas for future consideration. We appreciate the welcome that we received from every council and the useful discussions that arose during our visits.
6. One of the observations that many members expressed was that when the basic salary is compared with a traditional paid employment – ‘a job’ - the salary is too low to attract younger people and to encourage diversity. They also pointed out the significant differences between remuneration and support available to elected members in other levels of government in Wales. They proposed that the level of the basic salary should therefore be raised significantly in recognition of the importance of the role of an elected member of a principal council. However, it is recognised that elected members of principal councils are not employees and are not remunerated as such.
7. The financial constraints on the public sector and particularly local authorities has meant that the link with average Welsh earnings has not been maintained. The Panel considers that this has undervalued the worth of elected members. To avoid further erosion in relation to average earnings the Panel has decided to increase the basic annual salary to £13,600 (an increase of 1.49%). No increase is proposed for senior salaries but these post holders will receive the increase in the basic salary element.
8. The Annual Report 2016 introduced two levels of salary for members of councils’ executives and committee chairs of principal authorities, Fire and Rescue Authorities (FRAs) and National Park Authorities (NPAs). This was to provide flexibility to enable authorities to reflect, in their schedules of remuneration, variations in the level of responsibility of portfolios and chairs. However as far as the payments to members of executives is concerned this flexibility has not been used other than in one case. Similarly it has not been taken on board in respect of chairs of committees. It was clear from the discussions that arose during the Panel’s visits that almost all councils took the view that this arrangement was contrary to the desire for the Panel to be prescriptive in its determinations. The Panel accepts this and has therefore removed the two tier arrangement for executive members and for committee chairs.
9. From the discussions during our visits to the principal councils it is clear that very few members are utilising the provision in the framework to reimburse the costs of care. It appears that some members are still reluctant to claim all that they are entitled to support them in their role, because of concerns about the adverse publicity this can attract (see Annex 4 for the publication options). We urge Democratic Services Committees to take steps to encourage and facilitate greater use of this element of our framework so that members concerned are not financially disadvantaged.

10. The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. To take this a step further the Panel has produced a leaflet for prospective candidates on the remuneration of members of councils. We are pleased that several councils have added this leaflet to their website.
11. We believe there are still major issues to be addressed with community and town councils which we will be raising with individual councils and their representative organisations. However as a start to this process we are proposing to introduce grouping councils according to the level of income or expenditure. However, we received many responses to the draft report expressing concern about the form of the groups and other proposals. As a result we have made amendments to take account of some of the responses but retained mandatory payments to senior members in those councils in the highest group and the reimbursement of costs of care for all councils. The determinations for community and town councils are in Section 13.
12. 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 Local Government (Wales) Act 2015 extended this responsibility, on a temporary basis to Chief Officers of principal authorities. The Panel's approach to its use of these powers is set out in Section 15 of this Report and accords with the guidance issued to the Panel by the Welsh Government.
13. Since assuming the additional responsibility in respect of changes to the salaries of chief officers of principal councils the Panel has dealt with several submissions. The Panel's decisions are attached at Section 15.

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

## **Upholding trust and confidence**

- 1.1 Citizens rightly expect that all those who choose to serve in local 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**

- 1.2 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**

- 1.3 The Framework provides for payment to members of local authorities who carry a responsibility for serving their communities. 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**

- 1.4 Democracy is strengthened when the membership of local 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**

- 1.5 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 and appropriately available about the activities and remuneration of their members.

## **Fairness**

- 1.6 The framework will be capable of being applied consistently to members of all local authorities within the Panel's remit as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable.

## **Quality**

- 1.7 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**

- 1.8 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.

## **Remuneration of Officers**

- 1.9 The Panel applies these principles of fairness, accountability and transparency in all its determinations in relation to remuneration of members of all the authorities that fall within its remit. The same principles also apply when the Panel is required to make recommendations in relation to the remuneration of the paid officers of these authorities.

## 2. Annual Report Summary Page

Type of Payment	Type of Authority			
	Principal Councils	National Park Authorities	Fire and Rescue Authorities	Community and Town Councils
Basic Salary	page 11	page 26	page 30	N/A <sup>2</sup>
Senior Roles	page 14	page 26	page 30	page 41
Committee Chairs	page 14	page 26	page 30	N/A
Opposition Groups	page 14	N/A	N/A	N/A
Civic Heads and Deputies	page 15	N/A	N/A	page 44
Presiding Members	page 17	N/A	N/A	N/A
Mileage	page 38	page 38	page 38	page 43
Other Travel Costs	page 38	page 38	page 38	page 43
Subsistence Costs	page 39	page 39	page 39	page 43
Costs of Care	page 35	page 35	page 35	page 44
Family Absence	page 24	N/A	N/A	N/A
Sickness Absence	page 36	page 36	page 36	N/A
Joint Overview and Scrutiny Committees	page 21	N/A	N/A	N/A
Pension	page 23	N/A	N/A	N/A
Co-optees	page 33	page 33	page 33	N/A
Specific or Additional Allowances	page 19	page 27	page 31	N/A
Payments to Community and Town Councillors	N/A	N/A	N/A	page 40
Financial Loss Allowance	N/A	N/A	N/A	page 43
Statement of Payments	page 80	page 80	page 80	Page 80
Schedule of Remuneration	Page 78	Page 78	Page 78	N/A
Salaries of Chief Executives and Chief Officers	Page 47	N/A	Page 47	N/A

<sup>2</sup> Not Applicable

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

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

- 3.1 The Panel originally determined in its Annual Report 2009 that payment of the 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 has not been possible for this alignment to be maintained. If this alignment had continued the basic salary would currently be significantly higher than the current prescribed amount, (close to £15,000 pa). This is calculated on an assumption that the basic activity required of an elected member (i.e. without the additional work required for a senior salary) is equivalent to three days' work.
- 3.2 The Panel remains aware that the core activities required of an elected member of a principal council vary. Duties undertaken should enable all members to discharge their core non-executive responsibilities in the governance of their council and in representing those living in their ward. As an elected role, such posts are not readily treated in the same manner as employment with precisely quantified hours. The work that arises in representing ward residents is particularly varied because it is influenced by the very diverse socio-economic conditions, demographics, levels of urbanisation and different ratios of residents to councillors. These circumstances can vary significantly within individual authorities as well as in comparisons of local authorities throughout Wales. Elected positions carry an expectation of a level of personal commitment to community that goes beyond defined remunerated hours. Elected members commonly report time spent that is well in excess of the notional three days (extra time worked and previously defined by the Panel as a 'public service discount').
- 3.3 In 2017 Panel members continued the practice of visiting all Welsh principal councils to meet with elected members to inform and update understanding of their activities. The WLGA Exit Survey of members who stood down in 2017 has also been considered. The general view from members and officers is that the workload has increased and most claimed that it was far in excess of 3 days. In ongoing dialogue with members, the Panel has particularly wished to learn of any impact on basic councillor duties arising from public 'austerity' programmes of recent years and also any changes in expectations from elected members arising from increased electronic communications and social media.
- 3.4 When making financial determinations for this Annual Report, the Panel has considered the progression of a variety of benchmark figures for the period from 2010 to 2017. As well as the ASHE median gross earnings figures for

Wales, the Panel also considered the Retail Price Index, the Consumer Price Index, NJC Pay Scales and Living Wage figures. It is noted that these figures show clear increases in the cost of living and earnings during this period. It is obvious that the gap between the level of basic remuneration for elected members of principal councils and relevant indicators of rises in income and costs of living indicators has continued to grow. The Panel believes this merits action to narrow the gap and limit the rate of erosion. Any adjustments must be in keeping with the Panel's principle that its determinations should be publicly affordable and acceptable.

- 3.5 Although public sector funding continues to be constrained, the Panel therefore considers that an increase in the basic salary is justified. It has determined there shall be an increase of £200 p.a. (which equates to 1.49%) effective from April 2018 to the basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the basic duties expected of all elected members.

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

- 3.6 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2018/19 the maximum number of senior salaries payable within each council will not be altered (other than for the Isle of Anglesey Council. See note ii) and will be as set out in Table 1. The rate payable for senior salaries shall not be altered in 2018/19 except to reflect the increase in the basic salary.

**Determination 1: Basic salary in 2018/19 for elected members of principal councils shall be £13,600.**

### **Notes to Determination 1:**

- i. The responsibility element of senior salaries is not being increased but senior salary holders will receive the uplift to the basic salary.
- ii. The Cabinet Secretary for Finance and Local Government agreed in respect of the Isle of Anglesey Council to increase the number of posts that could be paid a senior salary beyond the fifty percent maximum contained in the Measure subject to a determination by the Panel. The Panel issued a Supplementary Report to give effect to this increase.



**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> (populations over 200,000)		
Cardiff	75	19
Rhondda Cynon Taf	75	19
Swansea	72	19
<b>Group B</b> (populations of 100,000 to 200,000)		
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> (populations of up to 100,000)		
Blaenau Gwent	42	17
Ceredigion	42	17
Denbighshire	47	17
Isle of Anglesey	30	16
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**

3.7 The Panel has not changed the 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. The recent visits and discussions with members and officers did not change this conclusion. In fact many executive members indicated that their workload has increased. There is still a variety of arrangements in both the structure and operation of cabinets dependent on the specific organisational requirements of each authority.

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 previously concluded that this should be able to be reflected in the remuneration framework. However, it is not the role of the Panel to determine the structure of cabinets of local authorities. The Panel's previous determinations contained flexibility for each council to decide the appropriate range of portfolios to meet local needs and adjust payments within the Executive to reflect responsibility. As a result of the strong views expressed during the visits that the Panel should be prescriptive in respect of the salaries of executive members this provision has been amended. Consequently there will be one salary level within each population group as set out in Table 2 (overleaf):

(ii) Chairs of Committees

The Panel has recognised the overwhelming support for its determinations to be prescriptive and therefore has removed the two tier arrangement for chairs of committees although we continue to take the view that the responsibility and function of chairing a committee is not generally influenced by population of the authority.

Where chairs of committees are paid, the remuneration is: £22,300.

## The Senior Salary Bands

**Determination 2: The Panel has determined that senior salary levels in 2018/19 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) £13,600</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 Deputy leader	£53,300 £37,300	£48,300 £33,800	£43,300 £30,300
<b>Band 2</b> Executive members	£32,300	£29,300	£26,300
<b>Band 3</b> Committee chairs (if remunerated):	Level 1	£22,300	
<b>Band 4</b> Leader of largest opposition group <sup>3</sup>		£22,300	
<b>Band 5</b> Leader of other political groups		£ 17,300	

### Table 2 notes:

- 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

<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".

the use of the three population groups (A, B and C) has therefore been retained. For information: Group A Population 200,000 and above; Group B Population 100,001 to 199,999; Group C Population up to 100,000.

- b. No increase is proposed for senior salaries but post holders will receive the uplift in the basic salary paid to all councillors.
- c. Committee chairs will be paid at Band 3, although an individual authority may determine not to pay particular chairs.
- 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.

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)**

- 3.8 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, it should be noted that 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.
- 3.9 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.
- 3.10 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</b> <i>(inclusive of basic salaries)</i>		
Responsibility Level	Civic heads	Deputy civic heads
Level 1	£24,300	£18,300
Level 2	£21,800	£16,300
Level 3	£19,300	£14,300

**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.
- 3.11 Civic heads 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. This requires the post holder to exemplify and promote good citizenship.
  - 3.12 In many instances civic heads receive secretarial support and are provided with transport for official duties and can access a separate hospitality budget which is managed and controlled by council officers.
  - 3.13 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, or given by, civic heads.
  - 3.14 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.

- 3.15 The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint a presiding member whose role is 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:**

- 3.16 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.
- 3.17 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. It is fundamental that there is transparency in this process so any possible suggestion that members are put under pressure to forego some of the salaries is avoided.

The following must be applied:

- a) An elected member must not be remunerated for more than one senior post within his or her authority (but see section 4 on JOSCs).
- b) An elected member must not be paid a senior salary and a civic salary.
- c) All senior and civic salaries are paid inclusive of basic salary.
- d) 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.
- e) 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.

- f) Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member other than travel and subsistence expenses and reimbursement of costs of care.

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

- 3.18 Following the local elections in 2017 Panel members undertook visits to all principal authorities in Wales. These visits provided valuable opportunities for members and officers to discuss the variations that occur and to share and understand the benefits gained by properly supporting the ability of members to discharge their basic duties effectively.
- 3.19 The Panel expects 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. Any proposals should be made with due regard to Determinations 6 and 7 below. For example, the Panel does not consider it appropriate that elected members should be required to pay for any telephone usage to enable them to discharge their council duties as a ward member, committee member or cabinet member.
- 3.20 The Panel considers it is necessary for each elected member to have ready use of e-mail services, and electronic access to appropriate information via an internet connection. The Panel does not consider it appropriate that elected members should be required to pay for internet related services to enable them to discharge their council duties as a ward member, committee member or cabinet member. 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. It is not appropriate for facilities required by members to be available only within council offices within office hours.
- 3.21 The responsibility of each council through its Democratic Services Committee to provide support should be based on an assessment of the needs of its members. When members' additional needs or matters of disability apply, or there are specific training requirements indicated, each authority will need to assess any particular requirements of individual members.

For co-opted members the support should be appropriate and proportionate.

**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, email and internet facilities giving 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.**

### **Specific or additional senior salaries**

3.22 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. If the proposed addition is approved and results in the council exceeding its cap, this will be included in the approval (with exception of Merthyr Tydfil and the Isle of Anglesey Councils – see footnote 4). Some councils have raised the possibility of operating some senior salary posts on a “job share” arrangement. The Panel is supportive of this principle and the process is set out in Paragraph 3.24.

**Determination 8: The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

3.23 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>4</sup> of the membership.
- 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>4</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.



### 3.24 Job Sharing Arrangements

For members of an executive: Each “sharer” will be paid 50% of the appropriate salary of the Population Group.

The statutory maximum for cabinets cannot be exceeded so both job sharers will count toward the maximum.

Under the Measure, it is the number of persons in receipt of a senior salary, not the number of senior salary posts that count towards the cap. Therefore, for all job share arrangements the senior salary cap will be increased subject to the statutory maximum of 50% of the council’s membership.

The Panel must be informed of the details of any job share arrangements.

**The Panel’s determinations on Travel and Subsistence, Reimbursement of Costs of Care and Family Absence are now set out in separate sections of this Annual Report.**

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

4.1 Although to date no council has made use of these arrangements the Regulations are still in force. The Panel retains the arrangements for the remuneration of chairs of Joint Overview and Scrutiny Committees and Sub-committees<sup>5</sup>. The payments align with those of chairs of committees of principal councils set out in Section 3. In future they may be the basis for governance in respect of regional working.

The following determinations apply:

**Determination 9: The chair of a Joint Overview and Scrutiny Committee is eligible for an additional payment of £6,700.**

**Determination 10: In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the additional payment will be £3,350.**

**Determination 11: The chair of a sub committee of a JOSC is eligible for an additional payment of £1,675.**

**Determination 12: 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 additional payment will be £837.**

**Determination 13: Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.**

**Determination 14: 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 15: A deputy chair of a JOSC or sub committee is not eligible for payment.**

**Determination 16: 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.**

<sup>5</sup> [http://www.assembly.wales/Laid%20Documents/SUB-LD9311%20-%20The%20Local%20Authorities%20\(Joint%20Overview%20and%20Scrutiny%20Committees\)%20\(Wales\)%20Regulations%202013-02052013-245903/sub-ld9311-e-English.pdf](http://www.assembly.wales/Laid%20Documents/SUB-LD9311%20-%20The%20Local%20Authorities%20(Joint%20Overview%20and%20Scrutiny%20Committees)%20(Wales)%20Regulations%202013-02052013-245903/sub-ld9311-e-English.pdf)

- 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 provides a power to the Panel to make determinations on pension entitlement for elected members of principal councils.

**Determination 17: The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.**

## 6. Entitlement to Family Absence

This section applies to elected members of principal authorities.

- 6.1 The Regulations relating to Family Absence for elected members of principal councils were approved by the National Assembly for Wales in November 2013<sup>6</sup> and cover maternity, new born, adoption and parental absences from official business.
- 6.2 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 18: 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 19: 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 20: 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 21: 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 22: 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 23: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.**

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<sup>6</sup> [http://www.legislation.gov.uk/wsi/2013/2901/pdfs/wsi\\_20132901\\_mi.pdf](http://www.legislation.gov.uk/wsi/2013/2901/pdfs/wsi_20132901_mi.pdf)

## 7. Payments to Members of National Park Authorities

### Structure of National Park Authorities

- 7.1 The 3 National Parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia were formed to protect spectacular landscapes and provide recreation opportunities for the public. The Environment Act 1995 led to the creation of the 3 corresponding National Park Authorities (NPAs). In managing the National Park, the Authority has 3 main purposes:
- to protect the natural beauty of the Park;
  - to help visitors enjoy and understand it; and
  - to foster the wellbeing of local people.
- 7.2 National Park Authorities have a committee of Members who are either elected members nominated by the Principal Councils within the National Park area or are members appointed by the Welsh Government through the Public Appointments Process. Welsh Government appointed and council nominated members are treated equally in relation to remuneration.
- 7.3 The structure of the Members' Committee at each of the 3 national parks is set out in Table 4.

**Table 4: Membership of Welsh National Park Authorities**

National Park Authority	Total Membership	Principal Council Members	Welsh Government appointed Members
<b>Brecon Beacons</b>	24	16: Blaenau Gwent County Borough Council – 1 Carmarthenshire County Council – 2 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 2 Powys County Council – 8 Rhondda Cynon Taf County Borough Council - 1 Torfaen County Borough Council - 1	8
<b>Pembrokeshire Coast</b>	18	12: Pembrokeshire County Council - 12	6
<b>Snowdonia</b>	18	12: Conwy County Borough Council – 3 Gwynedd Council – 9	6

- 7.4 In addition, Standards Committees of NPAs have Independent Co-opted members whose remuneration is included in the framework as set out in Section 9.

- 7.5 In considering remuneration of members of NPAs, the Panel has based its determinations on the following key points:
- 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**

- 7.6 The Panel has previously determined that the role of ordinary members of an NPA should be aligned to the basic salary of a member of a principal council, and that the time commitment required is a notional 42 days per year. This remains the basis of the Panel's determinations.
- 7.7 Although public sector funding continues to be constrained the Panel considers that a modest increase in the basic salary is justified and has determined there shall be an increase of £200 (which equates to 1.49%) from 1 April 2018 in the level of basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of members.
- 7.8 Therefore, there is a corresponding increase of £50 (rounded) on the basic salary for members of NPAs from 1 April 2018.
- 7.9 The Panel has also previously determined that the remuneration of an NPA chair should be aligned to that part of a Band 3 Level 1 senior salary received by a committee chair of a principal council.
- 7.10 The Panel has provided local flexibility so that an NPA can decide at which of two levels the roles of deputy chair and up to 2 other committee chairs can be remunerated. An NPA may choose to pay its deputy chair and/or committee chairs a salary of either £7,375 or £6,075, commensurate with the significant and sustained duties to be discharged in a particular role.
- 7.11 During 2016, the Panel met with members and officers of the 3 NPAs. Feedback was received during the Panel's visits about the importance of members' attendance at meetings and the impact non-attendance can have.

## **Additional Senior Salaries**

- 7.12 Feedback was also received during the Panel's visits to NPAs that its determination that up to two NPA Committee Chairs could receive a senior salary could be restrictive in the NPAs discharging their governance requirements.
- 7.13 The Panel allows principal councils greater flexibility to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework. The Panel is extending this provision to NPAs as reflected in the following principles:
- a. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
  - b. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
  - c. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.
- 7.14 The Panel has made the following determinations:

**Determination 24: The basic salary for NPA ordinary members shall be £3,675.**

**Determination 25: The senior salary of the chair of an NPA shall be £12,375.**

**Determination 26: An NPA senior salary can be paid to a Deputy Chair and up to two committee chairs where there is significant and sustained responsibility. This can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility: £6,075 or £7,375.**

**Determination 27: The Panel has determined to include a provision for NPAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.**



**Determination 28: Members must not receive more than one NPA senior salary.**

**Determination 29: An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility.**

**Determination 30: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.**

**The Panel's determinations on Travel and Subsistence, Reimbursements of Costs of Care and Family Absence are now set out in separate sections of this Annual Report.**

## 8. Payments to Members of Welsh Fire and Rescue Authorities

### Structure of Fire and Rescue Authorities

- 8.1 The 3 Fire and Rescue Services in Wales: Mid and West Wales, North Wales and South Wales and Fire and Rescue Authorities (FRAs) were formed as part of Local Government re-organisation in 1996.
- 8.2 FRAs comprise of elected members who are nominated by the Principal Councils within the Fire and Rescue Service area.
- 8.3 The structure of the each of the 3 FRAs is set out in Table 5.

**Table 5: Membership of Fire and Rescue Authorities**

Name of Fire and Rescue Authority	Number of Local Authority Members
Mid and West Wales	25: Carmarthenshire County Council – 5 Ceredigion County Council – 2 Neath Port Talbot County Borough Council – 4 Pembrokeshire County Council – 3 Powys County Council – 4 Swansea City and County Council – 7
North Wales	28: Conwy County Borough Council – 5 Denbighshire County Council – 4 Flintshire County Council – 6 Gwynedd Council – 5 Isle of Anglesey County Council – 3 Wrexham County Borough Council – 5
South Wales	24: Bridgend County Borough Council – 2 Blaenau Gwent County Borough Council – 1 Caerphilly County Borough Council – 3 Cardiff City Council – 5 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 2 Newport City Council - 2 Rhondda Cynon Taf County Borough Council - 4 Torfaen County Borough Council – 2 Vale of Glamorgan Council -2

- 8.4 In addition, Standards Committees of FRAs have independent co-opted members whose remuneration is included in the framework as set out in Section 9.

8.5 In considering remuneration of members of FRAs, the Panel has based its determinations on the following key points:

- 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**

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

8.7 Although public sector funding continues to be constrained the Panel considers that a modest increase in the basic annual salary of elected members is justified and has determined there shall be an increase of £200 (which equates to 1.49%) from the date of the authority's Annual General Meeting in the level of basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of members.

8.8 Therefore, there is a corresponding increase of £30 (rounded) on the basic salary for members of FRAs from the date of the authority's Annual General Meeting.

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

8.10 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.

8.11 The Panel has determined that up to two FRA committee chairs where there is significant and sustained responsibility can be remunerated.

8.12 During 2016, the Panel met with members and officers of the 3 FRAs. Feedback was received about the importance of members' attendance at meetings and the impact non-attendance can have.

### **Additional Senior Salaries**

8.13 The Panel allows principal councils greater flexibility to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework. The Panel is extending this provision to FRAs as reflected in the following principles.

- a. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
- b. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
- c. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

### **Local Pension Boards**

8.14 The Panel has considered requests from FRAs to allow them to pay salaries to chairs of local pension boards established under the Firefighters' Pension Scheme (Wales) Regulations 2015. Those Regulations already give FRAs the power to decide how local pension boards are to work and to pay the chair and members if they wish. Therefore it is not appropriate for the Panel to make a determination empowering FRAs to pay salaries to local pension board chairs. The senior salaries in Determination 33 or 34 cannot be used exclusively for this role.

8.15 The Panel has made the following determinations:

<b>Determination 31: The basic salary for FRA ordinary members shall be £1,745.</b>
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<b>Determination 32: The senior salary of the chair of an FRA shall be £10,445.</b>
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<b>Determination 33: An FRA senior salary can be paid to the deputy chair and up to two chairs of committees where there is significant and sustained responsibility. This shall be paid at £5,445.</b>
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<b>Determination 34: The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.</b>
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**Determination 35: Members must not receive more than one FRA senior salary.**

**Determination 36: An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility**

**Determination 37: 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.**

**The Panel's determinations on Travel and Subsistence, Reimbursement of Costs of Care and Family Absence are now set out in separate sections of this Annual Report.**

## 9. Payments to co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities <sup>7</sup>

- 9.1 The Panel has determined that a daily/half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights (this includes the co-opted member from a Town or Community council). 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.
- 9.2 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.
- 9.3 The determinations are set out below:

**Determination 38: Principal councils, NPAs and FRAs must pay the following fees to co-opted members (Table 6) (who have voting rights).**

**Table 6:** 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)
Community and town councillors sitting on principal council standards committees	£198 (4 hours and over) £99 (up to 4 hours)

**Determination 39: 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 40: 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).**

<sup>7</sup> This section does not apply to co-opted members to community and town councils.

**Determination 41: 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.**

**Determination 42: 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.**

**The Panel's determinations on Travel and Subsistence, Reimbursement of costs of care and Family Absence are now set out in separate sections of this Annual Report.**

## 10. Reimbursement of Costs of Care

- 10.1 This section applies to members of principal councils, National Park Authorities, Fire and Rescue Authorities and to co-opted members of these authorities. The same provision for Community and Town Councils is given in section 13.
- 10.2 The purpose of this section is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel believes that additional costs of care required to carry out approved duties should not deter people from becoming and remaining a member of an authority or limit their ability to carry out the role.
- 10.3 The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in the options for publication as set out in Annex 4. To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.

**Determination 43: 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 must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.**



## 11. Sickness Absence for Senior Salary Holders

- 11.1 The Family Absence Regulations (approved by the National Assembly in 2014) are very specific relating to entitlement and only available for elected members of principal councils. Absence for reasons of ill-health is not included.
- 11.2 Instances have been raised with the Panel of senior salary holders on long term sickness and the perceived unfairness in comparison with the arrangements for family absence. In consequence, councils are faced with the dilemma of:
- Operating without the individual member but still paying him/her the senior salary.
  - Replacing the member who therefore loses the senior salary (but retains the basic salary).
- 11.3 The Panel has considered this and is amending the Framework to provide specific arrangements for long term sickness as set out below:
- a) Long term sickness is defined as certified absences in excess of 4 weeks.
  - b) The maximum length of sickness absence within these proposals is 26 weeks or until the individual's term of office ends, whichever is sooner (but if reappointed any remaining balance of the 26 weeks will be included).
  - c) Within these parameters a senior salary holder on long term sickness can, if the authority decides continue to receive remuneration for the post held.
  - d) It is a decision of the authority whether to make a substitute appointment but the substitute will be eligible to be paid the senior salary appropriate to the post.
  - e) If the paid substitution results in the authority exceeding the maximum number of senior salaries payable for that authority as set out in the Annual Report, an addition will be allowed for the duration of the substitution. (However this would not apply to Merthyr Tydfil or the Isle of Anglesey councils if it would result in more than 50% of the membership receiving a senior salary. It would also not apply in respect of a council executive member if it would result in the cabinet exceeding 10 posts - the statutory maximum).
  - f) When an authority agrees a paid substitution the Panel must be informed within 14 days of the decision of the details including the specific post and the estimated length of the substitution. The authority's Schedule of Remuneration must be amended accordingly.
  - g) It does not apply to elected members of principal councils who are not senior post holders as they continue to receive basic salary for at least

six months irrespective of attendance and any extension beyond this timescale is a matter for the authority.

- 11.4 This arrangement applies to members of principal councils, National Park Authorities and Fire and Rescue Authorities who are senior salary holders, including Welsh Government appointed members, but does not apply to co-opted members.

Note:

The Family Absence Regulations apply to elected members in cases of maternity, new born, adoption and parental absences from official business. They do not apply to Welsh Government appointed members.

## 12. Reimbursement of Travel and Subsistence Costs when on Official Business

- 12.1 This section applies to members of principal authorities, National Park Authorities, Fire and Rescue Authorities and to co-opted members of these authorities. (Similar provision for Community and Town Councils is contained in section 13 as there is a different approach to such members, principally that the provision is permissive.)
- 12.2 Members may claim reimbursement for travel and subsistence (meals and accommodation) costs where these have arisen as a result of undertaking official duties. Expenses reimbursed to members by their local authority are exempt from Income Tax and employee NICs.
- 12.3 The Panel is aware 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. As an alternative, travel arrangements could be made directly by the authority in such circumstances.
- 12.4 The Panel has determined 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 the current HM Revenue and Customs (HMRC) rates which are:

### Reimbursement of mileage costs

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 mile	Per passenger carried on authority business
24p per mile	Motor cycles
20p per mile	Bicycles

- 12.5 Where a member who is on official business is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

### Reimbursement of other travel costs

- 12.6 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.

## 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

- 12.7 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.
- 12.8 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.
- 12.9 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.
- 12.10 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.

## 13. Payments to Members of Community and Town Councils

- 13.1 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. Subsequent Annual Reports have developed ideas for remuneration of community and town councillors, allowing flexibility to meet appropriate responsibilities.
- 13.2 The Panel recognises a wide variation in geography, scope and scale across the 735 community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities.
- 13.3 Since producing its last report, the Panel met with 104 Councillors and Clerks representing 68 Community and Town Councils in 4 meetings it held across Wales. The discussions confirmed the widely held view that the roles individual councils undertake varied significantly. Subsequent research the Panel undertook into councils' income and expenditure and councillor to population ratios further supported the wide variation.
- 13.4 The Panel is of the view that in accordance with this wide variation, the responsibilities and accountabilities of councillors must also vary. Councillors managing income or expenditure of £1m and those delivering significant services, including some that might have been delegated from principal councils, are operating in a much more complex environment than a council with an annual budget of less than £30,000.
- 13.5 Therefore the Panel is proposing to form groups of Community and Town Councils to reflect these differences. The Panel examined a range of measures they could use as the basis for any groupings and it considers that 3 groups based on the level of income *or* expenditure, whichever is the highest, in the previous financial year, is most appropriate. Using income *or* expenditure figures better reflects the activity levels of a council than population ratios which the Panel found did not correlate to income or expenditure. It is also easy for councils to understand which group they belong to.
- 13.6 In the draft report the Panel proposed a range of mandatory payments for councils. As part of the consultation on the draft report, the Panel received some helpful feedback from councils with income or expenditure of less than £30,000 which outlined the disproportionate impact this would have on their precept and administrative costs. The Panel has considered this and adjusted its groupings as set out in table 7 below.

In creating these three groups it has reflected that councils with income or expenditure in excess of £200,000 are subject to section 40 of the Wellbeing of Future Generations Act; approximately 50% have income or expenditure

below £30,000; and those councils with income or expenditure of between £30,000 and £200,000 are likely to have a greater range of responsibilities.

The Panel has reflected different payment requirements for councils in each of these three groups as set out in the remainder of this report. The Panel will be considering further differentiations based on the groups in the future.

**Table 7: Community and Town Council Groupings**

<b>Community and Town Council Group</b>	<b>Income or Expenditure in 2017-18 of:</b>
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

- 13.7 The Panel is of the view that Community and Town Councillors are not volunteers because further to the democratic process they have accepted formal responsibilities and all face some degree of liability, in respect of the Council functions they are running. Also, the Panel wants any member who has personal support needs and / or caring responsibilities to be able to fulfil their role. To reflect this, the Panel is mandating payment of a contribution to costs and expenses for members of councils in Groups A and B; and authorising payment of a contribution to costs and expenses to be made available for members of councils in Group C as set out in determinations 44 and 45. The Panel is also mandating reimbursement of cost of care for all members of Community and Town Councils as set out in determination 51.
- 13.8 The Panel is also of the view that Councils in Group A are likely to have a greater number of committees reflecting its level of activity; and therefore is additionally mandating the payment for senior roles as set out in Determination 46.
- 13.9 Where not mandated, each determination requires a formal decision by each of these community or town councils annually. A Council can adopt any or all of the non-mandated determinations but if it does make such a decision, it must apply to all its members.
- 13.10 In all cases, any individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these payments by giving notice in writing to the proper officer of the council.
- 13.11 In the event of a member of the council standing down during the year, it is a matter for the council to decide whether or not to reclaim any payments made.
- 13.12 Members in receipt of a Band 1 or Band 2 senior salary from a principal council cannot receive any payment from any Community or Town Council, other than travel and subsistence expenses and reimbursement of costs of care. However, this does not preclude them from holding a senior role.

## Payments towards costs and expenses

13.13 The Panel is mandating payment of a contribution to costs and expenses for members of councils in Groups A and B; and authorising payment of a contribution to costs and expenses to be made available for members of councils in Group C. Receipts are not required for these payments.

**Determination 44: Community and town councils in Groups A and B must make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

**Determination 45: Community and town councils in Group C are authorised to make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

## Senior roles

13.14 The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, will involve greater responsibility. It is also likely that larger councils will have a greater number of committees, reflecting its level of activity. The Panel has therefore determined that councils in Group A must make available a payment for a minimum of one senior role and a maximum of five senior roles. Councils in Groups B and C are authorised to pay up to five responsibility payments for specified roles.

**Determination 46: Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.**

**Determination 47: Community and town councils in Groups B or C are authorised to make an annual payment of £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses if that is claimed.**

## Reimbursement of travel costs and subsistence costs

13.15 The Panel recognises there can be significant travel and subsistence costs associated with the work of community and town council members, especially

where the council area is geographically large and/or when engaging in duties outside this area.

**Determination 48: Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties.<sup>8</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 mile per passenger carried on authority business.
- 24p per mile for private motor cycles.
- 20p per mile for bicycles.

**Determination 49: If a community or town council resolves that a particular duty requires an overnight stay, it may authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:**

- £28 per 24-hour period allowance for meals, including breakfast where not provided.
- £200 – London overnight.
- £95 – elsewhere overnight.
- £30 – staying with friends and/or family overnight.

### **Compensation for financial loss**

13.16 The Panel has retained the facility which councils may pay as compensation to their members where they suffer financial loss when attending approved duties.

**Determination 50: Community and town councils are authorised to pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:**

- Up to £34.00 for each period not exceeding 4 hours:
- Up to £68.00 for each period exceeding 4 hours but not exceeding 24

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<sup>8</sup> Where a member who is on official business is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.



hours.

### Reimbursement of the costs of care

- 13.17 The purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel believes that the additional costs of care required to carry out approved duties should not deter people from becoming and remaining a member of an authority or limit their ability to carry out the role.
- 13.18 The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in the options for publication as set out in Annex 4. To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.

**Determination 51: All community and town councils 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 must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.**

### Civic Head / Deputy Civic Head Honoraria

- 13.19 Recognising that some mayors and chairs of community and town councils and their deputies are very active during their year of office, the Panel has determined that community and town councils should be authorised to pay an honorarium for these roles. In previous annual reports the Panel did not determine a maximum level of payment to mayors/chairs and their deputies.
- 13.20 The Panel's consultation meetings this year, confirmed that the majority of community and town councils make no or very modest payments to their civic leaders and that some of them are reporting the budget allocated for civic functions and civic expenditure rather than the amount paid as personal senior salary to the individual.
- 13.21 The Panel is concerned only with the amount paid to the mayors/chairs as an honorarium to be used or retained at their discretion. This is separate from a budget for mayoral/chair activities. The Panel has determined that the maximum amount to be paid to a chair/mayor of a community or town council in this way shall be £1,500. The maximum amount to be paid to a deputy mayor/chair in this way shall be £500.

**Determination 52: Community and town councils are authorised to provide a Civic Head payment to the mayor/chair of the council up to a maximum of £1,500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

**Determination 53: Community and town councils are authorised to provide a Deputy Civic Head payment to the deputy mayor/deputy chair of the council up to a maximum amount of £500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

### **Publicity requirements**

13.22 There is a requirement on community and town councils to publish details of all payments made to individual members in an annual Statement of Payments. This information must be published on council noticeboards and/or websites (with easy access) 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 draws attention to the requirements stipulated at Annex 4. The Panel is concerned that a significant number of councils are in breach of this requirement.

## 14. Compliance with Panel Requirements

### The Panel's remit under the Measure

- 14.1 Section 153 of the Measure empowers the Panel to require a relevant authority<sup>9</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.
- 14.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting or a date specified within the Annual Report.

### Monitoring compliance

- 14.3 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 and 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 including community and town councils.**

- (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 a Statement of Payments (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>9</sup> Interpretation of "Relevant Authority" provided in the Independent Remuneration Panel for Wales (IRPW) Regulations, Part 1, 'Interpretation'.

## 15. Salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities and Chief Officers of Principal Councils

- 15.1 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.
- 15.2 The Welsh Government issued amended guidance to the Panel which can be found at <http://gov.wales/docs/dsijg/publications/localgov/160212-irp-guide-salaries-en-v2.pdf>. This sets the basis on which the Panel will carry out the function contained in the legislation.
- 15.3 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.
- 15.4 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 (and chief officers

until 2020).

- 15.5 It is important to note the Panel will not decide the amount an individual head of paid service will receive.
- 15.6 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.

### **Pay Policy Statements**

- 15.7 Paragraph 3.7 of the guidance to the Panel from the Welsh Government states that "The legislation does not restrict the Panel to a reactive role". It allows the Panel to use its power to make recommendations relating to provisions within local authorities Pay Policy Statements. The Panel has considered this in the context of its resources and has decided that these limit the time that could be applied to this open power. So it will examine changes from year to year of the salaries of Chief Executives and Chief Officers to ensure that these comply with the requirements of the legislation.



Reuben Bergman  
Head of Human Resources  
Vale of Glamorgan Council

[rbergman@valeofglamorgan.gov.uk](mailto:rbergman@valeofglamorgan.gov.uk)

30 January 2017

Dear Mr Bergman

**Reduction in Salary for a Chief Officer Post**

Your email dated 25<sup>th</sup> January has been considered by the Independent Remuneration Panel for Wales. All members of the Panel expressed their views on the proposal, and as you requested to receive the Panel's comments on this proposal prior to 9<sup>th</sup> February, this was done by email.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal for a reduction to the salary of your Director of Social Services as submitted.

Yours sincerely

John Bader  
Chair



Nick Jarman  
Director of Social Services, Health and Housing  
Neath Port Talbot County Borough Council

[n.jarman@npt.gov.uk](mailto:n.jarman@npt.gov.uk)

27 February 2017

Dear Mr Jarman,

### **Honorarium Payment to the Head of Children and Young People's Services**

Your letter dated 15 February 2017, accompanying documentation and explanatory email was considered by the Independent Remuneration Panel for Wales at their meeting on 22 February. All members of the Panel were present and therefore the meeting was quorate. One member of the Panel declared a conflict of interest and took no part in the discussion.

The Panel considered whether an honorarium paid to a chief officer fell within the Panel's remit. It consulted the *Amended Guidance to the Independent Remuneration Panel for Wales under Section 43A of the Local Government (Wales) Measure 2011 and Section 39 of the Local Government (Wales) Act 2015*, issued by the Welsh Government. The guidance does not define salary, so the Panel applied the ordinary meaning of the word, namely remuneration in return for services under a contract of employment. The Panel is satisfied that its remit covers all such payments, including those termed honoraria, temporary promotion allowances, bonuses or any other term which distinguishes them from the basic salary. The Panel also considered the Honorarium Policy of Neath Port Talbot council and note that it excludes chief officers. The Panel concluded that making an additional payment to a chief officer in recognition of his or her additional duties is an alteration to the salary that does fall within the Panel's remit.

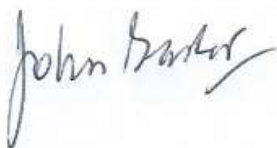
Given that the initial addition to the salary was effective from March 2016 it is clear therefore that Neath Port Talbot council were in breach of their duty under the legislation to consult the Panel.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

Having examined the submission from your authority in respect of the continuation of the additional payment, it is the decision of the Panel to approve the proposal as submitted. The Panel however is concerned that the council's failure to consult the Panel is an indication that the council has not been as transparent as it might have been in deciding to alter the salary of this particular chief officer. Your letter is clear that this honorarium payment will cease on the 31<sup>st</sup> August 2017, either because of the appointment of a Head of Adult Services or because of the introduction of a new management structure. If a new management structure is introduced and results in changes to the salaries (including additions/honoraria) of chief officers of the council the Panel expects that it will be consulted in a timely manner and full disclosure of the justification for the changes will be provided.

Yours sincerely

A handwritten signature in black ink that reads "John Bader". The signature is written in a cursive style with a long, sweeping underline.

John Bader

Chair





Carys Edwards MA FCIPD  
Penaeth Proffesiwn AD – Head of Profession HR  
Cyngor Sir Ynys Mon County Council  
Council Officer  
Llangefni  
Ynys Mon  
LL77 7TW

26 July 2017

Dear Ms Edwards,

**Head of Children’s Service – Increase in Salary Level**

Your emails dated 29 June, 5<sup>th</sup> July and 13 July and the enclosed report from your Chief Executive have been considered by the Independent Remuneration Panel for Wales at its meeting on 19<sup>th</sup> July. All members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal to increase the current salary level of the vacant Head of Children’s Service of £59,757 – £65,933 to a maximum of £74,000.

Yours sincerely

John Bader

Chair



Nick Jarman  
Director of Social Services, Health and Housing  
Neath Port Talbot County Borough Council

[n.jarman@npt.gov.uk](mailto:n.jarman@npt.gov.uk)

26 July 2017

Dear Mr Jarman

Your letter dated 5 July with its proposal to extend the honorarium payment to the Head of Children and Young People's Services until 31<sup>st</sup> December 2017 was considered by the Panel at its meeting on the 19 July. All members of the Panel were present and therefore the meeting was quorate. One member of the Panel declared a conflict of interest and took no part in the discussion.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal to extend the honorarium payment until 31<sup>st</sup> December 2017. The Panel expect this to be a final extension and to see any relevant proposals for the restructuring of the Senior Management Team in due course.

Yours sincerely

John Bader

Chair



Will Godfrey  
Chief Executive  
Newport City Council

20 September 2017

Dear Mr Godfrey

### **Decrease of Chief Education Officer Salary**

The email sent on your behalf by Rachael Davies dated 6 September 2017 with the enclosed report *Review of the Chief Education Officer Salary at Newport City Council September 2017* has been considered by the Independent Remuneration Panel for Wales at its meeting on 13 September. All members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal to decrease the current salary level of the Chief Education Officer from Band 1 (£82,261 - £90,923) to Band 2 (£73,841 - £79,514) following your revision of the job description for the Chief Education Officer with the accountability for the regional focus being removed.

Yours sincerely

John Bader  
Chair

CLlr Thompson-Hill  
Chair of Senior Remuneration Panel  
Denbighshire County Council

C/o

[sophie.vaughan@denbighshire.gov.uk](mailto:sophie.vaughan@denbighshire.gov.uk)



24 November 2017

Dear CLlr Thompson-Hill

Your submission sent on the 7 November with its proposed salary package for the replacement chief executive officer to be recruited by 1 April 2018 was considered by the Panel at its meeting on the 15 November. All members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal to remove the Performance Related Pay element of up to 12% of the annual salary and for the top point of the proposed three point incremental grade to be £127,513, the same amount as the current chief executive's salary.

Yours sincerely

John Bader

Chair

Carys Edwards MA FCIPD  
Penaeth Proffesiwn AD  
Head of Profession HR  
Cyngor Sir Ynys Mon – Isle of Anglesey  
County Council  
Council Offices  
Llangefni  
Ynys Mon  
LL77 7TW



14 December 2017

Dear Ms Edwards

### **Head of Learning – increased salary range**

Your email dated 24 November 2017 with the enclosed *Report to the Independent Remuneration Panel* has been considered by the Independent Remuneration Panel for Wales at its meeting on 13 December. Five out of the six members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority, in the light of the particular issues in relation to Education, it is the decision of the Panel to approve the proposal to increase the salary of the Head of Learning from the current spot point salary of £72,114 to a range of £72,810 - £82,293

Yours sincerely

John Bader

Chair

## Annex 1: The Panel's Determinations for 2018/19

<b>Principal Councils</b>	
1.	Basic salary in 2018/19 for elected members of principal councils shall be £13,600.
2.	The Panel has determined that senior salary levels in 2018/19 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 levels as set out in 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 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, email and internet facilities giving 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.
<b>Specific or Additional Senior Salaries</b>	
8.	The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.
<b>Joint Overview and Scrutiny Committees</b>	
9.	The chair of a Joint Overview and Scrutiny Committee is eligible for an additional payment of £6,700.
10.	In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the additional payment will be £3,350.
11.	The chair of a sub committee of a JOSOC is eligible for an additional payment of £1,675.

12.	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 additional payment will be £837.
13.	Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.
14.	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).
15.	A deputy chair of a JOSC or sub committee is not eligible for payment.
16.	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.
<b>Local Government Pension Scheme</b>	
17.	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
<b>Family Absence</b>	
18.	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.
19.	When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.
20.	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.
21.	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.
22.	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.

23.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
<b>National Park Authorities</b>	
24.	The basic salary for NPA ordinary members shall be £3,675.
25.	The senior salary of the chair of an NPA shall be £12,375.
26.	An NPA senior salary can be paid to a Deputy Chair and up to two committee chairs where there is significant and sustained responsibility. This can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility: £6,075 or £7,375.
27.	The Panel has determined to include a provision for NPAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
28.	Members must not receive more than one NPA senior salary.
29.	An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility.
30.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.
<b>Fire and Rescue Authorities</b>	
31.	The basic salary for FRA ordinary members shall be £1,745.
32.	The senior salary of the chair of an FRA shall be £10,445.
33.	An FRA senior salary can be paid to the deputy chair and up to two chairs of committees where there is significant and sustained responsibility. This shall be paid at £5,445.
34.	The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
35.	Members must not receive more than one FRA senior salary.
36.	An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
37.	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.
<b>Co-opted Members</b>	



38.	Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 6.
39.	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.
40.	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).
41.	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.
42.	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.
<b>Reimbursement of Costs of Care</b>	
43.	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 must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.
<b>Community and Town Councils</b>	
44.	Community and town councils in Groups A and B must make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.
45.	Community and town councils in Group C are authorised to make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.
46.	Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
47.	Community and town councils in Groups B or C are authorised to make an annual payment of £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses if that is claimed.

48.	<p>Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties.<sup>10</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</p> <ul style="list-style-type: none"> <li>• 45p per mile up to 10,000 miles in the year.</li> <li>• 25p per mile over 10,000 miles.</li> <li>• 5p per mile per passenger carried on authority business.</li> <li>• 24p per mile for private motor cycles.</li> <li>• 20p per mile for bicycles.</li> </ul>
49.	<p>If a community or town council resolves that a particular duty requires an overnight stay, it may authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> <li>• £28 per 24-hour period allowance for meals, including breakfast where not provided.</li> <li>• £200 – London overnight.</li> <li>• £95 – elsewhere overnight.</li> <li>• £30 – staying with friends and/or family overnight.</li> </ul>
50.	<p>Community and town councils are authorised to pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>• Up to £34.00 for each period not exceeding 4 hours.</li> <li>• Up to £68.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
51.	<p>Community and town councils 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 must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.</p>
52.	<p>Community and town councils are authorised to provide a Civic Head payment to the mayor/chair of the council up to a maximum of £1,500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made.</p>

<sup>10</sup> Where a member who is on official business is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

53.	Community and town councils are authorised to provide a Deputy Civic Head payment to the deputy mayor/deputy chair of the council up to a maximum amount of £500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.
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## **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 Principal Councils and Fire and Rescue Authorities**
- c) Chief officers of Principal Councils**

### **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.
- “Chief Officer” of a principal authority has the meaning as defined 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.
- “Costs of Care” has the same meaning as set out in paragraph 21 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.
- “Sickness absence” means the arrangements as set out in the Annual Report.
- “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 4 days following the election subject to making the 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).
  - 15(a). For principal councils, Fire and Rescue Authorities and National Park Authorities the maximum proportion or number may be exceeded to include the payment of a senior salary to an additional member who is appointed to provide temporary cover for the sickness absence of a senior salary holder as determined in the Annual Report or a Supplementary Report.
  - 15(b). 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**

#### **Costs of Care**

21. Authorities must provide for the payment to members and co-opted members of an authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual 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 reimbursement for care 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 cost of care 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 reimbursement of the cost of care 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 reimbursement of costs of care 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.

### **Sickness Absence**

- 32(a) Arrangements in respect of the long term sickness absence of senior salary holders of principal authorities, Fire and Rescue Authorities and National Park Authorities will be as set out in the Panel's Annual Report or Supplementary Report.

## **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 Annual Report or a Supplementary Report determines the arrangements and amount of an annual payment to members in respect of costs incurred in carrying out the role of a member and if appropriate take account of the variation in size or financial circumstances of different councils.
  - b) The council can if it so decides make payments to members in respect of costs of travel for attending approved duties inside or 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 decides reimburse subsistence expenses to its members when attending approved duties inside or 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 decides pay compensation for Financial Loss 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.
  - e) The council can if it so decides 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.
  - f) The Annual Report or a Supplementary Report determines the arrangements to pay a responsibility allowance to members of a council and if appropriate take account of the variation in size or financial circumstances of different councils.

- g) The council must reimburse the costs of care to a member if claimed, as determined in the Annual Report of the Panel.
37. 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.
38. A member making a claim for compensation for Financial Loss 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.
39. “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 by 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**

40. 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**

41. 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.



42. 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**

43. 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**

44. 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 contained in an annex to the Annual Report)

45. 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).**
46. 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, reimbursement of costs of care, travel and subsistence allowances. **(This section applies to all relevant authorities).**
47. 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**

48. 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.
49. 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**

50. 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 and 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 reimbursement of care costs.
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.
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. 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 July.

## Annex 4: Publication of Remuneration – the Panel’s Requirements

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

1. Relevant authorities must publish a Statement of Payments made to its members (including chairs of JOSCs or sub-committees of JOSCs). This information must be published in a form and location that is easily accessible to members of the public no later than 30 September following the end of the year to which the payments relate and in the same timescale also provided to the Panel. 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:
    - Payments in respect of telephone usage, information technology, consumables etc.
    - Responsibility payments
    - Allowances made to a mayor/chair and deputy mayor/deputy chair
    - Compensation for Financial Loss
    - Costs incurred in respect of travel and subsistence
    - Reimbursement of the costs of care (see paragraph f below)
  - c. All travel and subsistence expenses, reimbursement of the costs of care (see paragraph f below) 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.

- f. In respect of the publication of the reimbursement of the costs of care, the Panel has decided to provide relevant authorities with two options.
- 1) The details of the amounts reimbursed to named members; or
  - 2) The total amount reimbursed by the authority during the year but not attributed to any named member.

It is a matter for each authority to decide which of these options for publication it considers appropriate.

It is also the responsibility of each authority to establish its own position on how to respond to any Freedom of Information requests it receives with regards to reimbursement of costs of care.

2. Nil returns are required to be published and provided to the Panel by 30 September.

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**Report to:** Democratic Services Committee

**Date of Meeting:** 23 March 2018

**Lead Officer:** Steve Price (Democratic Services Manager & Head of Democratic Services)

**Report Author:** Rhian Evans (Scrutiny Co-ordinator)

**Title:** Future Scrutiny of the Public Services Board

## 1. What is the report about?

The statutory requirements relating to local authority scrutiny of the Public Services Board (PSB) and potential future scrutiny arrangements for the Joint Conwy and Denbighshire PSB.

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

To facilitate a discussion on potential effective, sustainable future scrutiny arrangements for the PSB whilst ensuring compliance with statutory requirements.

## 3. What are the Recommendations?

That the Democratic Services Committee:

3.1 discusses potential future scrutiny arrangements; and

3.2 provides observations on its preferred scrutiny arrangements option for the PSB.

## 4. Report details

### Background

4.1 Section 35 of the Well-being of Future Generations (Wales) Act 2015 requires that a local government scrutiny committee is designated to scrutinise the work of the Public Services Board for that area. The intention is to place responsibility for challenge and accountability locally rather than on Welsh ministers.

4.2 The Act says that:

*Each Local Authority must ensure its overview and scrutiny committee has the power to:*

*a) Review or scrutinise the decisions made or actions taken by the public services board;*

*b) Review or scrutinise the board's governance arrangements;*

*c) Make reports or recommendations to the board regarding its functions or governance arrangements;*

- d) Consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
- e) Carry out other functions in relation to the board that are imposed on it by the Act.

4.3 Specifically, scrutiny is expected to:

- Formally receive the Wellbeing Assessment and Wellbeing Plan from the Public Services Board
- Act as a statutory consultee for the Wellbeing Assessment and Wellbeing Plan
- Review the Wellbeing Plan if directed to by the Welsh Minister (who has the power of referral but not approval)

4.4 In early 2016 the Welsh Government (WG) published guidance on the Well-being of Future Generations (Wales) Act 2015, the Act that established PSBs. In terms of the scrutiny arrangements for the PSBs the guidance states:

*“In order to assure democratic accountability there is a requirement for a designated local government scrutiny committee of the relevant local authority to scrutinise the work of the public services board. **It will be for each local authority to determine its own scrutiny arrangements for the public services board of which it is a member.** For example, existing legislative powers can be used to put in place joint arrangements, such as ‘co-opting’ persons who are not members of the authority to sit on the committee, and where appropriate to appoint joint committees across more than one local authority area.*

*While it will continue to be entirely legitimate for a subject scrutiny committee (such as a children and young people’s scrutiny committee) to scrutinise the public services board’s work in relation to a specific issue, it is important that one committee takes an overview of the overall effectiveness of the board. This is the reason one committee must be designated to undertake this work.”<sup>1</sup>*

#### Present arrangements

4.5 In accordance with legislation both Conwy and Denbighshire authorities have selected a scrutiny committee as their PSB scrutiny committee. During the term of the previous councils both counties had designated their Partnerships Scrutiny Committees as their PSB scrutiny committee.

4.6 Whilst Partnerships Scrutiny Committee remains Denbighshire’s designated committee for scrutiny of the PSB, Conwy County Borough Council following a review of its scrutiny committees has disbanded its Partnerships Overview and Scrutiny Committee and consequently designated its new Finance and Resources Overview and Scrutiny Committee as its committee for scrutinising the work of the PSB.

4.7 Under its previous arrangements for PSB scrutiny Conwy had co-opted representatives from PSB partner organisations to serve on its Partnerships Overview and Scrutiny Committee when the Committee was examining the work of the PSB. Denbighshire decided against co-opting PSB partner organisation

<sup>1</sup> <http://gov.wales/docs/desh/publications/160225-spsf-3-collective-role-en.pdf> Shared Purpose: Shared Future Statutory guidance on the Well-being of Future Generations (Wales) Act 2015, SPSF3: Collective role (public services boards) Welsh Government, 2016



representatives on to its committee when discussing PSB matters. Conwy's new Finance and Resources Overview and Scrutiny Committee has not to date co-opted PSB partner representatives on to the committee for this purpose.

- 4.8 Denbighshire's Partnerships Scrutiny Committee in January 2016 discussed potential scrutiny arrangements for the new PSB following its establishment. At that time it decided to continue with "the existing *scrutiny arrangements for the LSB/PSB... subject to a decision on local government reorganisation*".
- 4.9 At its meeting in September 2016 the PSB was advised that the WG had commissioned Public Governance Wales to undertake a research project and develop a guidance on the scrutiny of PSBs. That Guidance was published in August 2017 and is attached at Annex A for information. The Guidance details the strategic function and purpose of PSB scrutiny. It also outlines different approaches adopted across Wales for the scrutiny of PSBs.

#### Looking forward

- 4.10 The existing scrutiny of PSB arrangements were confirmed at a time when local authority mergers seemed certain to happen. Whilst local government reorganisation may well be resurrected, no firm proposals or proposed timescales have yet been announced.
- 4.11 Since last year's local government elections the PSB has reviewed its arrangements for access to its documents and meetings. The majority of its reports etc. are now public documents and its meetings are open to the public, unless it is discussing confidential information (Part II information). As the PSB is a cross-county strategic Board it is of the view that for scrutiny to operate effectively it would benefit from the establishment of a joint formal scrutiny committee to ensure compliance with statutory duties.
- 4.12 With a view to ensuring that the statutory duties relating to the publication of the PSB's Well-being Plan are met both local authorities' designated scrutiny committees have already considered and commented on the draft Well-being Plan. In doing so it has enabled both councils to have sufficient time to consider options for the future scrutiny of the PSB and make suitable provisions to properly establish their preferred arrangements.
- 4.13 Scrutiny Chairs Vice-Chairs Group (SCVCG) members at their meeting on 12 October 2017 considered how best to progress with scrutinising the PSB in future. At the conclusion of their discussion officers were asked to "research and draw up potential options for progressing Public Services Board scrutiny in future", including joint arrangements.
- 4.14 Members of the Council's Democratic Services Committee considered a similar report on future scrutiny arrangements for the PSB at its meeting on 20 October 2017. That Committee resolved to "endorse the undertaking of further exploratory work on establishing a joint scrutiny committee" for the purpose of scrutinising the PSB.

- 4.15 Having undertaken the above work three options have been drawn-up as potential models for scrutinising the PSB in future. They are:
- Continue with the current arrangements (Option 1);
  - Establish joint formal arrangements with Conwy County Borough Council (Option 2); or
  - Establish joint informal arrangements with Conwy County Borough Council (Option 3)

The benefits, disadvantages and resource implications of all three options are illustrated in the table which can be seen in Annex B

- 4.16 Dependent upon each authority's preferred model for future scrutiny of the PSB further work will be required with respect of informing scrutiny members and PSB members of Scrutiny's roles and powers in relation to scrutinising the PSB.
- 4.17 In addition if a 'joint scrutiny' approach is deemed preferable a Joint Scrutiny Committee will need to be established. Such a Committee will require a defined terms of reference. As part of the above exploratory work a draft terms of reference for any potential joint scrutiny committee between Conwy and Denbighshire is in the process of being drawn up. This terms of reference is based on those of an already established Joint Overview and Scrutiny Committee for the Cwm Tâf PSB –a formal joint scrutiny committee comprising of representatives of both Merthyr Tydfil County Borough Council and Rhondda Cynon Tâf Council. This draft terms of reference, which will include detailed information on the JOSOC and its rules of procedure, can be shared with members in the near future if they so wish.
- 4.18 The Scrutiny Chairs and Vice-Chairs Group will discuss the potential options put forward for scrutinising the PSB in future, with a view to ensuring that Scrutiny meets the legislative duties placed on it under the Well-being of Future Generations (Wales) Act 2015, at its meeting on the 15 March 2018. Its views will be reported verbally to the Committee at the meeting on 23 March 2018.
- 4.19 Democratic Services Committee is therefore asked to provide its observations on a preferred model for future scrutiny of the PSB going forward.

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

Section 35 of the Well-being of Future Generations (Wales) Act 2015

Section 58 of the Local Government (Wales) Measure 2011

Regulation 3 of the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013

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Llywodraeth Cymru  
Welsh Government

# Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Services Boards

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We have been delighted to have produced the Guidance to Local Authorities on Scrutiny of Public Service Boards on behalf of Welsh Government and would like to thank all those that have been involved in its production, particularly the Welsh Scrutiny Officers' Network for their input, analysis and refinement.

## Ministerial Foreword




I am pleased to introduce this Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Services Boards.

The key message of the Well-being of Future Generations Act 2015 is for public bodies to come together to deliver improvements in the well-being of people and communities in Wales. An important part of this is for public bodies to account for their contribution to achieving the well-being goals.

This guidance is intended to help local authority scrutiny committees both to provide this accountability and support the development and improvement of Public Services Boards through the sharing of learning and experiences.

This new collaborative way of working is challenging for us all but the rewards, in the form of taking collective responsibility for improving and enhancing the lives of the citizens in Wales are immense.

I would like to thank Rebecca David Knight for her diligent and thorough work on this guidance and I hope it provides a useful and instructive guide for the scrutiny community.

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

Professor Mark Drakeford

Cabinet Secretary for Finance and Local Government



Ariennir gan  
**Lywodraeth Cymru**  
Funded by  
**Welsh Government**

## Introduction

The Well-being of Future Generations (Wales) Act 2015 is aimed at improving the social, economic, environmental and cultural well-being of Wales. The Act became law on 29th April 2015 and became a requirement for public bodies in Wales from 1st April 2016. It puts long-term sustainability at the forefront of how public services are designed and delivered, and places emphasis on public bodies to work in partnership with each other and the public to prevent and tackle problems.

The Act defines public bodies doing something “in accordance with the sustainable development principle” as the body needing to act in a manner which seeks to ensure that the “needs of the present are met without compromising the ability of future generations to meet their own needs”. It is a notable piece of legislation in placing emphasis on organisational behaviour in the context of partnership working as a key driver of longer-term change in localities.

The Act sets seven national well-being goals which are to be achieved by public bodies acting in accordance with the sustainable development principle. The goals represent the shared vision for the public bodies listed in the Act to work towards. Moreover, the Act makes it clear the listed public bodies must work to achieve **all** of the goals, not just one or two.

The Welsh Government has issued comprehensive statutory guidance on the Act “Shared Purpose: Shared Future” which describes in detail the well-being duties on public bodies. This guidance may be found [here](#).

In wishing to support models of local government scrutiny that facilitate effective collaborative working, the Welsh Government has commissioned Centre for Public Scrutiny (CfPS) to develop guidance detailing the contribution scrutiny may make to Public Services Board governance and delivery arrangements.

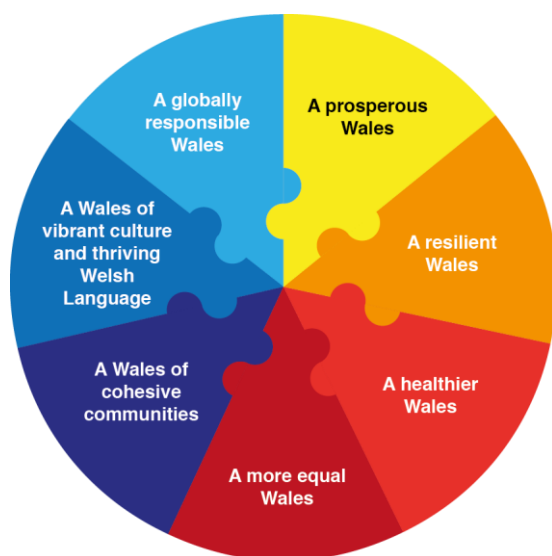
## Public Services Boards

The Act establishes Public Services Boards (PSBs) for each local authority in Wales, consisting of representatives from local authorities, health boards, the Natural Resources Body for Wales and the Welsh Fire and Rescue Authority. Each PSB must undertake a local well-being assessment to inform a local well-being plan, detailing how their area will achieve the sustainable development principle in working towards the seven national well-being goals. Furthermore, PSBs must invite relevant voluntary organisations along with Welsh Ministers, the local Police and Crime Commissioner and the local Chief Constable to participate on the board.

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To ensure PSBs are democratically accountable, the Act places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions contained in the Act, overview and scrutiny committees have extensive powers to review the PSB's governance arrangements as well as any decisions made or actions taken by the PSB. In addition, overview and scrutiny committees are provided with considerable reporting powers as they are required to share copies of any reports or recommendations made in connection with the board's functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

A pre-requisite to effective local government scrutiny is a deep understanding of the legal definition of the goals and the sustainable development principle (sometimes described as "the five ways of working"). The well-being goals are reproduced below.. A discussion of the sustainable development principle as it relates to the practical work of overview and scrutiny committees is provided later on in the document.



### **What is the purpose of the guidance? Who is it for?**

The guidance sets out practical advice for overview and scrutiny practitioners based on evaluations of previous local service board (LSB) accountability mechanisms, emerging practice of public services board overview and scrutiny arrangements, and research on partnership governance more generally.

It also aims to provide practitioners with an understanding of the purpose of strategic partnership scrutiny more generally by suggesting a series of outcomes it should work towards. It can be the case that elected members, council officers or partners may not understand the utility or validity of local authority led accountability which is why efforts have been made to identify what positive



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impact local government scrutiny in particular can result in. To be effective, it is important that everyone involved understands and welcomes the value of scrutiny.

It is important therefore, to highlight that each local authority should develop arrangements that best meet local circumstance. This is important given the Act's focus on utilising **place**-based resources in achieving **place**-based change.

This guidance is not statutory guidance. However, failure to consider principles informed by good practice is likely to result in scrutiny mechanisms which lack impact and inadequately supports the PSB as a strategic partnership. The risks associated with poor collaborative governance arrangements include weakened decision making, additional complexity, fragmented accountability, lack of transparency and poorer well-being outcomes.

### **Clarifying the strategic function of public services board scrutiny**

The statutory guidance "Shared Purpose: Shared Future 3 – Collective role (public services boards)" identifies that the Well-being Act relies predominantly on local government overview and scrutiny committees to secure **continuous improvement** in local integrated planning<sup>1</sup>. It specifies that local authority overview and scrutiny is the means by which the Act assures democratic accountability for partnership working in a locality<sup>2</sup>.

As such the purpose of PSB overview and scrutiny is to take an overview of the board's overall effectiveness through the provision of democratic challenge. However, to assist councils in the development of individual arrangements, it is important to provide some explanation regarding how local government overview and scrutiny can add value to collaborative working to better understand the factors underpinning effective practice.

### **What is the purpose of PSB overview and scrutiny? What is it meant to achieve?**

Research into different forms of partnership governance and area based change programmes identify that capitalising on the representational value of elected members' community leadership role can result in the following beneficial effects for partnerships:

- 1. Provision of a supportive space for reflection and self-analysis:** In exploring the extent to which PSB activity may be said to result in 'collaborative advantage' as it relates to the seven well-being goals and five ways of working, local government overview and scrutiny arrangements can provide a supportive space in which attention can be paid to partnership relationships. Impartial, evidence based scrutiny can encourage reflexivity and reflection on the impact of different behaviours upon the PSB's overall performance, encouraging feedback and open discussion at all levels.

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<sup>1</sup> "Shared Purpose: Shared Future 3 – Collective role (public services boards)" paragraph 173.

<sup>2</sup> "Shared Purpose: Shared Future 3 – Collective role (public services boards)" Paragraph 174.

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- 2. Enhanced democratic accountability and improved transparency:** Councils derive their 'Local Authority' from the democratic legitimacy of elected members. The closer accountability gets to citizens, the more credible and valid it becomes in seeking public account from those with power. Partnership scrutiny provides a grounded check and balance to collective decision making by testing assumptions, examining risks and challenging how resources are prioritized. Improving transparency in this way can help the PSB identify how to better align resources, services and institutions around the needs of people and places.
  - 3. A stronger focus on improving local citizen's lives:** In clarifying different contributions to delivery and seeking to improve services from the citizen's perspective, overview and scrutiny can help PSBs stay focused on joint outcomes. Local challenge can help determine whether PSBs are facilitating whole-system approaches to shared problems or whether partners experience constraints that are counterproductive to working as one Welsh public service. A deeper understanding of these issues can assist the development of more 'networked' forms of accountability at local and national level which better supports implementation of the Act.
  - 4. Place based transformation through deeper public engagement:** Elected members are able to channel a wide range of community intelligence into decision making processes. Through their role they are able to invite, authorise and legitimise stakeholder contributions as a horizontal rather than vertical form of accountability. This can help refocus the balance of power between services and the citizens they serve. Not only is this able to help the PSB ensure services are more responsive to local need and aspiration but, in enabling shifts in perspective to occur, so too can new assets and resources be identified.

Research tells us that accountability within partnership environments is complex and that failure to properly understand how different accountability agents work together may lead to situations which hamper effective collaboration<sup>3</sup>. Conversely, 'softer' forms of accountability such as local overview and scrutiny which are grounded in local context and which seek to use exploratory challenge to strengthen partnership working, can help PSBs embed a 'culture of responsibility' in its activities and ways of working.

#### **What are public services boards accountable to overview and scrutiny for?**

Public services boards (PSB) are accountable to overview and scrutiny committees in respect of how they work jointly to improve the economic, social, environmental and cultural well-being of their area by contributing to the achievement of the well-being goals in accordance with the sustainable development principle.

In developing PSB overview and scrutiny arrangements however, it is important to acknowledge the overlaps that exist between the functions of board members as public bodies under the provisions contained in Part 2 of the Act, and the functions public bodies carry out jointly as members of the

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<sup>3</sup> Office for Public Management, [Total Place – Lessons Learnt](#), 2009, p 3.

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public services board contained in Part 4 of the Act. This is unsurprising given the requirement placed on public bodies and PSBs to act in accordance with the sustainable development principle which regards deeper collaboration and integration as central to the achievement of local well-being goals.

This is most clearly demonstrated within the Act in section 7(2) which provides that the well-being objectives of a public body that is also a member of a public services board may be included in that board's local well-being plan. In determining what overview and scrutiny committees can hold the PSB to account against, however, important questions are raised regarding who has ownership of 'joint' well-being objectives and who is ultimately responsible for delivery. Partners have multiple responsibilities but these shared responsibilities should not mean diminished accountability.

In considering the roles of the Auditor General in Wales and the Future Generations Commissioner for Wales as they relate to ensuring the statutory duties of public bodies are being met, it is crucial that local government overview and scrutiny form part of an 'accountability eco-system' that offers a mutually supportive approach to governance. These issues will be discussed in more detail when we consider the powers overview and scrutiny committees have in examining the performance of PSBs and the methodological implications of determining the 'added value' brought about by the PSB as a statutory partnership.

### **Functions and responsibilities of public services boards**

Chapter 2, section 36 of the Act sets out the functions of public services boards which are to;

- Assess the state of economic, social, environmental and cultural well-being in their area,
- Set local objectives designed to maximise the board's contribution to the achievement of the well-being goals,
- Publish local well-being plans setting out their local objectives and how members of the board (in exercising their collective function) intend to take all reasonable steps to meet local objectives.

Section 36 (3) specifies that public services boards are required to carry out its functions in accordance with the sustainable development principle sometimes referred to as the which is defined in section 5 of the Act and summarised in the following table:

### **The sustainable development principle**

1. The importance of balancing short term needs with the need to **safeguard the ability to meet long term needs**, especially where things done to meet short term needs may have detrimental long term effect;
2. The need to take an **integrated** approach, by considering how—
  - (i) the body's well-being objectives may impact upon each of the well-being goals;
  - (ii) the body's well-being objectives impact upon each other or upon **other public bodies'** objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;
3. The importance of **involving other persons** with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population;
4. How acting in **collaboration** with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist **another body** to meet its objectives;
5. How deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's well-being objectives, or **another body's** objectives.

From an accountability perspective, the Act is unique in emphasising that the process of partnership working via the sustainable development principle is **central** to the PSB's progress in working towards well-being goals. The actions partners take as 'public bodies' under the requirements of the Act have a direct bearing on the PSB's effectiveness as a corporate body. This may make it difficult at times for overview and scrutiny committees to determine the added value brought about by collaborative working.

As such, in discharging its accountability functions, committees should not lose sight of the need to explore the contribution of individual PSB members as it relates to the overall performance of the PSB itself. This approach will take into account levels of partnership commitment to working in accordance with the sustainable development principle and necessitate co-ordinating activities with evidence from the Future Generations Commissioner's office.

### **Examining the powers of local government overview and scrutiny committees**

The Act provides the legislative basis by which local government overview and scrutiny committees can act as a powerful driver of place-based collaborative working. It places a requirement on local authorities to ensure a designated overview and scrutiny committee has power to;

- a) **review or scrutinise the decisions made or actions taken by the public services board;**
- b) **review or scrutinise the board's governance arrangements;**

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**c) make reports or recommendations to the board regarding its functions or governance arrangements;**

**d) consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and**

**e) carry out other functions in relation to the board that are imposed on it by the Act.**

In exercising its powers, overview and scrutiny committees can **require** members of the PSB (or a designated representative) to attend committee meetings to provide explanation in response to committee lines of inquiry.

Whilst committees can require any statutory member of the board to give evidence, the capacity in which they do so must relate to the exercise of joint functions conferred on them as a statutory member of the board. This does not preclude overview and scrutiny committees interviewing individual partners to assess their contribution to collaborative delivery. This power includes any person that has accepted an invitation to participate in the activity of the PSB.

Furthermore, the Act stipulates that an overview and scrutiny committee **must** send a copy of any report or recommendation made in connection to its functions to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales.

### **Roles for overview and scrutiny committees**

There are three main roles overview and scrutiny committees may engage in providing democratic accountability to the PSB.

1. Reviewing the PSBs governance arrangements;
2. Acting as statutory consultees on the well-being assessment and well-being plan;
3. Monitoring progress on the PSBs implementation of the well-being plan and engagement in the PSB planning cycle;

Overview and scrutiny committees have a variety of methods at their disposal in carrying out these roles ranging from consideration of issues at full committee, to undertaking investigation via a sub-committee or task and finish group.

#### **(i) Reviewing the PSBs governance arrangements**

In providing committees with the power to review the board's governance arrangements, elected members have the means to examine the systems and processes by which the PSB functions, as well as the ability to review its activities and outputs. In this way, committees are empowered to develop a more rounded analysis of how the quality of partnership working affects the economic, social, environmental and cultural well-being of their area.

A review of the PSBs governance arrangements may include examination of the PSBs terms of reference (as described in statutory guidance), and may consider:

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### **Decision making and forward work planning**

- The board's terms of reference and how it plans and manages its forward work programme.
- How the board makes decisions as a strategic partnership.

### **Membership and Engagement**

- What change needs to happen within the PSB and wider partnership framework to embed the sustainable development principle?
- How the board involves people who are interested in the improvement of well-being in an area and how it is ensured that those persons reflect the diversity of the population of the area served by the board.
- The procedure for resolving disagreements between members relating to the board's functions.
- How the board manages its membership to include examination of statutory member representatives, invited participants and the extent to which designated representatives have the authority to make decisions on behalf of the organisation they represent.
- How the board seeks to engage in a purposeful relationship with the people and communities in the area, including children and young people, Welsh-speakers and those with protected characteristics, in all aspects of its work.

### **Performance management arrangements**

- How the board monitors and reports progress, to include consideration of performance indicators and standards for public service boards (where they have been set).
- The functions and performance of any sub-groups established by the board.
- How the board identifies and manages risk.
- How the board interrelates with the Auditor General in Wales, the Future Generations Commissioner and the Welsh Ministers with regard to discharging its statutory functions.
- How the PSB assesses and learns from its own performance.

### **Resources and relationship building**

- How the board resources the functions it must undertake which are a responsibility of all the statutory members equally. For example, the undertaking of the local well-being assessment and the development of the local well-being plan.
- The level of investment the PSB think necessary to make in strengthening relationships between different members to help the board function effectively as a team.

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- The level of resource the PSB thinks necessary to support effective governance practices including preparation of evidence for overview and scrutiny.

In addition to reviewing the PSB's governance arrangements, overview and scrutiny committees have wide-ranging powers to review or scrutinise the decisions made or actions taken by the public services board.

These investigative powers serve to enable overview and scrutiny fulfil two additional roles; firstly, as a statutory consultee regarding the draft well-being assessment and well-being plan, and secondly to monitor how effective the PSB performs collectively in implementing the well-being plan and reflecting on performance to better contribute to the PSB's planning cycle.

#### **(ii) Scrutiny as statutory consultee**

The Act identifies that the public services board must consult with overview and scrutiny committees (in addition to other named consultees) regarding the preparation of both its assessment of local well-being and its local well-being plan.

##### **- Well-being Assessment**

In being consulted upon the PSBs draft well-being assessment, overview and scrutiny committees may wish to explore the following as a means to help strengthen its process and content:

1. Whether locally determined outcomes have been developed. If so, what is their relationship to the well-being goals?
2. The extent to which the process of developing the assessment has been undertaken according to the sustainable development principle. For example, how have different organisations worked together using the five ways of working to develop a comprehensive assessment of economic, social, environmental and cultural well-being of the area?
3. The way in which information from the population assessment required under the 2014 Social Services and Well-being Act has been triangulated with the well-being assessment. Does the assessment provide some analysis as to how identified needs correspond to conditions of well-being and place?
4. Does the assessment include in its analysis the well-being of categories of persons such as people considered to be vulnerable, people possessing a protected characteristic, children (including looked after children, those in foster care and care leavers), carers and people who may have need for care and support?
5. How well have the enablers and barriers to well-being been identified over the short, medium and long term?
6. The extent to which the assessment has identified the area's strengths and assets and how these might be utilised to help prevent problems occurring or getting worse in future.

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7. How robust is the evidence base underpinning the assessment? Do different types of evidence contradict each other? What gaps in evidence have been identified as a result of the assessment and how these are intended to be addressed?
  8. Whether attempts have been made to identify what improvement would look like as it relates to economic, social, environmental and cultural well-being in the area. What would indicate that improvements were being made or not?
  9. Have attempts been made to provide some comparison of well-being within Wales and with other high performing areas across the UK?
  10. Does collaborative working encourage deeper integration across public bodies and organisations, and is this likely to result in better experiences for citizens when undergoing transition between service providers?

- **Well-being Plan**

In being consulted upon the PSBs draft well-being plan (or any changes made to an amended well-being plan), overview and scrutiny committees may wish to divide their consideration into two components:

- How local objectives have been set,
- the steps the board proposes to take to meet identified objectives.

**Setting objectives**

In considering how the PSB has set collective objectives, an important role for overview and scrutiny is to determine the relationship between the **individual** well-being objectives that have been set by PSB Members as public bodies, and the well-being objectives that have been **collaboratively** identified by the PSB.

To assist them to strengthen the overall quality of the plan, overview and scrutiny committees will have access to the advice the Future Generations Commissioner will have provided to the PSB. This will provide information on how the PSB may take steps to meet their local objectives in a manner which is consistent with the sustainable development principle.

It is also important to highlight that the Act provides for the Welsh Ministers to refer a PSB's well-being plan to the relevant local authority scrutiny committee if it is not considered sufficient; for example, due to an adverse report by the Future Generations Commissioner for Wales or a Ministerial concern that statutory duties are not being met.

In evaluating the quality of the plan, overview and scrutiny committees may wish to explore the following issues with members of the PSB:



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1. How has the well-being assessment been used to identify well-being objectives?
  2. How responsive are the objectives to addressing the issues arising from analysis of the well-being assessment? What evidence is there to show this?
  3. What is the 'theory of change' behind the formulation of well-being objectives? Is the PSB able to describe and illustrate how and why a desired change is expected to happen **over time** within the local context.
  4. How do the objectives link to the well-being goals, and how do the objectives relate to one another?
  5. How is it possible to see the extent to which the objectives have been set in accordance with the sustainable development principle?
  6. Can it be said that the well-being plan reflects where the board has decided that collective action can be taken to have a positive impact on well-being in the area?
  7. How do the PSB's well-being objectives correspond to the individual well-being objectives of the partners constituting the PSB? To what extent have they been reproduced in the well-being plan?
  8. What evidence is there to show that the PSB have set objectives that maximise the 'collaborative advantage' that can be brought about by partnerships? How is the PSB able to show it is aiming to create new value through its well-being objectives?
  9. How far do the objectives reflect the PSB's level of ambition for improving the well-being of people and place?
  10. How far has advice from the Future Generations Commissioner and other Welsh Government Commissioners been taken into account when developing the plan?

### **Action planning**

Paragraph 97 of the statutory guidance identifies that the board must take all **reasonable** steps to meet the local objectives they have set, to deliver on collectively. However, the guidance specifies that it is for the board to:

"...form its own judgement of what steps it would be reasonable to take, on the basis of its own knowledge and consideration of the circumstances and characteristics of its area."

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As statutory consultees, overview and scrutiny committees can help strengthen the quality of the overall well-being plan by exploring how identified actions<sup>4</sup> relate to ownership, the sustainable development principles, time-frames and their likely impact on delivery. Committees may wish to consider the following questions:

1. How likely is it that the actions identified relate to the achievement of the well-being objectives?
2. How can it be evidenced that the actions identified represent the maximum agency and influence able to be committed by the PSB working collectively?
3. How well are the time frames in which actions are intended to take place specified? Does the plan provide for opportunities to review and reflect on whether actions are resulting in desired impact, or whether a change in approach is needed?
4. Who is responsible for delivering on the actions leading to the achievement of objectives?
5. How do the actions identified in the plan link to the actions of partners that are engaged in the work of the PSB?
6. How has advice and guidance provided by the Future Generations Commissioner been used to enhance the quality of the action plan?
7. How will the PSB be able to assess whether identified actions are resulting in measurable change in the short, medium and longer term?
8. To what extent will user experience be used to determine the impact actions are having upon different aspects of well-being in different parts of the area?
9. What flexibility does the PSB have in changing actions contributing to local well-being objectives if needed?

### **Assessing delivery of the Well-being Plan**

A PSB is required to prepare and publish a report detailing the progress made towards meeting local well-being objectives no later than 14 months after the publication of its first local well-being plan. This is intended to enable the board to report on the full year's activity. Subsequently, an annual report must be published no later than one year after the publication of each previous report. The PSB must send a copy of its annual report to overview and scrutiny.

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<sup>4</sup> The actions referred to in the questions may be interpreted as the 'steps' taken by the PSB to meet local objectives.

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An important role for overview and scrutiny is to monitor and assess how well the PSB has delivered as a collaborative partnership on the actions intended to achieve local well-being objectives. It may wish to explore the following issues with members of the PSB:

1. To what extent have intended actions been delivered within the timescales specified? How much progress has been made towards meeting the well-being objectives? How far have the PSB's expectations been met?
2. What lessons has the PSB learnt as a result of progress to date? How will these lessons be incorporated into the PSBs planning cycle and how the PSB operates as a partnership?
3. What have been the resource implications of delivering on the well-being plan?
4. How has delivering as a collective impacted on the delivery of individual well-being objectives in accordance with the sustainable development principles?
5. What unintended consequences have arisen from delivering against the well-being plan? What are the main factors that have impacted upon delivery?
6. What gaps in data have been identified as a result of delivery? How have these gaps been identified?
7. To what extent has service user experience been used to assess collaborative performance delivery? What other methods have been used to evaluate effectiveness and impact?

### **Exploring what makes for 'effective' PSB overview and scrutiny practice**

An important role for overview and scrutiny committees in providing democratic accountability is its ability to monitor and scrutinise the performance of the PSB both in terms of how it operates as a board, and how it delivers on its strategic requirements. However, research on partnership scrutiny identifies that whilst local government models can be effective in helping deepen integration, failure to develop good quality relationships with partners at the outset can be counterproductive to the delivery of shared outcomes.

In developing PSB accountability arrangements, it is worth highlighting that the language associated with scrutiny has the potential to be unhelpful in creating an environment in which challenge is welcomed as an opportunity for enhanced learning and self-reflection. For example, the term 'holding to account' may suggest an uneven and oppositional relationship between PSB partners and overview and scrutiny committees.

This can have the effect of creating unnecessary tension and misunderstanding about the aims and intent of elected members involved in reviewing the PSB's collective performance. As the style of scrutiny and methods adopted by committees have a direct effect on the quality of interaction between themselves and PSBs, care should be taken to develop partnership scrutiny in a way that

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shows commitment to the sustainable development principle. For scrutiny to be effective, it needs to lead by example.

Research into the practice of collaborative or joint scrutiny in England and Wales identifies that arrangements are effective when they demonstrate the following characteristics:

#### **Characteristics of effective partnership scrutiny**

- Scrutiny regards itself as a form of ‘critical friendship with positive intent’ in which scrutiny practitioners act as advocates for the success of joint working.
- Collaborative performance is evaluated from the citizen’s perspective.
- Strong efforts are made to understand the complexity of partnership arrangements and to facilitate learning about the culture and assumptions of different organizations.
- Scrutiny creates positive expectations by focussing on issues regarded as useful to the partnership or where there is consensus that ‘things need to change’.
- Scrutiny demonstrates intellectual independence and investigative rigour in all of its activities.
- Scrutiny demonstrates a positive impact by developing clear, timely, evidence-based recommendations aimed at enhancing collaborative performance.
- Scrutiny critically evaluates its own performance utilising partnership perspectives.

The above characteristics are complementary to the ‘Characteristics of Effective Scrutiny’ framework developed by the Welsh Scrutiny Officers’ Network and referenced within the Williams’ report on Public Service Governance and Delivery in Wales. In recognition of their utility, it is worth highlighting that the Williams report advocated the framework be developed further to ensure a ‘best practice approach to scrutiny, not least required’ was embedded in Welsh public service delivery<sup>5</sup>.

#### **Developing effective relationships with the PSB**

Given that the performance of democratic accountability rests on effective working relationships with the PSB, it is important that councils give thought to the nature of scrutiny’s interaction with partners when establishing scrutiny arrangements.

Working in partnership with the PSB, local government scrutiny functions may wish to co-produce a shared vision for PSB scrutiny arrangements which provides clear direction on the outcomes scrutiny are meant to achieve and the guiding principles that shape its work.

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<sup>5</sup> The Williams report can be found here: <http://wales.gov.uk/topics/improvingservices/public-service-governance-and-delivery/report/?lang=en>. References to the ‘Characteristics of Effective Scrutiny’ may be found on page 133.

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The main levers by which relationships can be influenced include approaches to co-option and the methods by which scrutiny interacts and communicates with the PSB, namely how it handles partner invitations to scrutiny meetings, requests for information and reporting arrangements for scrutiny's reports and recommendations.

As a means to clarify responsibilities, expectations and behaviours, councils may wish to consider developing a guide or protocol for the benefits of the PSB membership. This might provide a useful opportunity for communicating to the PSB a positivist approach demonstrating how scrutiny contributes to local place-based leadership. Wrexham County Borough Council has used its previous Local Service Board scrutiny protocol as the basis of a new protocol for governing its relationships with the Public Services Board.

The protocol is notable for detailing PSB partner's 'commitment to co-operate' with the Council's scrutiny committees. For example, it provides that:

- PSB Partners are provided with information on how to access the Scrutiny process, for example they may request that an issue is presented for scrutiny and have access to relevant information on the Scrutiny Committee timetables and work programmes.

And,

- Explains how the committee's views/recommendations will be communicated following scrutiny and how the PSBs views will be fed back to scrutiny.

In support of the protocol's application, the Council's scrutiny facilitators adopt a pro-active approach to working with the PSBs support officer in co-ordinating the PSB and scrutiny's forward work programmes.

A copy of the protocol may be found at Appendix 1.

#### - **Overview and scrutiny structures**

Whilst it is a requirement of the Act that councils must designate an overview and scrutiny committee to scrutinise the work of the public services board, it is up to each local authority to determine its own arrangements. Emerging practice of PSB scrutiny arrangements identify distinct models which include:

1. Utilising an existing overview and scrutiny committee to comply with the requirements of the Act. Usually this committee also undertakes scrutiny of local Community Safety Partnerships under the provisions made in the 1998 Crime and Disorder Act. Examples include Caerphilly County Borough Council's [Partnerships Scrutiny Committee](#)
2. Establishing a dedicated committee specifically for scrutinising the work of the local PSB such as Monmouthshire County Council's [Public Services Board Select Committee](#)

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3. Establishing a dedicated scrutiny panel as a sub-committee of the council's designated public services board overview and scrutiny committee. For example, see Swansea City Council's [Public Services Board Performance Panel](#)
  4. Establishing a dedicated joint overview and scrutiny committee to undertake collaborative scrutiny of a merged public services board. For example, the [Cwm Taf Public Services Board Joint Overview and Scrutiny Committee](#) has recently been established by Merthyr Tydfil and Rhondda Cynon Taf County Borough Councils, representing the first formal joint overview and scrutiny committee in Wales. The joint committee comprises equal membership of councillors from each participating council and was established in accordance with requirements of the Well-being of Future Generations (Wales) Act, 2015 taking into consideration the requirements of Section 58 of the Local Government (Wales) Measure, 2011 and associated statutory guidance. Further details may be found [here](#).

Although the structures might look dissimilar, the activities intended to be undertaken are broadly the same. However, regarding the membership of PSB scrutiny arrangements, research from previous joint scrutiny models identifies that co-option can make a big difference to the positive contribution able to be made to partnership governance arrangements.

#### **Co-option and collaborative working**

*"The partnership approach to the scrutiny of the work of the LSB has brought great value to the outcomes. Partners bring differing perspectives that broaden the constructive challenge, and also lead to scrutiny being informed and truly probing.*

*I do believe that the LSB's partnership delivery of services around domestic abuse will improve as a result of our work."*

(Co-opted Member, Rhondda Cynon Taff's LSB Scrutiny Working Group, April 2011).

The evidence from overview and scrutiny committees in Wales is that the contribution of co-opted members on committees can significantly strengthen their effectiveness. In thinking about how scrutiny arrangements may seek to work in accordance with the sustainable development principles, co-option offers opportunities to enhance collaborative working.

Existing statutory provision under section 76 of the 2011 Local Government (Wales) Measure enables the co-option of persons that are not members of local authorities onto overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. **Statutory guidance accompanying the 2011 Measure provides additional advice and detailed case studies.**

Evidence from those councils utilising multi-agency approaches to Local Service Board scrutiny identified the following four benefits from adopting an integrated approach to partnership working. These have been summarised as follows:

### Findings from multi-agency scrutiny arrangements

- The inclusion of partner representatives into democratic scrutiny processes was found to break down organisational fragmentation when analysing joint delivery of cross-cutting themes.
- Greater democratic influence within partner organisations was considered as helping reduce the 'democratic deficit' within public organisations.
- Reports and recommendations from scrutiny were considered to be more palatable to local strategic partnerships due to integration of partners within the scrutiny process. This was considered important in reinforcing scrutiny's credibility and integrity and allaying partnership concerns regarding undue 'political interference'.
- Greater innovation and engagement: a strong culture of accountability was considered supportive of transformational change and improvement in promoting wider dialogue from which creative solutions may be found. It was found that embracing different points of view enabled shifts in perspective to occur as demonstrated by Rhondda Cynon Taff's use of 'experts by experience' when considering joint approaches to the reduction of domestic violence.

In wishing to work collaboratively with the PSB, Swansea City Council's Public Services Board's Performance Panel sought to invite (rather than co-opt) non-executive members of partner organisations comprising the PSB. This included the following:

<b>Public Services Board Statutory Members / Invited Participants</b>	<b>PSB Performance Panel Invitee</b>
Abertawe Bro Morgannwg University Health Board (Statutory Member)	Non-executive Board Member
Mid and West Wales Fire and Rescue Service (Statutory Member)	Member of the Performance, Audit and Scrutiny Committee , Mid and West Wales Fire Authority
Natural Resources Wales (Statutory Member)	Non-executive Board Member
The Chief Constable of South Wales Police (Invited Participant)	Member of the South Wales Police and Crime Panel
The South Wales Police and Crime Commissioner (Invited Participant)	
Probation Service Representative (Invited Participant)	Non-executive

Swansea Council of Voluntary Services (Invited Participant)	Non-executive management Committee Member
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The PSB Performance Panel also identified its ability to co-opt additional members on a temporary basis the length of which to be determined by the Panel. The Panel further stipulated that co-optees should not be acting in an executive capacity for any of the Public Services Board partner agencies and may only be invited to join the Panel with the unanimous agreement of Panel members.

The important point to highlight is the ability of local government overview and scrutiny arrangements to pro-actively engage partners more deeply in its work. In doing so elected members can send powerful messages to the PSB regarding its commitment to effective partnership working through their own structures and practice. This can lead to the creation of enhanced trust and mutual respect in creating accountability relationships that promote dialogue and learning as the key drivers underpinning performance improvement.

However, approaches to partner engagement in the work of scrutiny is **specific to each local authority** and that what “works” for one Council may not directly transfer to another. The crucial issue here is the degree of commitment scrutiny shows in ensuring partners can influence and inform its investigative work.

In evaluating the added value brought about by strategic partnership working, scrutiny can boost its credibility in leading by example.

### Reports and Recommendations

Section 35 (2) of the Act requires overview and scrutiny committees to send a copy of any report or recommendation with respect to the board’s functions or governance arrangements to the Welsh Ministers, the Future Generations Commissioner (FGC) for Wales and the Auditor General for Wales.

This requirement has been regarded by some as detracting from scrutiny’s ability to develop ‘softer’ styles of accountability where power relies on its ability to persuade, advise and influence. This can give rise to anxiety that widespread reporting of partnership performance by scrutiny, particularly given the long-term timescales associated with achieving improved well-being, can place unhelpful pressure on PSBs to skew activity towards what is immediately measurable rather than foster more innovative and creative behaviour.

An alternative point of view is that the provision compels local government overview and scrutiny to more proactively correspond with other accountability agents such as the Auditor General in Wales and the Future Generations Commissioner as part of a networked model of accountability. In sharing intelligence about different aspects of partnership performance, scrutiny can add to a wider body of knowledge aimed at better understanding and supporting drivers of collaborative performance. In addition, regarding the role of the Future Generations Commissioner in guiding and advising PSBs to work in accordance with the sustainable development principle, analysis and recommendations arising from local scrutiny may help better focus support and assistance.

Consequently, local government scrutiny arrangements may wish to give thought to how to match the most appropriate method of communication with the degree of intended formality best suited to local circumstance. For example, some councils may wish to utilise Chair’s letters rather than formal reports in providing the PSB with spontaneous feedback as opposed to ‘escalating’ formative



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observations to national level. Adoption of a more flexible approach has been reported as having the effect of partners perceiving scrutiny's formal reporting mechanisms as influential 'backstop powers' which in turn has encouraged greater co-operation and a more collegiate relationship with local government scrutiny.

In thinking about how scrutiny wishes to engage the PSB in developing lines of inquiry, requesting evidence, scoping future work items and establishing ways of working it might be the case that the use of Chair's letters or presentations at meetings of the PSB may be most appropriate methods of communication. Similarly, less prescriptive ways of exchanging information may be more suitable when communicating with the PSB informal feedback regarding scrutiny's initial analysis, findings and draft conclusions relating to collaborative performance.

Regarding utilising more formal powers of reporting, it is suggested that scrutiny take appropriate steps to ensuring reports and recommendations are evidence based and describe a suggested course of action to be taken to solve a shared problem. Moreover, to have impact and credibility, recommendations to the PSB should have a clear rationale and be written as statements indicating a directional change of action. In thinking about the validity of conclusions made about the PSB's performance by scrutiny, these should clearly link to scrutiny's original research focus and methods of inquiry in accordance with practice detailed in the 'Characteristics of effective scrutiny' framework.

In accordance with the Act, copies of reports and recommendations should be sent to the Future Generations Commissioner, the Auditor General in Wales and the Welsh Ministers. Given that the minister with lead responsibility for PSBs is currently the Cabinet Secretary for Finance and Local Government, copies of formal reports and recommendations should be sent to the Local Government Partnership team who may arrange that any additional ministers are briefed according to their areas of responsibility.

## References

Centre for Public Scrutiny (2012) *Sub-regional and Supra-local Scrutiny*, Centre for Public Scrutiny.

Downe, J. and Ashworth, R. (2013) *Developing a Culture of Collaborative Scrutiny? An Evaluation of Practice and Potential*, Welsh Government.

Downe, J. and Ashworth, R. (2015) *Step by Step to Joint Scrutiny: A Handbook for Scrutineers*, Welsh Government.

Horton, K. (2013) *Establishing a Baseline for Local Service Board (LSB) Scrutiny in Wales*, Welsh Government.

Office for Public Management (2009) *Total Place – Lessons Learnt*.

Wales Audit Office (2014) *Good Scrutiny? Good Question! Auditor General for Wales Improvement Study: Scrutiny in Local Government*, Wales Audit Office.

Welsh Government (2014) *The report of the Commission on Public Service Governance and Delivery*.

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Welsh Local Government Association (2014) *Overview and Scrutiny Member and Chair Specifications*, WLGA.

WLGA and CfPS (2010) *Scrutiny of Multi-Agency Partnerships*, WLGA.

### Conwy and Denbighshire PSB – Scrutiny Option Appraisal

The following table outlines various options for the future Scrutiny arrangements of the Conwy and Denbighshire Public Service Board, as to ensure democratic accountability for partnership actions and to fulfil statutory duties.

Option		Benefits	Disadvantages	Resources Required
Page 123	<p><b>Option 1</b></p> <p><b>Keep Current Arrangements:</b> Continue with current arrangements of utilising the separate Local Authority Scrutiny Committees to oversee each Councils' aspects of work for the Joint Public Services Board (PSB).</p>	<ul style="list-style-type: none"> <li>• Cost avoidance of developing a new structure.</li> <li>• Increased local member engagement within Denbighshire from utilising an existing DCC Scrutiny Committee</li> <li>• Sharing of recommendations and key issues between DCC and CCBC possible through existing links</li> </ul>	<ul style="list-style-type: none"> <li>• Delay in seeking views from two committees</li> <li>• Possible contradictory views from each committee.</li> <li>• Two separate set of recommendations being sent to the PSB, two separate reports to WG Ministers and the Auditor General as per the legislation's requirements (for a single Board)</li> <li>• Utilising this option is likely to make it more difficult to judge the overall effectiveness of the PSB which is a key aim</li> </ul>	<ul style="list-style-type: none"> <li>• Utilise existing resources.</li> </ul>
	<p><b>Option 2</b></p> <p><b>Joint Formal Arrangements:</b> Develop a dedicated joint Conwy and Denbighshire PSB Scrutiny committee, with the potential of extending representation to PSB partners.</p>	<ul style="list-style-type: none"> <li>• All members hear the same debate.</li> <li>• A single scrutiny committee would make better and more effective use of the PSB officers' time to support Members to understand &amp; scrutinise reports.</li> <li>• PSB has a simpler and quicker Scrutiny process.</li> <li>• Greater sense of accountability to 1 joint committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential cost incurred in establishing committee (e.g. - chair of a joint scrutiny committee would be eligible for a senior salary (if the authorities agreed it should be a remunerated post)</li> <li>• Possible lower levels of member engagement if the joint committee is seen as being remote, either</li> </ul>	<ul style="list-style-type: none"> <li>• Existing resources will need to be made available to the JOSC. The Committee will need to be supported by a professional scrutiny officer, as the role here is different to the roles for supporting non-scrutiny committees and that of other officers in that they are focused on assisting the scrutiny committee in its work, which includes being</li> </ul>

		<ul style="list-style-type: none"> <li>• Timeliness of reporting.</li> <li>• A joint committee will offer a more integrated, strategic and cross border approach</li> <li>• This option is favoured by the PSB</li> </ul>	<p>strategically or geographically</p> <ul style="list-style-type: none"> <li>• Greater lead in time to setting up joint committee, including governance arrangements</li> <li>• Potential political concerns, i.e. balanced party representation.</li> </ul>	<p>constructively critical of the PSB where appropriate. A new joint committee may generate a significant body of new work for the scrutiny officer, above what would be if using existing committee arrangements.</p>
<p><b>Option 3</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 124</p>	<p><b>Joint Informal Arrangements:</b> Informal joint meeting of both committees.</p>	<ul style="list-style-type: none"> <li>• Could share the benefits listed for a formal joint committee</li> <li>• Avoids senior salary costs</li> </ul>	<ul style="list-style-type: none"> <li>• Unclear if an informal committee would be deemed open and transparent or if it would have sufficient status.</li> <li>• Issues in developing informal governance of the committee?</li> <li>• A need to report to the designated PSB Scrutiny Committee at each authority to enable it to make formal recommendations to the PSB, report to WG Ministers and the Auditor General as per the legislation's requirements</li> <li>• Potentially this option has the greatest number of structures/steps attached to it i.e. the joint informal committee having to refer items to the LAs' individual committees for them to report to WG and the Auditor General;</li> </ul>	<ul style="list-style-type: none"> <li>• Possibly the most resource intensive option – although informal the committee will still need to be supported by a professional scrutiny officer and will need PSB officers to support the structure.</li> </ul>

			<ul style="list-style-type: none"><li>• Resource and speed implications</li></ul>	
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<b>Report to:</b>	<b>Democratic Services Committee</b>
<b>Date of Meeting:</b>	<b>23 March 2018</b>
<b>Lead Officer:</b>	<b>Head of Democratic Services</b>
<b>Report Author:</b>	<b>Scrutiny Co-ordinator</b>
<b>Title:</b>	<b>Draft Annual Report of the Council's Scrutiny Committees 2017/18</b>

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

The proposed arrangements for compiling the Annual Report of the Council's Scrutiny Committees.

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

To seek the members' views on the proposed arrangements for production of this year's Annual Report, their support in undertaking the evaluation exercise on the effectiveness of the Council's scrutiny function, and any suggestions the Committee may have on how the report could be further enhanced.

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

That the Committee:

- 3.1 comments on the proposed approach towards producing the Scrutiny Committees' Annual Report for 2017/18;
- 3.2 supports the exercise undertaken to evaluate the effectiveness of the Council's scrutiny function and encourages all members and officers invited to participate in the exercise to do so; and
- 3.3 suggests any additional information it would like to see included in the Annual Report to be presented to Annual Council in May 2018.

## **4. Report details**

- 4.1 Section 7.4.4 of the Council's Constitution states that the Scrutiny Committees must report annually to Full Council on their work with recommendations for their future work programme and amended working practices if appropriate.
- 4.2 Traditionally the Committees' Annual Report is presented to Annual Council at its meeting in May of each year.
- 4.3 As part of the preparatory work for the production of the 2017-18 Annual Report the Scrutiny Chairs and Vice-Chairs Group (SCVCG), at its meeting in January 2018,

discussed the information that should be contained within this year's Annual Report and its format. Having regard to the fact that 2017-18 was the first year of a new Council, and that the Council's Corporate Plan had only recently been approved, the Group concluded that this year's report should focus on:

- discussing the Council's new corporate priorities;
- how to get the public more engaged with Scrutiny;
- an update on the work of the In-house Adult Social Care Task and Finish Group; and
- information on the new Public Services Board and how it will be scrutinised in future

It was agreed that the format should include a picture page of the membership of each committee immediately preceding a report on that committee's work during the year.

- 4.4 The SCVCG also concluded that it would be useful for a 360° evaluation of the effectiveness of the scrutiny function to be undertaken against the nationally recognised 'Outcomes and Characteristics for Effective Local Government Overview and Scrutiny'. For this purpose a link to a questionnaire was circulated to all councillors, co-opted members and officers who attend scrutiny committee meetings in early March 2018, with a response deadline of 21 March 2018. The link in the e-mail circulated directs recipients to an electronic survey which is available on 'Survey Monkey'. Issuing the confidential questionnaire via 'Survey Monkey' makes it easier for individuals to respond and for results to be collated. As the Wales Audit Office (WAO) is keen for Scrutiny to evaluate its effectiveness on a regular basis members and officers are encouraged to complete the questionnaire and submit it by the above deadline date.
- 4.5 An analysis of the questionnaire results will be included in the Annual Report along with information on any areas of weakness identified and proposed actions to strengthen those areas during the coming year.
- 4.6 As the production of the Annual Report is still at an early stage Democratic Services Committee members are requested to support the approach taken for its production and to suggest any additional information or ideas that may enhance the quality of the final report.

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

The production of an Annual Report will outline how Scrutiny supports the Council's ambition to deliver its corporate priorities and Corporate Plan. It will explain Scrutiny's role in monitoring and challenging projects and actions to deliver the priorities going forward. Effective scrutiny will assist the Council to deliver its corporate priorities in line with community needs, residents' wishes and within budget.

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

The publication of the Annual Report forms part of the regular committee reports despatch to county councillors and other recipients, therefore there are no additional costs entailed with its publication. The Annual Report upon approval and translation will be distributed electronically to Council outlets such as libraries, One Stop Shops,



town and community councils, and all school councils within the County. It will also be available on the Council's intranet and website.

**7. What are the main conclusions of the Well-being Impact Assessment?**

A Well-being Impact Assessment (WIA) is not required for this report as no decision or change of policy is being sought. The Annual Report is presented solely to inform councillors and residents of the Scrutiny Committees' work during the preceding twelve months and as a means of outlining potential future areas of work.

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

The Scrutiny Chairs and Vice-Chairs Group have been consulted on the report's contents and format.

**9. Chief Finance Officer Statement**

N/A

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

No risks have been identified with respect to the consideration of the Committees' Annual Report.

**11. Power to make the Decision**

Section 7.4.4 of the Council's Constitution stipulates that the Council's scrutiny committees must report annually to full Council on their workings with recommendations for their future work programme and any amended working methods if appropriate.

Democratic Services Committee's duties in relation to Scrutiny are detailed in the Local Government (Wales) Measure 2011

**Contact Officer:**

Scrutiny Co-ordinator

Tel: 01824 712554

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<b>Report To:</b>	<b>Democratic Services Committee</b>
<b>Date of Meeting:</b>	<b>23 March 2018</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>Electoral Review of Denbighshire</b>

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

The report is about Denbighshire's response to the Local Democracy and Boundary Commission for Wales (the Commission) who are undertaking a boundary review of Denbighshire.

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

The Committee previously requested an update on the boundary review at this meeting.

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

That the Committee considers the issues raised and the response in Appendix A to the Commission's consultation exercise.

## **4 Report details**

- 4.1 The Local Democracy and Boundary Commission for Wales (the Commission) are undertaking Electoral Reviews of all 22 Local Authorities in Wales. These began in January 2017, with final recommendations to be presented to the Welsh Government to approve changes in time for the local government elections expected to be held in 2022.
- 4.2 Representatives from the Commission met with the Leader, Group Leaders and officers in September 2017 prior to attending a full Council meeting in October 2017 to present information on the policy and practice for electoral reviews and specifically to cover how these would shape Denbighshire's Electoral Review.
- 4.3 A working group of members agreed with the Group Leaders was established to consider Denbighshire's Electoral Review and met on the 22 November 2017. Issues that were not resolved at that meeting were brought to a further meeting held on the 16 January 2018.
- 4.4 A summary of the working group's deliberations including their recommendations to the Commission are attached as Appendix A.

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

The issues considered in this report do not directly relate to the Corporate Priorities.

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

If implemented, the recommendations by the working group would result in 1 extra county councillor who would be entitled to draw a 'basic salary' for the role and appropriate services and support from the Council.

**7 What are the main conclusions of the Well-being Impact Assessment?**

The electoral reviews are the responsibility of the Commission and conducted according to legislative requirements. An impact assessment is not required for this report.

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

The Commission has consulted with the Leader and Group Leaders and addressed full Council. A working group of elected members were tasked with responding to the Commission's consultation.

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

Representation of some of Denbighshire's residents at county council level could be affected if the Welsh Government decides to make changes to ward boundaries. A working group of members considered the criteria for the Commission's review and has responded with its views.

**10 Power to make the Decision**

Sections 21, 29 and 30 of the Local Government (Democracy)(Wales) Act 2013.

## **Electoral Review of Denbighshire: Recommendations and Summary of Discussions of a Member Working Group to the Local Democracy and Boundary Commission for Wales**

### **1 Background**

The Local Democracy and Boundary Commission for Wales (the Commission) were undertaking Electoral Reviews of all 22 Local Authorities in Wales, beginning in January 2017 with final recommendations to be presented to the Welsh Government to approve changes in time for the 2022 local government elections. Representatives from the Commission had met with the Leader, Group Leaders and officers in September 2017 prior to attending a full Council meeting in October to present information on the policy and practice for electoral reviews and specifically to cover how these would shape Denbighshire's Electoral Review.

A working group of members agreed with the Group Leaders was established to consider Denbighshire's Electoral Review which met on the 22 November. Issues that were not resolved at that meeting were brought to a further meeting held on the 16 January 2018.

### **2 Criteria, Scope and Consultation Responses**

The working group were reminded of the role of the Commission and the legislative background for the programme of reviews taking place across Wales. The statutory criteria covered electoral equality (the optimum number of electors per councillor), community identity and effective and convenient local government arrangements (e.g. coherent electoral wards with common interests). An electoral review may consider:

- The number of members on the Council
- The boundaries of the electoral wards
- The number of members to be elected for any electoral ward
- The name of any electoral ward

For Denbighshire:

- The Commission's council size aim for Denbighshire was for a council of 47 members though an increase or decrease of 1 member could be acceptable.
- The Commission would be using communities and community wards as the primary building blocks making up electoral wards (Wales is divided into community areas, many of which have town or community councils as is the case in Denbighshire).
- The Commission's preference was for single member wards but they would consider up to 3 members per ward in cases where this was supported by evidence to the character of a ward or in the interests of electoral parity.
- Electoral parity for Denbighshire had been defined as 1 councillor to 1,623 electors with any variance being as close as possible to this figure.

- If proposals were made to the Commission that were at odds with the review's criteria these proposals would have to be supported by good evidence that they were the best options available
- Transfers of wards or areas between Denbighshire and any of its neighbouring authorities would not be permitted under the rules of the review.
- The Commission had provided a colour coded map of Denbighshire indicating the existing variance in electoral representation in each ward i.e. how close each county council ward was to having a councillor / electorate ratio of 1:1623. The areas coloured orange or hatched-orange were those that the Commission had highlighted as being areas of concern.
- The Commission's deadline for responses was the 23 January 2018.
- The role of the working group was to see whether there was broad agreement to making a Denbighshire County Council consultation response. If the working group could not agree on a single Denbighshire a summary of the views put forward could be given to the Commission. Individual members would still be able to make their own responses to the Commission.

**As a result of the information provided by the Commission the working group confined its deliberations to the 5 electoral divisions which had a variance of between 25% and 50% above or below the county average. The Commission is recommended to retain the existing warding arrangements for the other electoral divisions.**

### **3 Rhyl South East**

This electoral division currently was 28% above the county average and the five year projected forecast was for the electorate to rise further. At the November meeting the working group decided to recommend that it be split into 2 new electoral divisions based on the component Rhyl Town Council wards of Trellewelyn and Tynewydd. With 2 members for each new division the variance figures for both the current and 5 year forecast would be improved and both wards would be within 10% of the county average in 5 years' time.

Local member Councillor Blakeley reported that Rhyl Town Council had drawn the same conclusions and felt that the electorate would be familiar with the changes as they were in place at the town council level. The Town Council had made its representations to the Commission.

#### **RECOMMENDED –**

- (i) **That the Rhyl South East division be split into 2 new electoral divisions based and named on the component Rhyl Town Council wards of Trellewelyn and Tynewydd. With 2 members for each new division.**
- (ii) **That the Commission consider renaming the remaining divisions in Rhyl (eg Rhyl South, Rhyl West, etc) in favour of using geographical rather than 'compass' based names.**
- (iii) **That the Commission consult with interested parties on proposals to rename electoral divisions in Rhyl.**

### **4 Llanarmon yn Iâl / Llandegla**

Local member Councillor Holland reported that all 3 of the community councils within the Llanarmon yn Iâl / Llandegla electoral division had carefully considered the Commission's policy and criteria.

They were however all agreed that the current arrangements should be maintained in the interests of the 3 communities' shared geographical and historical links. All 3 were part of the Alyn Valley with a common hill-farming connection and close historic industrial and quarrying links that brought the communities together. Whilst the communities had considered whether the Llanferres community should join with Llanbedr Dyffryn Clwyd / Llangynhafal in order to reduce the variance from the county average, all the communities felt that Llanferres was a part of the Alyn Valley and very different from Llanbedr Dyffryn Clwyd on the other side of the Clwydian Hills.

The working group agreed with the representations made by the communities.

**RECOMMENDED –**

- (i) **That the Llanarmon yn Iâl / Llandegla electoral divisions should remain unchanged owing to the close geographical and historical links and the wishes of the communities expressed by the 3 community councils.**
- (ii) **That the name of the electoral division be changed to *Dyffryn Alun / Alyn Valley*.**

**5 Llanbedr Dyffryn Clwyd / Llangynhafal**

This electoral division was currently 26% below the county average and proposals were discussed by the working group to incorporate the Llanferres community from the Llanarmon yn Iâl / Llandegla electoral division.

The working group had opposed this incorporation owing to the views of the communities based on the close ties between the Llanferres, Llanarmon yn Iâl and Llandegla communities.

Whilst the merger would have produced an electoral division with an improved variance from the county average (+14%) the 5 year forecast would raise this variance to +20%.

**RECOMMENDED –**

**That the Llanbedr Dyffryn Clwyd / Llangynhafal electoral division should remain unchanged owing to the effects incorporating possible neighbouring communities would have on those communities and the projected increase in the electorate in Llanbedr Dyffryn Clwyd / Llangynhafal over the next 5 years.**

**6 Llandrillo**

Local member Councillor ap Gwynfor advised the working group the Llandrillo division contained the Llandrillo and Cynwyd communities. Neither of the community councils had a clerk at present so they were experiencing difficulties responding to official consultations. Councillor ap Gwynfor reported that the local view appeared to be in favour of the advantages of having a single county councillor to represent them in terms of being easy to know who to approach.

The working group referred to Llandrillo's position adjoining Denbighshire's Corwen electoral division at one end and bordering the neighbouring authorities of Wrexham, Powys and Gwynedd at every other point. Recognising that Llandrillo's electorate was 41% below the county average the working group considered a proposal to merge the Llandrillo and Corwen divisions and create a single two member ward. In favour of this proposal was the reduction in variance to between -13 and - 11 %.

The local member for Corwen, Councillor Jones reported that the communities in Corwen held similar views to those expressed by Councillor ap Gwynfor; favouring the retention of a single member ward for Corwen.

The working group considered the characteristics of Llandrillo and Corwen electoral divisions. Both divisions covered large areas; both being amongst the largest geographic sized divisions in the county. Llandrillo was a rural division whilst Corwen was framed around an urban town. Members agreed that the communities in the eastern part of Corwen such as Glyndyfrdwy, looked primarily east to Llangollen as its natural hub whilst those in Llandrillo looked west to Bala in Gwynedd. Members agreed that an amalgamated division would be a very large and disparate entity and difficult for two members to represent effectively if both had to cover the entire area.

Acknowledging the administrative difficulties that the absence of a clerk for both the Llandrillo and Cynwyd communities presented the working group concluded that Llandrillo's location and community ties strongly favoured retaining the existing Llandrillo electoral division and that this viewpoint would be supported within the communities of Llandrillo, Cynwyd and Corwen.

#### **RECOMMENDED –**

**That the Llandrillo electoral division should remain unchanged for the reasons outlined above.**

## **7 Denbigh Upper / Henllan**

The town and surrounding neighbourhoods of Denbigh were divided into 3 electoral divisions. Denbigh Central, Denbigh Lower and Denbigh Upper / Henllan. Denbigh Upper / Henllan had been flagged for attention by the Commission as it was 26% under the county average. The working group considered a proposal to create a new 3 member division by amalgamating Denbigh Central with Denbigh Upper / Henllan which would produce a variance of -17% now and -14% in 5 years ' time.

Local member Councillor Swingler was not against the proposal though he raised concerns that the voice of the distinctive, largely rural community of Henllan could be weakened further if the urban Denbigh Central became part of the division.

Local member Councillor Kensler strongly favoured the 1 member 1 ward approach and this would be lost to Denbigh Central by the creation of a new 3 member ward. She also advised that plans were being developed for some significant potential residential developments that might not yet be advanced enough to provide figures for the 5 year forecast.

Local member Councillor Lloyd-Williams was not opposed to the idea of a 3 member ward and raised queries around whether there were solutions to the representational issues rural Henllan would face if it was part of an increasingly urban division.

The working group were advised that the electorate figures for Denbigh Central itself could be higher than it was. A large number of residential units in some areas of the division were home to non-qualifying nationals.

Members probed options for merging the Henllan community with Trefnant but concluded that, given Henllan's location bordering with Conwy, this could only successfully result in improving electoral variance figures by breaking up some of the existing communities, which would be contrary to the Commission's guidelines.

#### **RECOMMENDED –**



**That the Denbigh Upper / Henllan electoral division should remain unchanged for the reasons outlined below:**

- **Mergers would increase the number of members representing an electoral division.**
- **The incorporation of Denbigh Central would result in the loss of a single member ward.**
- **The location alongside Conwy of Denbigh Upper / Henllan restricted the possibilities to reorganise the divisions without breaking up communities.**
- **A combined Denbigh Upper / Henllan and Denbigh Central ward would detrimentally affect the representation of rural Henllan.**
- **Denbigh was expecting to see plans emerge for large residential developments. Information on the impact of these prospective developments should be awaited before re-organising the warding arrangements in the area.**

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Democratic Services Committee Forward Work Programme

Meeting	Item (description / title)		Purpose of report	Author – Lead member and contact officer	Date Entered
23 March 2018	1	Member Training & Development	To review training and development provision and participation.	Steve Price	October 2017
	2	Scrutiny of the Public Services Board	An update on progress	Steve Price / Rhian Evans	October 2017
	3	Draft Annual Report of Scrutiny	To consider the draft prior to submission to the Annual Council meeting	Steve Price / Rhian Evans	October 2017
	4	Electoral Review of Denbighshire	Consideration of the implications of proposals submitted to the Local Democracy and Boundary Commission	Gary Williams / Steve Price / Gareth Evans	October 2017
19 October 2018	1	Independent Remuneration Panel for Wales' Draft Annual Report	A review of the draft proposals and consideration of a response to the consultation	Steve Price	October 2017

**Other Business**

- Welsh Government proposals to reform local government
- ICT provision and support for members
- Members' Annual Reports

Democratic Services Committee Forward Work Programme

Note for officers – Democratic Services Committee Report Deadlines

<i>Meeting</i>	<b><i>Deadline</i></b>	<i>Meeting</i>	<b><i>Deadline</i></b>	<i>Meeting</i>	<b><i>Deadline</i></b>
<i>March 2018</i>	<b><i>9 March 2018</i></b>	<i>October 2018</i>	<b><i>5 October 2018</i></b>		

Updated 10/10/2017 - SP

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