

To: Members of the Democratic
Services Committee

Date: 15 October 2018

Direct Dial: 01824 712589

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **DEMOCRATIC SERVICES COMMITTEE** to be held at **10.00 am** on **FRIDAY, 19 OCTOBER 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 3 - 4)

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 5 - 8)

To receive the minutes of the Democratic Services Committee meeting held on 23 March, 2018 (copy attached).

5 INDEPENDENT REMUNERATION PANEL FOR WALES' DRAFT ANNUAL REPORT (Pages 9 - 96)

To receive a report (copy attached) by the Democratic Services Manager to review the IRPW's draft annual report and consider a response to the IRPW's consultation exercise.

6 TIMING OF COUNCIL MEETINGS (Pages 97 - 104)

To receive a report (copy attached) by the Democratic Services Manager to consider the results of the survey and makes recommendations to Council on the timing and venues of Council meetings.

7 JOINT SCRUTINY OF THE PSB (Pages 105 - 180)

To receive a report (copy attached) by the Democratic Services Manager with information on the progress made towards establishing a formal Joint Scrutiny Committee for Denbighshire and Conwy Councils to scrutinise the Public Services Board (PSB).

8 FORWARD WORK PROGRAMME (Pages 181 - 182)

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

MEMBERSHIP

Councillors

Joan Butterfield
Rachel Flynn
Hugh Irving
Alan James
Huw Jones

Gwyneth Kensler
Christine Marston
Andrew Thomas
Graham Timms
Joe Welch

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

LOCAL GOVERNMENT ACT 2000

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'.

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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 LL15 1YN on Friday, 23 March 2018 at 10.00 am.

PRESENT

Councillors Rachel Flynn, Hugh Irving, Alan James (Chair), Huw Jones, Gwyneth Kensler, Christine Marston, Andrew Thomas and Graham Timms

ALSO PRESENT

Head of Legal, HR & Democratic Services (GW)
Democratic Services Manager (SP)
Scrutiny Coordinator (RhE)
Committee Administrator (RhJ)

1 APOLOGIES

Apologies were received from Councillor Joe Welch and Councillor Joan Butterfield.

2 DECLARATION OF INTEREST

No declarations of interests were raised.

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 20 October 2017 were submitted.

RESOLVED - That the minutes of the Democratic Services Committee's meeting held on the 20 October 2017 be confirmed as a correct record.

5 INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2018 / 19

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

The DSM stated that the panel had decided to provide an increment of £200 a year to the basic salary for each councillor. It was also stated that there would be 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.

Members discussed the role of the Panel and its aim of contributing to enhance diversity in local government. Setting appropriate salaries able to attract a more diverse and representative range of people to stand for election to local government being one of the Panel's key actions.

With many county councillors also serving on their local city, town or community councils (CTCC) a number of members voiced concerns that the Panel's decisions relating to payments by CTCCs could put pressure on their finances.

RESOLVED – That the Democratic Services Committee note the content of the report.

6 MEMBER TRAINING AND DEVELOPMENT

The Democratic Services Manager (DSM) presented a verbal report on member training, development, provision and participation.

The DSM stated that the purpose of the report was to have the opinion of the members of the Democratic Services Committee on the training they had received and what future training should be offered to members.

The DSM stated that training could be carried out either internally by officers or with external facilitation.

The following points were raised in the discussion following the DSM's introduction:

- Members requested that individual records of the training undertaken by members be kept.
- Data protection was raised and whether any training would be available for members. The head of Legal, HR and Democratic Services reported that the Legal Services Manager and the Business Information Team Manager were developing training for members in regards to the GDPR.
- A query was raised about whether community councils could have training from Denbighshire County Council. The Head of Legal, HR and Democratic Services advised that training for community councillors on the code of conduct was available

RESOLVED - That the Democratic Service Committee recommends that a record of training for individual members be maintain.

7 FUTURE SCRUTINY OF THE PUBLIC SERVICES BOARD

The Scrutiny Coordinator (SC) presented the report to facilitate a discussion on potential effective, sustainable future scrutiny arrangements for the Public Services Board (PSB) whilst ensuring compliance with statutory requirements (previously circulated).

The SC informed the committee that there were three options proposed on how to move forward with scrutiny of the Public Services Board.

- Continue with current arrangements of utilising the separate local authority Scrutiny Committees to oversee each Council's aspects of work for the Joint PSB.
- Develop a dedicated joint Conwy and Denbighshire PSB Scrutiny committee.
- Hold informal joint meeting of both Scrutiny committees.

The issues raised by Members included:

- The Council's Scrutiny Chairs and Vice Chairs Group and the PSB had considered the potential Scrutiny arrangements and both favoured the establishment of a formal joint Scrutiny committee for the PSB.
- The likely effect the Welsh Government's green paper on local government might have. In respect of any local authority reorganisation Conwy and Denbighshire would likely be merged together covering the same area as the existing PSB.
- The Committee agreed that establishing a formal joint Scrutiny committee with Conwy was the best option for scrutinising the cross-county strategic PSB.

RESOLVED – That the Committee supports the establishment of a formal joint Scrutiny between Denbighshire and Conwy to scrutinise the Conwy and Denbighshire Public Services Board.

8 DRAFT ANNUAL REPORT OF THE COUNCIL'S SCRUTINY COMMITTEES 2017/18

The Scrutiny Coordinator (SC) presented a report to seek the members' views on the proposed arrangements for the production of the Draft Annual Report of the Council's Scrutiny Committees for 2017/18.

The SC told asked whether there were any suggestions or any additional information it would like to see included in the Annual Report to be presented to Annual Council in May 2018.

The SC informed members that a questionnaire had been circulated to all councillors, co-opted members and officers who regularly engaged with Scrutiny. A total of 60 questionnaires had been issued with 15 returned. In response to the questionnaire members raised the following issues.

A suggestion was made about how the low response rate from councillors could have been partly due to difficulties some members had experienced in completing the questionnaire online or because surveys circulated by email could be quickly lost amongst the large volume of email messages received by members.

RESOLVED – That the Committee supports the evaluation of the effectiveness of the Council's Scrutiny function and the participation of members and relevant officers in the evaluation exercise.

9 ELECTORAL REVIEW OF DENBIGHSHIRE

The Democratic Services Manager (DSM) introduced the report into the Electoral Review of Denbighshire.

The DSM summarised the criteria being used by the Local Democracy and Boundary Commission for Wales' review of Denbighshire. The review aimed to improve electoral parity throughout the county by harmonising the number of constituents represented by each councillor though the Commission felt that the overall size of the Council (i.e. the number of councillors) was appropriate subject to any minor alterations to improve electoral parity at ward level.

The Commission had provided a colour-coded map of the county based on the existing variance on electoral representation with wards coloured orange or hatched orange the wards with the greatest variance (either too few or too many electors per councillor) and therefore of most concern.

Members were advised that transfers of areas between Denbighshire and any of its neighbouring authorities would not be permitted under the rules of the review so that any changes to the ward boundaries would be contained within the county boundary.

In response to a question the DSM confirmed that the Welsh Government's current proposals on reorganising local government could affect the current electoral boundary review.

RESOLVED - That the Committee endorses the recommendations and summary of the Member Working Group.

10 FORWARD WORK PROGRAMME

The Democratic Services Manager introduced the Forward Work Programme and the following items were agreed:

- Local government reorganisation and mergers be a standing item
- Scrutiny arrangements for the Public Services Board (for the next meeting)
- The draft annual report of the Independent Remuneration Panel for Wales (for the next meeting)
- When available, a report on the Scrutiny arrangements for the North Wales Growth Board

RESOLVED – That, subject to the above amendments, the forward work programme be approved.

The meeting concluded at 11:38.

Report to:	Democratic Services Committee
Date of Meeting:	19 October 2018
Lead Officer:	Gary Williams (Head of Legal, HR and Democratic Services)
Report Author:	Steve Price (Democratic Services Manager)
Title:	Consultation on the Independent Remuneration Panel for Wales' Draft Annual Report for 2019 - 2020

1. What is the report about?

The Independent Remuneration Panel for Wales (IRPW) publishes an annual report on the level of payments and support to members each year. The draft version of the annual report is now available and outlined in this report.

2. What is the reason for making this report?

The Independent Remuneration Panel for Wales (IRPW) determine the level of payments and support available to members. These *determinations* or decisions are published in an annual report which is preceded by a draft version for consultation and this is attached.

3. What are the Recommendations?

That the Committee reviews the IRPW's draft annual report and considers a response to the IRPW's consultation exercise.

4. Report details

- 4.1 This month the IRPW has issued a draft annual report on the payments and support available to members during 2019 / 2020. The IRPW welcome comments on the draft proposals and their consultation closes on the 27 November 2018.
- 4.2 The final annual report which will set the levels and rules for payments is expected to be published in February 2019.
- 4.3 The IRPW note that the financial constraints on the public sector and particularly local authorities has meant that the link between councillors' salaries and average Welsh earnings has not been maintained over recent years. The IRPW wishes to avoid further erosion so is proposing to raise the basic salary available to all county councillors by 1.97% (£268) to £13,868.
- 4.4 The draft report proposes increasing the salaries for Cabinet members by £532. The IRPW notes that the post-holders have significant functional responsibility and,

compared to the remuneration of many other public sector roles, are not well paid. Cabinet members would also receive the proposed increase in the basic salary.

- 4.5 For recent years the IRPW has determined that any payments made to civic heads and deputy civic heads would be at one of three levels set for each role, with each local authority choosing which level best reflected the role. The draft report proposes removing the choice of levels with payments to the Chair of Council being set at the same level as a chair of a committee (£22,568 inclusive of the basic salary) which is, for the civic element, £500 higher than the remuneration available this year.
- 4.6 The IRPW proposes to set the salary for the deputy civic head (Vice Chair of Council) at £17,568. This would be an increase in the civic element of £3,000 on the current year.
- 4.7 The draft report does not propose changing the senior salary for committee chairs though each committee chair would receive the increase in the basic allowance.
- 4.8 Determination 6 in the draft annual report says:
- ‘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.’*
- 4.9 The IRPW also highlights its expectation that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively; and this should be without cost to the individual co-optee.
- 4.10 From page 40 of the draft report the IRPW outlines their proposed changes to payments to members of city, town and community councils. Table 9 on page 46 summarises the scheme of payments being proposed.
- 4.11 Appendix 1 is a letter from the Chair of the IRPW and Appendix 2 contains a copy of the draft annual report. The following link can be used to view the documents online and for details of the consultation process:

<https://gov.wales/irpwsub/home/publication-reports/draft-annual-report-2019-20/?skip=1&lang=en>

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

No direct contribution.

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

There are no costs associated with this consultation exercise. Any increases in payments or support costs for members as a result of the IRPW’s final determinations will have to be met from the Council’s budgets.

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

An impact assessment is not required for this report.

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

Responding to the consultation by the IRPW is a function of the Democratic Services Committee. All members will receive notification of this item and will be able to attend the Committee's meeting. A report on the final determinations will be taken to full Council early next year.

9. Chief Finance Officer Statement

Not required.

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

The IRPW has authority to set the level of payments for members and make determinations regarding certain support issues. There are no risks identified with the matters raised in this report.

11. Power to make the Decision

Section 111 Local Government Act 1972

Local Government (Wales) Measure 2011

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To:

Leaders and Chief Executives of County and County Borough Councils
Chairs and Chief Executives of National Park Authorities
Chairs and Clerks of Fire and Rescue Authorities
Chair and Chief Executive of One Voice Wales
Leader and Chief Executive of Welsh Local Government Association
Head of Democratic/Members Services of County and County
Borough Councils, National Park Authorities and Fire and Rescue Authorities
Community & Town Councils

2 October 2018

Dear Colleague

Independent Remuneration for Wales – Annual Report 2019/20

The Panel's draft Annual Report for 2019/20 is attached. We would appreciate and welcome comments during the consultation period which ends on 27 November 2018.

Last year the Panel visited all 22 principal councils and met over 400 elected members and many chief officers. We have taken account of many of the issues that were raised during the visits and published a report on our findings. The report is available on the Panel's website.

The draft Report contains proposed changes to our remuneration framework including a small increase in the basic salary and some significant changes in respect of community & town councils.

We will consider all of the responses to this draft prior to producing the final Report for publication in February 2019.

Yours sincerely

John Bader

Chair

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Independent Remuneration Panel for Wales

Annual Report

DRAFT

February 2019

ANNUAL REPORT 2019

FOREWORD

Last year the Panel visited each of the 22 principal councils and met with many members and officers. We produced and published a report setting out our findings from the visit. The report is available on the Panel's website.

In this draft Annual Report we have reflected some of the issues that arose during our visits. We have previously indicated that payments to councillors have not kept pace with the original comparator the Panel used to establish an appropriate level of remuneration because of pressures on public expenditure. The effect of this can be seen in the table and graph that we have included in this report.

We are proposing another modest increase in the basic salary of elected members of principal councils which will at least prevent further erosion. For the first time in several years we are also proposing a small increase in the remuneration of leaders and executive members.

The Panel is also proposing further changes in respect of payments to members of community and town councils.

As ever, we will appreciate receiving responses to this draft Report by the deadline contained in the covering letter.

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 eleventh Annual Report of the Independent Remuneration Panel for Wales (the Panel), and the eighth 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 for which they are accountable to their community. These are significant and important 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 amount¹ ...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. However, payments to members for their time, worth and responsibility must be, and must be seen to be, fair to those undertaking the role. In 2009 the Panel aligned members' 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 at that time 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.
5. During our visits to all principal councils last year many members expressed the view that, compared with a traditional paid employment the basic salary is too low to attract younger people and to encourage greater 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.

6. 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 £13,868 (an increase of 1.97%).
7. The salaries of leaders and members of the executive have not been increased for several years (except for the increase in the basic element). We consider that holders of these posts have significant functional responsibility and compared to remuneration of many other public sector roles are not well paid. We have therefore proposed a modest increase of £800 (inclusive of the £268 increase in the basic salary).
8. 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.
9. 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.
10. We have continued to engage with community and town councils and met with several representative groups earlier in the year. We also convened 4 sessions with council clerks to provide an opportunity for clarification about administrative matters. As a result we propose further amendments to our Framework in respect of community and town councils. The proposed determinations for community and town councils are in Section 13.
11. 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.

12. 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 each year. The Panel's decisions in the past year are at Section 15.

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

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 payment 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 payment. The Framework provides additional payments 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 12	page 26	page 30	N/A ²
Senior Roles	page 15	page 26	page 30	page 42
Committee Chairs	page 15	page 26	page 30	N/A
Opposition Groups	page 15	N/A	N/A	N/A
Civic Heads and Deputies	page 16	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 22	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 20	page 27	page 31	N/A
Payments to Community and Town Councillors	N/A	N/A	N/A	page 40
Compensation for Financial Loss	N/A	N/A	N/A	page 43
Statement of Payments	page 79	page 79	page 79	page 79
Schedule of Remuneration	Page 77	Page 77	Page 77	N/A
Salaries of Chief Executives and Chief Officers	Page 50	N/A	Page 50	N/A

² 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 in 2009 aligned the basic salary 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 £16,000 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.

3.1.1 The tables below represent IRPW determinations on changes in pay of backbench members in Wales, together with 4 measures of possible alternative rates of increases, over the subsequent 8 years. Table 1 gives the percentage increases. Table 2 gives the actual figures. Retail Price Index (RPI) and Consumer Price Index (CPI) have been adopted by government and many organisations as appropriate inflationary measures. The National Joint Council (NJC) scale (a measure of public sector pay) takes spinal point 27 as an appropriate comparator figure to the members' basic rate. The All Wales Median Salary is published by the National Statistical Office. The 2010 starting figure in all cases is £13,868.

3.1.2 To set this in the context of other Welsh elected members, over this same period assembly members' salaries have increased by 24% (£53,852 to £66,874 - now indexed to Average Salaries in Wales ASHE) and MPs' salaries have increased by 17.7% (£65,738 to £77,379).

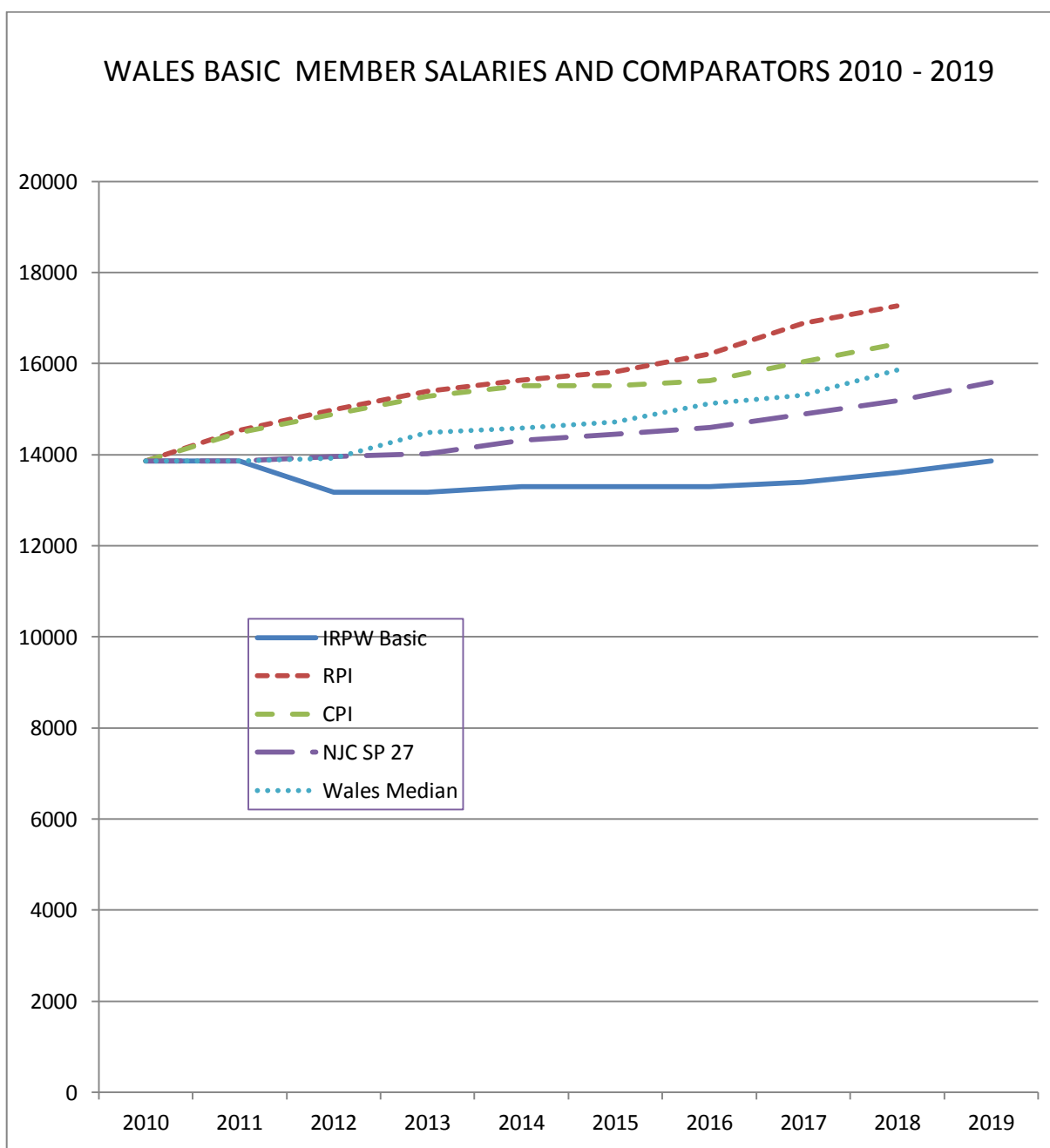
3.1.3 Thus, backbench members' salaries have remained relatively static over the last 9 years and, in real terms, have fallen significantly behind by any reasonable measure.

Table 1: Basic Members' salaries and alternative comparators 2010-18 by percentage

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
IRPW Basic	3.8	0	-5.0	0	0.95	0	0	0.75	1.5	1.97
RPI	4.8	4.8	3.1	2.7	1.6	1.2	2.5	4.1	2.3	
CPI	3.3	4.5	2.8	2.6	1.5	0	0.7	2.7	2.4	
NJC SP 27	0	0	0.7	0.43	2.05	1.0	1.0	2.0	2.0	2.6
Wales Median	2.5	0	0.44	4.0	0.64	1.0	2.7	1.2	3.6	

Table 2: Basic Members' salaries and alternative comparators 2010-18 by actual

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
IRPW Basic	13868	13868	13175	13175	13300	13300	13300	13400	13600	13868
RPI	13868	14533	14984	15388	15635	15822	16218	16883	17271	
CPI	13868	14492	14897	15285	15514	15514	15623	16044	16429	
NJC SP 27	13868	13868	13965	14025	14312	14455	14600	14892	15190	15585
Wales Median	13868	13868	13929	14486	14579	14725	15122	15303	15855	



- 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 visited all Welsh principal councils to meet with elected members to inform and update their understanding of elected and co-opted member activities. During 2018 the Panel will continue its regular liaison with councillors and officers. Panel members will meet with the Chairs of Democratic Services Committees and their officers and meet with Council Leaders and other elected member representatives under the auspices of the WLGA. The Panel has also, through varied correspondence with councils and individual council members and others maintained its ongoing dialogue. The position generally expressed by councillors and officers remains, particularly in the context of austerity, that the basic workload discharged by all elected members is substantial and significantly exceeds 3 days per week.
- 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 RPI, the CPI, NJC Pay Scales and Living Wage figures. As shown in Table 1 above, 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. In 2017 the Panel began action to narrow the gap and limit the rate of erosion. Any adjustments have been in keeping with the Panel's principle that its determinations should be affordable and acceptable. Although public sector funding continues to be constrained, the information set out in Table 1 and Table 2 supports the Panel's consideration that a further increase in the basic salary is justified. It has determined there shall be an increase of £268 a year which equates to 1.97%. This restores the level of the basic salary to the amount paid in 2011. The proposed increase applies to the basic salary for members of principal councils in recognition of the basic duties expected of all elected members.

Senior salaries for elected members of principal councils

- 3.5 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2019/20 the maximum number of senior salaries payable within each council will not be altered and will be as set out in Table 3. This reflects the increase to the cap for the Isle of Anglesey Council as set out in the Panel's supplementary report issued in 2017.

Determination 1: Basic salary in 2019/20 for elected members of principal councils shall be £13,868.

Table 3: Maximum numbers of council membership eligible for payment of a senior salary

Council	Number of councillors	Number of senior salaries
Group A (populations over 200,000)		
Cardiff	75	19
Rhondda Cynon Taf	75	19
Swansea	72	19
Group 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
Group C (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

3.6 The Panel has not increased the senior salaries paid to these post holders for six years. They have only received any increase in the basic salary applicable to all members.

The Executive

- 3.6.1 In 2009 the Panel concluded 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. Continued discussions with members and officers have reinforced this conclusion. In fact many executive members indicated that their workload has increased and concerns were also expressed by many members that the

differential in salary between a chair of a committee and a member of an executive did not recognise the difference in responsibility or workload.

- 3.6.2 In recognition of this the Panel has determined that there should be an increase to the Band 1 and Band 2 senior salaries payable to the Leader, the Deputy Leader and Executive Members.
- 3.6.3 The amount of the increase is £800. This is inclusive of the £268 increase to the basic salary that all members will receive as set out in Determination 2.

Chairs of Committees

- 3.6.4 There is a significant difference in the responsibilities and functions of chairing different committees. Councils are reminded that they do not have to pay chairs of committees. It is a matter for each council to decide which, if any, chairs of committees are remunerated. This allows councils to take account of differing levels of responsibility.
- 3.6.5 Where chairs of committees are paid, the remuneration is: £22,568.

The Senior Salary Bands

Determination 2: The Panel has determined that senior salary levels in 2019/20 for members of principal councils shall be as set out in Table 4.

Table 4: Basic salary and senior salaries payable to members of principal councils

Basic salary (payable to all elected members) £13,868			
	Group A (Cardiff, Rhondda Cynon Taf, Swansea)	Group B (Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham)	Group C (Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey)
Senior salaries (inclusive of basic salary)			
Band 1 Leader	£54,100	£49,100	£44,100
Deputy leader	£38,100	£34,600	£31,100
Band 2 Executive members	£33,100	£30,100	£27,100
Band 3 Committee chairs (if remunerated):		£22,568	
Band 4 Leader of largest opposition group ³		£22,568	
Band 5 Leader of other political groups		£17,568	

Table 4 notes:

- a. The Panel considers that the leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability and that 'size of population' remains a major factor in influencing levels of responsibility and

the use of the three population groups (A, B and C) has therefore been retained. 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. It is proposed to increase Band 1 and Band 2 senior salaries for Leader, Deputy Leader and Executive Members by £800, inclusive of the £268 increase on the basic salary that all members will receive.
- c. Committee chairs will be paid at Band 3. It is a matter for each council to decide which, if any, chairs of committees are remunerated. This allows councils to take account of differing levels of responsibility.
- 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*”.

³ Leader of largest opposition group. 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)

- 3.7 The Panel notes that most councils have currently set salaries for civic heads and deputies to accord with their population groups, rather than to reflect the specific responsibilities attached to the roles. Councils have strongly expressed to the Panel that elected members do not wish to make any choices that require Councils themselves to choose and match the level of activity or duties of a specific member to a given range of salary levels for a role. All such choices are now removed. In the case of civic salaries, if paid, the payment for Band 3 is set at £22,568 for a civic head and at the Band 5 salary of £17,568 for a deputy civic head (Determination 3).
- 3.8 A council may decide not to apply any civic salary to the posts of civic head and/or deputy civic head.
- 3.9 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).

Determination 3: The Panel has determined that (where paid) a civic head must be paid a Band 3 salary of £22,568 and (where paid) a deputy civic head must be paid a Band 5 salary of £17,568.

- 3.10 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. 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 deputy civic heads.
- 3.11 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.
- 3.12 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing. Funding decisions in relation to levels of such additional support are not matters of personal remuneration, but of the funding required to carry out the tasks and duties. These matters remain entirely a matter for individual councils. Councils remain free to invest in support at whatever levels they deem appropriate for the levels of civic leadership they have in place.
- 3.13 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

- 3.14 Councils are reminded that if a presiding member is appointed they do not have to be remunerated. If they are remunerated the post will count towards the cap and be paid at a Band 3 senior salary of £22,568.

Determination 4: The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £22,568.

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

Key factors underpinning the Panel's determinations:

- 3.15 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.
- 3.16 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
- 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

- 3.17 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.
- 3.18 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.

- 3.19 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 members would be significantly limited in their ability to discharge their duties. It is not appropriate for facilities required by members to be available only within council offices within office hours.
- 3.20 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.
- 3.21 For co-opted members the support requirements are set out in section 9 and determination 35.

Determination 6: The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its elected 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 percent⁴ 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.

⁴Local 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 an appropriate proportion of the salary of the Population Group.

The statutory maximum for cabinets cannot be exceeded so each job sharer 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 As no council has made use of the arrangements notwithstanding that Regulations are still in force, the Panel has decided to delete the payment from the Framework. If, in future, a JOSC is formed by specific councils they can apply to remunerate using the arrangements of paragraphs 3.22 and 3.23.

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 9: 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 2013⁶ 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 10: An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.

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

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

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

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

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

⁶ http://www.legislation.gov.uk/wsi/2013/2901/pdfs/wsi_20132901_mi.pdf

7. Payments to Members of National Park Authorities (NPAs)

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 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 5.

Table 5: Membership of Welsh National Park Authorities

National Park Authority	Total Membership	Principal Council Members	Welsh Government appointed Members
Brecon Beacons	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
Pembrokeshire Coast	18	12: Pembrokeshire County Council – 12	6
Snowdonia	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 The Panel has determined there should be an increase of £268 (which equates to 1.97%).

7.8 The Panel note salaries to members of NPAs and principal councils have become misaligned. This is due to cumulative rounding of increases in previous years, the Panel wishes to correct this. Therefore, the salary for ordinary members of NPAs will increase to £3,735.

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. This salary will increase to £12,435.

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 £7,435 or £6,135, commensurate with the significant and sustained duties to be discharged in a particular role.

Additional Senior Salaries

- 7.11 Feedback was 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.
- 7.12 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 extends 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.
- 7.13 The Panel has made the following determinations:

Determination 16: The basic salary for NPA ordinary members shall be £3,735.

Determination 17: The senior salary of the Chair of an NPA shall be £12,435.

Determination 18: 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 £7,435 or £6,135.

Determination 19: 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 20: Members must not receive more than one NPA senior salary.

Determination 21: An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility.

Determination 22: 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.

Note: Family absence does not apply to Welsh Government appointed members and local authority nominees are covered by their principal council so NPAs are not required to make any arrangements in this respect.

8. Payments to Members of Welsh Fire and Rescue Authorities (FRAs)

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 FRAs were formed as part of Local Government re-organisation in 1996.
- 8.2 FRAs comprise 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 6.

Table 6: 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

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. The Panel has determined there should be an increase of £268 (which equates to 1.97%).

8.6 The Panel note salary to members of FRAs and principal councils have become misaligned. This is due to cumulative rounding of increases in previous years, the Panel wishes to correct this. The salary for ordinary members of FRAs will increase to £1,780.

8.7 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. This salary will increase to £10,480.

8.8 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. This salary will increase to £5,480.

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

Additional Senior Salaries

- 8.10 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 extends 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

8.11 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 25 or 26 cannot be used exclusively for this role.

8.12 The Panel has made the following determinations:

Determination 23: The basic salary for FRA ordinary members shall be £1,780.

Determination 24: The senior salary of the Chair of an FRA shall be £10,480.

Determination 25: 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 £5,480.

Determination 26: 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.

Determination 27: Members must not receive more than one FRA senior salary.

Determination 28: An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.

Determination 29: 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 ⁷

- 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. Recognising the important role that co-opted members have, payment must be made for preparation time, committee and other types of meetings as well as other activities, including training, as set out in Determination 31.
- 9.3 The determinations are set out below and principal councils, NPAs and FRAs must tell co-opted members the name of the appropriate officer who will provide them with the information required for their claims; and make the appropriate officer aware of the range of payments that should be made.

Determination 30: Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights (Table 7).

Table 7: 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 31: Reasonable time for pre meeting preparation is 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 32: Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).

Determination 33: 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 34: Fees must be paid for meetings and other activities including 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.

Support for co-opted members

- 9.4 The Panel's visits to principal councils in 2017 identified some good practice in how the important role of co-opted members was reflected in the communication and support they receive. In the best cases, they received the same range of support as elected members, enabling them to undertake their role fully. However, concerns were raised in several councils where the Panel's Determinations were not being fully implemented and there was limited support available for co-opted members.

Determination 35: The Panel has determined that each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.

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.

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

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 36: 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 them the senior salary.
 - Replacing the member who therefore loses the senior salary (but retains the basic salary).
- 11.3 The Panel's Framework provides 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 of National Park Authorities.

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.

Car Parking for Members

Several councils have specific arrangements for their members in respect of car parking. The Panel considers that it is a matter for individual councils to determine arrangements including payments to and from members providing that it is a decision made formally by the council.

13. Payments to Members of Community and Town Councils

- 13.1 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.
- 13.2 Since producing its last report, the Panel has so far met with 154 Councillors and Clerks representing 175 community and town councils in 7 meetings it held across Wales. The Panel also gave evidence to the Welsh Government's review of Community and Town Councils. The discussions re-confirmed the widely held view that the roles individual councils undertake varied significantly and 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.
- 13.3 In its last Annual Report the Panel formed 3 groups of community and town councils to reflect these differences based on the level of income *or* expenditure, whichever is the highest, in the previous financial year. These remain unchanged as set out in Table 8.

Table 8: Community and Town Council Groupings

Community and Town Council Group	Income or Expenditure in 2018-19 of:
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

- 13.4 The discussions held with community and town councils during 2018 raised a number of queries in respect of which the following paragraphs provide further clarification.
- 13.5 In order to act and carry out duties as a member of a community or town council all persons are required to make a formal declaration of acceptance of office. Following this declaration, members of community or town councils are then holders of elected office and occupy a role that is part of the Welsh local government structure. It is important to note that a person who follows this path is in a different position to those in other forms of activity, for example such as volunteering or charitable work, typically governed by the Charity Commission for England and Wales.
- 13.6 Under the Local Government (Wales) Measure 2011, community and town councils are relevant authorities for the purpose of remuneration.

- 13.7 Consequently, individuals who have accepted office as a member of a community or town council are entitled to receive payments as determined by the Independent Remuneration Panel for Wales. It is the duty of the proper officer of a council (usually the Council Clerk) to make arrangements for correct payments to be made to all individuals entitled to receive them.
- 13.8 Members should receive monies to which they are properly entitled as a matter of course. There must be no requirement for individuals to 'opt in' to receive payments.
- 13.9 An individual may decline to receive part, or all, of the payments if they so wish. This must be done in writing and is an individual matter. A community or town council member wishing to decline payments must themselves write to their proper officer to do so to thereby prevent payments being made to themselves alone.
- 13.10 The Panel wants any member who has personal costs, support needs 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 all community and town councils as set out in Determination 37. The Panel is also mandating reimbursement of cost of care for all members of community and town councils as set out in Determination 43.
- 13.11 In each community and town council the proper officer should ensure there is ready access to proper reimbursements of costs of care to enable those eligible for reimbursement to participate in the democratic process. It is inappropriate for councils or councillors to create a climate, or otherwise pressurise others, in order to prevent persons accessing any monies to which they are entitled that may support them to participate in local democracy.
- 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.
- 13.13 Table 9 sets out the actions that community and town councils must take annually in respect of each determination that follows.

Payments towards costs and expenses

- 13.14 The Panel is mandating a payment of £150 as a contribution to costs and expenses for members of all community and town councils. Previously this was not mandated for all groups, but feedback expressed disappointment in this and the Panel felt that any member who wanted to receive this payment should be entitled to do so.

- 13.15 For the avoidance of doubt this determination now includes councils in Group C as well as Groups A and B. Receipts are not required for these payments.

Determination 37: All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.

Senior roles

- 13.16 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 can pay up to five responsibility payments for specified roles. A Councillor can only have one payment of £500 regardless of how many senior roles they hold within their Council.

Determination 38: 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 39: Community and town councils in Groups B or C can 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.

Where a person is a member of more than one town or community council, they are eligible to receive the £150 and, if appropriate, £500 from each council of which they are a member.

Reimbursement of travel costs and subsistence costs

- 13.17 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. Each council has an option to pay travel and subsistence costs and where it does the following determinations apply.

Determination 40: Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.⁸ 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 41: If a community or town council resolves that a particular duty requires an overnight stay, it can 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

13.18 The Panel has retained the facility which councils may pay as compensation to their members where they suffer financial loss when attending approved duties. This figure had not been adjusted for a number of years and therefore the Panel has updated it in line with the most recent *Office for National Statistics Annual Survey of Hours and Earnings - median salary for full time employees in Wales and Average Actual Weekly Hours of Work for full-time workers (seasonally adjusted)*. Members must be able to demonstrate that the financial loss has actually been incurred. Each council has an option to pay compensation for financial loss and where it does the following determination applies.

⁸ 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.

Determination 42: Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:

- Up to £54.00 for each period not exceeding 4 hours
- Up to £108.00 for each period exceeding 4 hours but not exceeding 24 hours

Reimbursement of the costs of care

13.19 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.

13.20 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 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

13.21 Civic heads are senior posts within community and town councils. In addition to chairing major meetings the civic head is the 'ambassador' representing the council to a variety of institutions and organisations. The Panel requires that members should not have to pay for the cost of the support that is needed to carry out these duties. This requirement also applies in respect of deputy civic heads.

13.22 For the avoidance of doubt, support in respect of, for example, transport (physical transport or mileage costs), secretarial support, charitable giving (purchasing tickets, making donations or buying raffle tickets) and clothing are not matters of personal remuneration for the individual holding the senior post.

13.23 These support costs relate to the tasks and duties of the roles and individual councils will make funding decisions in relation to such support, as they deem

appropriate for the levels of civic leadership they have in place.

- 13.24 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 can make a payment to the individuals holding these roles.
- 13.25 This payment is to be used or retained at the individual's discretion and does not relate to the support costs set out about above.
- 13.26 The Panel has determined that the maximum amount that can be paid to a chair/mayor of a community or town council is £1,500. The maximum amount that can be paid to a deputy mayor/chair is £500.

Determination 44: Community and town councils can provide a Civic Head payment to the mayor/chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

Determination 45: Community and town councils can provide a Deputy Civic Head payment to the deputy mayor/deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

Making Payments to members

- 13.27 Table 9 sets out each of the above Determinations and if a decision is required by the council in respect of each one.
- 13.28 In respect of the mandated payments where no decision is required by a council, members should receive monies to which they are properly entitled as a matter of course.
- 13.29 Where a decision is required by the council, this should be done at the first meeting following receipt of the Annual Report.
- 13.30 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.
- 13.31 When payments take effect from is set out in paragraphs 13.33 to 13.36 below.
- 13.32 On receipt of the draft Annual Report the previous autumn, councils should consider the determinations for the next financial year and use this to inform budget plans.

Table 9

Determination Number	Is a decision required by council?
37 - All community and town councils 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.	No - the payment of £150 is mandated for every member unless they advise the appropriate officer that they do not want to take it in writing
38 – 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	Yes – a council must decide how many payments of £500 it will make – to between 1 and 5 members unless they advise the appropriate officer in writing that they do not want to take it
39 – Community and town councils in Groups B or C can 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	Yes – the payment of £500 is optional for up to 5 members
40 – Community and town councils can make payments to each of their	Yes – the payment of travel costs is optional

members in respect of travel costs for attending approved duties	
41 – If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members	Yes – the payment of overnight subsistence expenses is optional
42 – Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties	Yes – the payment of financial loss allowance is optional
43 – 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	No - the payment is mandated for every member if they are eligible to claim, and wish to do so
44 – Community and town councils can provide a Civic Head payment to the mayor/chair of the council up to a maximum of £1,500	Yes – the payment to a Civic Head is optional
45 – Community and town councils can provide a Deputy Civic Head payment to the deputy mayor/deputy chair of the council up to a maximum amount of £500	Yes – the payment to a Deputy Civic Head is optional

13.33 All members should be paid the £150 as set out in Determination 37 from the start of the municipal year (unless they are elected later in the municipal year).

13.34 Other amounts payable to members in recognition of specific responsibilities or as a civic head or deputy civic head as set out in Determinations 38,39, 44 and 45 are payable from the date when the member takes up the role during the municipal year.

13.35 When the payment is actually made to the member, how many payments the total amount payable is broken down into, and whether and how to recover any payments made to a member who leaves their role during the municipal year, is a matter for each council to decide.

13.36 Payments in respect of Determinations 40, 41, 42 and 43 are payable when the activity they relate to has taken place.

- 13.37 Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) 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.
- 13.38 As stated in paragraph 13.9, 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.

Publicity requirements

- 13.39 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 for each financial year. 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 previous financial year. 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 authority⁹ 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 in the previous financial year 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). This must be published as soon as practicable and no later than 30 September following the end of the previous financial year- and must be submitted to the Panel no later than that date.

⁹ 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/dsllg/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.



19 February 2018

Mr Darren Mepham
Chief Executive
Bridgend County Borough Council

Dear Mr Mepham

Proposed Senior Management Structure

I agreed with Kelly Watson that I would confirm my observations on your proposals that I discussed with her by telephone on Wednesday 14th February.

Your proposed restructure has been approved by Council and the next stage is to seek approval to consult and move to a job evaluation exercise. This is entirely a matter for the Council and is not within the Panel's remit as determined by the legislation and Welsh Government guidance.

However, following the job evaluation it is the intention to "slot" members of staff into posts within the new structure. If this results in a change in salary (increase or decrease) for any individual this would be a matter for our consideration. I asked Kelly Watson the intention in respect of the post of Deputy Chief Executive and was advised that this role would be added to the responsibilities of one of the corporate directors. I consider that this would be a matter for the Panel.

I hope that this explanation is helpful.

Yours sincerely

John Bader
Chair



Ceri Davies
Head of Human Resources
Pembrokeshire County Council

26 April 2018

Dear Mr Davies

Proposal to change the remuneration of a chief officer

Your letter and accompanying documentation dated 27 February was considered by the Independent Remuneration Panel for Wales at the meeting on 22 March. 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 proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

Having examined the submission from your authority it is the decision of the Panel to approve the proposal as submitted.

Yours sincerely

John Bader
Chair



Rhian Hayden
Head of Financial Services
Blaenau Gwent County Borough Council
rhian.hayden@blaenau-gwent.gov.uk
Eich Cyf: RH/KE/IRPW
En Cyf: IRPW Case 21

27 March 2018

Dear Ms Hayden

Application for Additional Specific Senior Salaries

Your submission sent on the 9 and 15 March for two additional senior salaries was considered by the Panel in its meeting on the 22 March.

Having examined the submission from your authority the Panel consider that the nomination of two councillors to Silent Valley Waste Service Ltd (SVWS) as directors and the payment of those directors by the company falls outside the Panel's remit.

This is because SVWS is a separate legal entity and the duty of the directors is directly owed to the company which is an outside body distinct from Blaenau Gwent county borough council. Payment to directors is not within the Panel's remuneration Framework.

SVWS can therefore decide to pay its directors as it chooses.

Yours sincerely

Sinéad O'Toole
Secretariat



Deb Yeates
Rheolwr Tîm, Gweithredu AD
Team Leader, HR Operations
debra.yeates@swansea.gov.uk

17 July 2018

Dear Ms Yeates

Chief Legal Officer – increase of salary

Your email of the 1st June with the enclosed *Report to the Independent Remuneration Panel* and the additional information provided afterwards was considered by the Independent Remuneration Panel for Wales at its meeting on 13 and 14 June and the 11 July . All the Panel were present in the June meeting and five out of the six were present in the July meeting 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 salary of the Chief Legal Officer from a range of £67,633 - £83,240 to a salary range of £83,240 - £93,645

Yours sincerely

John Bader
Chair



Ceri Davies
Head of Human Resources
Pembrokeshire County Council

CC: JoanneP-Davies@pembrokeshire.gov.uk

7 September 2018

Dear Ceri,

Proposal to change the remuneration of a chief officer – Head of ITC

Your letter and accompanying documentation dated 26th July was considered by the Independent Remuneration Panel for Wales at the meeting on 22nd August. 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 proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

The proposal is that the new Head of ITC is recruited on a band 6 salary (£59,376-£63,310) in contrast to the previous salary which was on band 3 (£75,573-£83,133).

Having examined the submission from your authority it is the decision of the Panel to approve the proposal as submitted.

Yours sincerely

John Bader
Chair

Annex 1: The Panel's Determinations for 2019/20

Principal Councils	
1.	Basic salary in 2019/20 for elected members of principal councils shall be £13,868.
2.	The Panel has determined that senior salary levels in 2019/20 for members of principal councils shall be as set out in Table 4.
3.	The Panel has determined that (where paid) a civic head must be paid a Band 3 salary of £22,568 and (where paid) a deputy civic head must be paid a Band 5 salary of £17,568.
4.	The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £22,568.
5.	The Panel has determined that the post of deputy presiding member will not be remunerated.
6.	The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its elected 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.
Specific or Additional Senior Salaries	
8.	The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.
Local Government Pension Scheme	
9.	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
Family Absence	
10.	An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
11.	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.

12.	It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
13.	If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
14.	When a Council agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
15.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
National Park Authorities	
16.	The basic salary for NPA ordinary members shall be £3,735.
17.	The senior salary of the chair of an NPA shall be £12,435.
18.	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: £7,435 or £6,135.
19.	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.
20.	Members must not receive more than one NPA senior salary.
21.	An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility.
22.	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.
Fire and Rescue Authorities	
23.	The basic salary for FRA ordinary members shall be £1,780.
24.	The senior salary of the chair of an FRA shall be £10,480.
25.	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 £5,480.

26.	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.
27.	Members must not receive more than one FRA senior salary.
28.	An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
29.	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.
Co-opted Members	
30.	Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 7.
31.	Reasonable time for pre meeting preparation is 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.
32.	Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
33.	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.
34.	Fees must be paid for meetings and other activities including 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.
35.	The Panel has determined that each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.
Reimbursement of Costs of Care	
36.	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.

Community and Town Councils	
37.	All Community and Town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.
38.	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.
39.	Community and Town councils in Groups B or C can 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.
40.	<p>Community and Town councils can make payments to each of their members in respect of travel costs for attending approved duties. ¹⁰ 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"> • 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.
41.	<p>If a Community or Town council resolves that a particular duty requires an overnight stay, it can 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"> • £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.
42.	<p>Community and Town councils can 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"> • Up to £54.00 for each period not exceeding 4 hours. • Up to £108.00 for each period exceeding 4 hours but not exceeding 24 hours.

43.	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.
44.	Community and Town councils can provide a Civic Head payment to the mayor/chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.
45.	Community and Town councils can provide a Deputy Civic Head payment to the deputy mayor/deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

¹⁰ 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.

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 1st 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 31st 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 within 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 within 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 within or 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 and deputy 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 the financial 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 for each financial year. 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 previous financial year 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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The Report and other information about the Panel and its work are available on our website at:

www.remunerationpanelwales.org.uk

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Report to: Democratic Services Committee

Date of Meeting: 19 October 2018

Lead Member / Officer: Councillor Mark Young, Lead Member for Corporate Standards
Gary Williams, Head of Legal, HR and Democratic Services

Report Author: Steve Price, Democratic Services Manager

Title: Survey of Members on the Timing of Council Meetings

1. What is the report about?

A survey open to all elected members was circulated during August and September 2018. The results of the survey are shown in this report.

2. What is the reason for making this report?

An aim of the Local Government (Wales) Measure 2011 is to promote and support membership of local authorities. The times at which meetings take place can be a significant factor in enabling current members to attend meetings and could also affect whether potential candidates stand for election. Under the Measure local authorities should survey their members on their preferred times and locations for meetings.

3. What are the Recommendations?

That the Committee considers the results of the survey and makes recommendations to Council on the timing and venues of Council meetings.

4. Report details

- 4.1 At present, the majority of Council and committee meetings are held during the mornings with some meetings held in the afternoon. This arrangement follows the results of a survey with members and endorsement by full Council in 2013. The Council's Prestatyn and Meliden Member Area Group (MAG) regularly meets in the evenings, at the request of the members of the MAG.

Task and Finish Group 2016

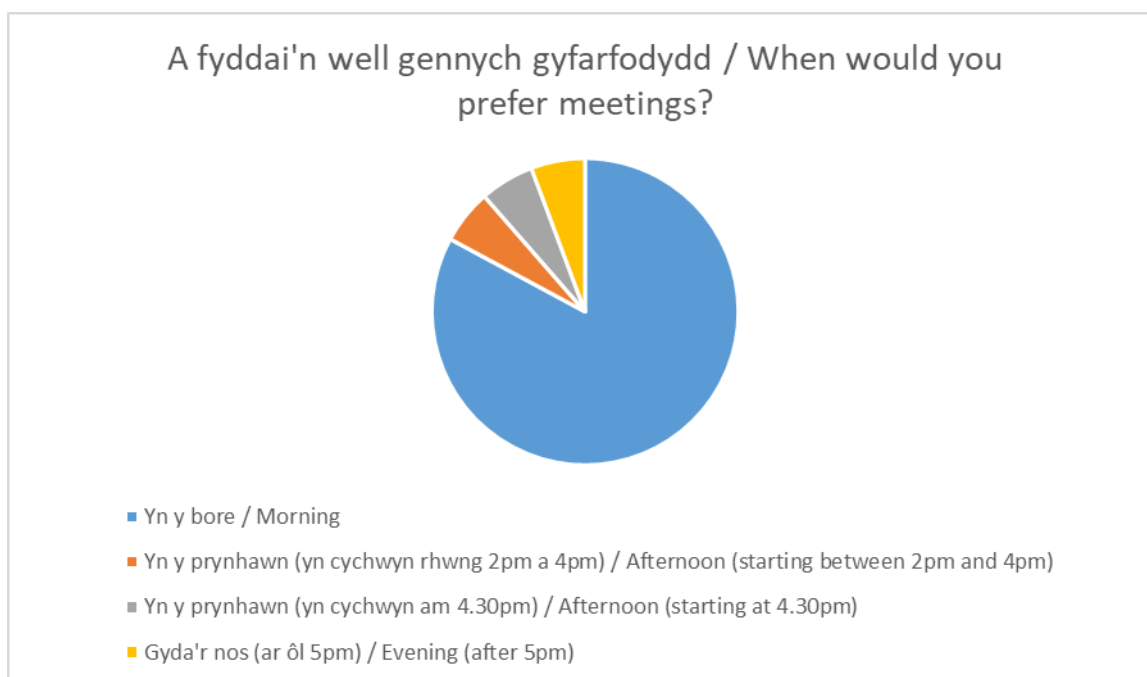
- 4.2 In 2016 the Council established a task and finish group with six members being nominated by the political groups to take part. The Group's remit included consideration of the timing of meetings. As part of this they reviewed the timing of meetings of the other Welsh local authorities and how the next survey should be conducted. In particular, the Group requested that short, basic questions be used

and asked for a user-friendly method of completing the survey. This time the survey was conducted using an online survey provider.

- 4.3 The Group was in favour of starting at least one committee's meetings at 4pm, though it did not advocate starting meetings any later than that.
- 4.4 In respect of venues the previous survey confirmed County Hall, Ruthin as the preferred venue for most members, many citing its central location within the county as an advantage. The majority of meetings in the current schedule are therefore held in County Hall with some use made of the Council's offices at Russell House, Rhyl and Caledfryn, Denbigh. Any venue chosen needs to have appropriate facilities and, as the majority of meetings in the schedule are open to the public, need to be accessible and suitable for public meetings.

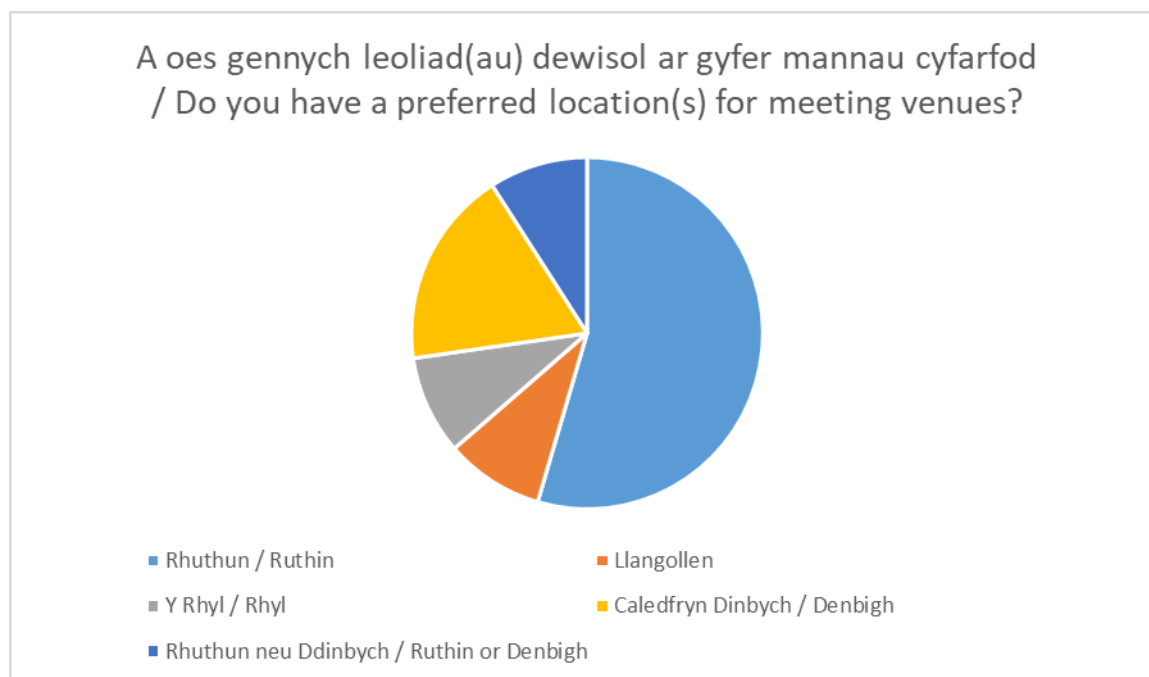
2018 Survey

- 4.5 A survey of members was conducted during August and September 2018 to ascertain preferences in respect of the timing and location of Council and committee meetings. A total of 35 responses were received which represents 74% of the Council membership. The results of the survey are shown in appendix 1.
- 4.6 The survey asked two main questions on the preferred timing of meetings and the preferred location of meetings. Supplementary questions were asked to clarify members' preferences on the timing of meetings.
- 4.7 For the main timing of meetings question (question 1) members responded as follows:



- 4.8 The question on a preferred meeting venue (question 7) revealed that 60% of members had no preferred locations in mind. Of the responses from the 40% (14 members) who did, 11 respondents provided the preferred town or building as shown

in the chart below. Appendix 1 lists in full the responses such as moving meetings around the council area.



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

No direct contribution.

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

The current arrangements for Council and committee meetings primarily utilise the main meeting room facilities at County Hall with some use of the Russell House and Caledfryn meeting rooms. These take place during the normal opening times of the buildings and no charges are raised for their use. Any changes to the current arrangements would be costed on the nature and scale of the changes proposed.

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

An impact assessment is not required for this report.

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

All members of the Council were invited to complete an online survey of their preferences.

9. Chief Finance Officer Statement

Not required.

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

As mentioned in section 2 above, the times at which meetings take place can be a significant factor in enabling current members to attend meetings and could also affect whether potential candidates stand for election.

11. Power to make the Decision

Section 6 of the Local Government (Wales) Measure 2011

Responses to the survey

Question 1 – when would you prefer meetings?	Number	Percentage ¹
Morning	29	83%
Afternoon (starting between 2pm and 4pm)	2	6%
Afternoon (starting at 4.30pm)	2	6%
Evening (starting after 5pm)	2	6%
Question 2 - Would you apply your preference to:	Number	Percentage
All committees	26	74%
Only committees you are a member of	5	14%
Only certain committees (please state below)	4	11%
Comments submitted: <ul style="list-style-type: none"> • Planning Committee • Full Council & all Scrutiny committees including Audit / Corporate Governance • Only full Council, all other committees should rotate. Arranging meetings to suit existing councillors may deter others to refrain from putting themselves forward for election due to the pattern of meetings • Full Council and Performance Scrutiny 		
Question 3 – If one committee was to meet at 4.30pm which committee would you want that to be?	Number ²	Percentage
None	8	23%
<i>Number surveyed who skipped this question</i>	8	23%
Planning Committee	5	14%
Full Council	4	11%
Member Area Groups	2	6%
N/A	2	6%
One I'm not on	2	6%
Partnerships Scrutiny	1	3%
Licensing Committee	1	3%
Health & Safety Committee	1	3%
The one with the least work	1	3%

¹ Percentages given relate to the total number of members (35) who took part in the survey. Totals are rounded up or down to the nearest whole number.

² 25 responses were submitted to this question. 8 members skipped this question.

Question 4 – Would you prefer to see the timing of meetings rotate?	Number	Percentage
No	26	74%
Yes	6	17%
No preference	3	9%
Question 5 – If [you answered] yes, would you like the timings to rotate for:	Number³	Percentage
All committees	1	3%
Some committees only (please list which committee(s))	9	25%
<p>Comments submitted:</p> <ul style="list-style-type: none"> • I would rather them all not to rotate because it is easier to plan such things as my annual leave if I have the meeting dates in advance. I plan any holidays around Council and any committees I sit on so that I do not miss any. • Ones I'm not on • Only full Council and Planning • Depends / Not applicable [2 respondents] / None [3 respondents] 		
Question 6 – Are there particular times that would cause you difficulties?	Number	Percentage
No	14	40%
Yes (please state below)	21	60%
<p>Comments submitted:</p> <ul style="list-style-type: none"> • Evening meetings because as a County Councillor I attend a large number of ward meetings in the evenings which include such meetings as community councils (in my ward I have three of these) and school governors (I have two schools in my ward) • Evenings [7 respondents] • Mornings • Evenings due to winter travelling conditions • School pick up times • As on voluntary committees at night is a problem • Third Thursday of the month • Evenings and afternoons • Evening meetings because of other commitments in my ward. Community council meetings, school governor meetings, etc etc, • Only if there are other meetings [I] need to attend • Yes, late afternoon as I have children • As I still work full time and only have 37hrs a year allowance from my employers, I have to be selective as to what committees I attend and what roles I would like to pursue • Weekdays during normal working hours 		

³ More respondents answered this question (14 responses) than replied that they wanted timings to rotate in question 4 (6 respondents wanted timings to rotate).

<ul style="list-style-type: none"> • Late afternoon • After 6pm as I sit on several charity, community and government committees 		
Question 7 – Do you have a preferred location(s) for meeting venues?	Number	Percentage
No	21	60%
Yes (please state below)	14	40%
Comments submitted: <ul style="list-style-type: none"> • Ruthin [6 respondents] • Virtual meetings where possible or failing that at the venue that is closest to the majority of elected members • Llangollen • Rhyl • I feel meetings should be moved around the Council area • Ruthin or Denbigh • Rotate around authority buildings • Cledfryn Denbigh [2 respondents] 		

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Report To:	Democratic Services Committee
Date of Meeting:	19 th October 2018
Lead Officer:	Steve Price, Democratic Services Manager
Report Author:	Steve Price, Democratic Services Manager
Title:	A Joint Scrutiny Committee for the Public Services Board

1. What is the report about?

This report is about the proposed future arrangements to scrutinise the work of the Conwy and Denbighshire Public Services Board.

2. What is the reason for making this report?

This report provides information on the progress made towards establishing a formal joint Scrutiny committee for Denbighshire and Conwy Councils to scrutinise the Public Services Board (PSB). The new committee would be a 'Joint Overview and Scrutiny Committee' (JOSC). In Denbighshire, overview and scrutiny committees are commonly referred to as 'scrutiny committees'.

3. What are the Recommendations?

- 3.1 That the Committee recommends to Council the establishing of a formal joint Scrutiny Committee to scrutinise the Conwy and Denbighshire Public Services Board;
- 3.2 That the Committee endorses for Council approval the draft terms of reference and rules of procedure for the joint Scrutiny committee.
- 3.3 That the Committee considers and comments on whether remuneration should be made available to the chair of the joint Scrutiny committee.

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 PSB 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 In early 2016 the Welsh Government 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.”¹

- 4.4 Compliant with the legislative requirements, Conwy and Denbighshire councils have each selected one of their Scrutiny committees to be their designated PSB Scrutiny committee. For Denbighshire this is the Partnerships Scrutiny Committee.
- 4.5 By August 2017 the Welsh Government had published guidance on the scrutiny of PSBs (attached as appendix 1).

Establishing a Joint Scrutiny Committee

- 4.6 It was the view of the PSB in September 2017 that a formal joint Scrutiny committee would be the most appropriate vehicle to effectively scrutinise a strategic cross-county / county borough board like the PSB. The PSB confirmed its support for a joint Scrutiny Committee on the 19th June 2018.
- 4.7 The Scrutiny committees, Scrutiny co-ordinating groups and the Democratic Services Committees in both Conwy and Denbighshire councils have considered and agreed with the views put forward by the PSB to establish a joint committee and endorsed draft terms of reference for further consultation. The latest version is attached as

¹ <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

Appendix 2 with amendments suggested during the latest round of consultations highlighted in red.

- 4.8 It is anticipated that a final draft terms of reference will be put before both Councils this month and, if approved, a joint Scrutiny committee will be formally established.
- 4.9 The draft terms of reference proposes a model for the charring arrangements. As the joint Scrutiny committee may only meet twice a year the consultations to date have given rise to a view that the role of chair should be allocated for a two year period. The Democratic Services Committee is asked for its views on this and particularly on whether the role of chair of the joint Scrutiny committee should be remunerated. Please see section 6 below.

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

The recommendations do not directly contribute to the Corporate Priorities but the Council's Corporate Plan was developed in consultation with partner organisations, including the PSB partners. The PSB's Well-being Plan and the Council's Corporate Plan have complementary aims and activities.

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

- 6.1 The main costs are the staffing resources that would be required by the new joint committee in respect of committee and scrutiny function support. These are referred to in the draft terms of reference which outlines that this support would be drawn from existing resources within Denbighshire and Conwy Councils. Both local authorities also provide support for the PSB.
- 6.2 Payments (remuneration) for undertaking an additional role as chair of a committee is determined by the Independent Remuneration Panel for Wales. For a joint Scrutiny committee the Panel currently allows a payment to the chair of £6,700. If the chair is already in receipt of a senior salary for a committee chair or leader of a political group role the additional payment would be £3,350.
- 6.3 The local authorities must decide whether the role of chair of the joint Scrutiny committee should be eligible to receive a payment. If the local authorities decide it does, the payment must be as shown in paragraph 6.2 above. In September, Conwy's Democratic Services Committee resolved to recommend that no remuneration be paid to the chair of the JOSOC. The role of vice chair of the joint Scrutiny committee cannot receive additional payments for the role.

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

- 7.1 An impact assessment is not required because this report is part of a consultation process on proposals to establish a Scrutiny committee. However, introducing a more effective Scrutiny model for the PSB will contribute to the PSB's delivery of its statutory role under the Well-being of Future Generations (Wales) Act 2015.
- 7.2 A local authority's Scrutiny arrangements are 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)

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

- 8.1 Consultations have been undertaken with the Partnerships Scrutiny Committee, the Scrutiny Chairs and Vice Chairs Group and the Democratic Services Committee who have endorsed the creation of a formal joint Scrutiny committee. Conwy's Finance and Resources Overview and Scrutiny Committee, its Scrutiny co-ordinating group and its Democratic Services Committee have also supported establishing the joint committee. The Conwy and Denbighshire Public Services Board have given their support.
- 8.2 Both Conwy and Denbighshire are expecting to take the issue to their full Council meetings in October 2018 for a decision.

9. Chief Finance Officer Statement

Not required for this report.

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

The resources to support the proposed joint Scrutiny committee would be drawn from existing resources in Denbighshire and Conwy Councils. Such collaborations can suffer if there is a lack of clarity on roles and expectations or if the contributing partners are not committed to the collaboration. To address these risks, a detailed terms of reference and rules of procedure has been drafted and elected members with prominent roles in Scrutiny from both councils and the PSB have been involved in developing the proposals and the terms of reference.

11. 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



Terms of Reference and Rules of Procedure

Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee

1. Statutory Provisions

1.1 The Joint Overview and Scrutiny Committee (JOSC) has been established in accordance with the following legislation:

- Section 58, Local Government (Wales) Measure 2011
- Regulation 3 of The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013
- Section 35 of the Well-being of Future Generations (Wales) Act 2015

1.2 The conduct of the JOSC and the arrangements for joint scrutiny shall be subject to the legislative provisions in 1.1 above, and any regulations or guidance made in accordance with the legislation; and in the event of any conflict between the Act and/or Regulations and any joint arrangements, the requirements of legislation will prevail.

2. Name of the Overview and Scrutiny Committee

2.1 The appointing authorities are Conwy County Borough Council and Denbighshire County Council

2.2 The title of the JOSC between both authorities shall be the “Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee” (*referred to as the JOSC for the purpose of this document*)

3. Purpose of the Joint Overview and Scrutiny Committee (JOSC)

3.1 To ensure Public Services Boards (PSBs) are democratically accountable the Well-being of Future Generations (Wales) Act 2015 places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions of the Act the scrutiny committee has extensive powers to review the PSB’s governance arrangements as well as any decisions made or actions taken by the PSB. In addition, the scrutiny committee is provided with considerable reporting powers as it is required to share copies of any reports or recommendations made in connection with the PSB’s functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

3.2 The key statutory functions of the JOSC are:

- To review or scrutinise the decisions made or actions taken by the Board;
- To review or scrutinise the Board’s governance arrangements;
- To make reports or recommendations to the Board regarding its functions or governance arrangements;
- To consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and

- To carry out other functions in relation to the Board as are imposed on it by the Well-Being of Future Generations (Wales) Act 2015

3.3 For the purpose of supporting the work of the JOSC the PSB must:

- Consult with the JOSC during its preparation of both the Well-being Assessment and the Well-being Plan and on any proposed amendments to the Plan;
- Send a copy of both the Well-being Assessment and the Well-being Plan to the JOSC; and
- Send a copy of its Annual Report to the JOSC.

3.4 In addition to 3.2 and 3.3 above the JOSC may consider other areas of the PSB's work such as:

- The effectiveness of the Well-being Assessment
- The effectiveness of the Well-being Plan
- The effectiveness of performance measurement arrangements
- The level of commitment from individual partners to the work of the PSB
- The effectiveness of the PSB in communicating its work objectives and outcomes to its stakeholders and residents
- The effectiveness of the PSB in addressing the issue of pooled funding to tackle priorities

3.5 In accordance with the Well-being and Future Generations (Wales) Act 2015 the JOSC may require one or more of the statutory PSB members to attend a scrutiny meeting to provide it with explanations of matters outlined to them as part of the invitation to attend. **Scrutiny of the PSB partner is limited only to its contribution to the activity of the PSB and does not include scrutiny of policies or decisions made by an organisation as an individual entity.**

3.6 Existing legislation excludes any matter which could be considered by a local authority's designated Crime and Disorder Overview and Scrutiny Committee (as per Sections 19 and 20 of the Police and Justice Act 2006) from the work programmes of all other scrutiny committees, sub-committees and JOSCs.

3.7 The Well-being and Future Generations (Wales) Act 2015 puts in place a 'sustainable development principle' which tells organisations how to go about meeting their duty under the Act. There are 5 things that public bodies need to think about to demonstrate that they have applied the principle which the JOSC will want to consider:

- Long Term - The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.
- Prevention - How acting to prevent problems occurring or getting worse may help public bodies meet their objectives.
- Integration - Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.
- Collaboration - Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.
- Involvement - The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

4. Membership and Political Balance

- 4.1 There will be an equal number of elected members from each appointing authority and no executive (Cabinet) members may be on the JOSC.
- 4.2 The JOSC will comprise ~~12~~ 16 elected members; that is ~~6~~ 8 non-executive elected members from Conwy County Borough Council and ~~6~~ 8 non-executive elected members from Denbighshire County Council.
- 4.3 Both local authorities will determine and nominate its elected committee members in accordance with its own arrangements. The term of office of the nominated elected members shall be a matter for each nominating local authority subject to a minimum planned term of one municipal year.
- 4.4 In accordance with the Local Authorities (Joint Overview and Scrutiny Committees)(Wales) Regulations 2013 the duty to allocate seats to political groups does not apply to the JOSC. However, each appointing authority must ensure that, as far as practicable, the members of the JOSC reflect the balance of political groups for the time being prevailing among the members of the appointing authority.

5. Appointment of Chair and Vice-Chair

- 5.1 A JOSC must appoint a chair of the committee from within its elected member membership
- 5.2 A JOSC may appoint a vice-chair and this must be from within its elected member membership.
- 5.3 The appointment of the Chair will normally take place at the first meeting of the JOSC following the Annual Meeting of both Councils in May and last for two municipal years. The post of Chair of the JOSC will alternate every two years between the elected membership of Denbighshire and Conwy

councils. The allocation of the vice-chair (if appointed) will be given to a member of the Authority which is next scheduled to hold the position of Chair.

5.4 Any sub-committee must appoint a chair, and may appoint a vice-chair, from amongst its elected member membership.

6. Co-opted Members

6.1 The JOSC, or a sub-committee of the JOSC, may resolve to co-opt additional members to serve on the JOSC or sub-committee, subject to paragraphs 7.2 to 7.3

6.2 A person may not be appointed as a co-opted member of the JOSC, or of a sub-committee of the JOSC, unless the appointment is approved by a majority of the members of the JOSC or sub-committee.

6.3 A person co-opted to serve on the JOSC, or on a sub-committee of the JOSC, is not entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting.

6.4 The JOSC, or a sub-committee of the JOSC, may not co-opt a person who is a member of a local authority, whether that authority is one of the appointing authorities or otherwise.

6.5 The membership of a person co-opted to serve on the JOSC, or on a sub-committee of the JOSC, may be withdrawn by a majority vote at any time by the JOSC or JOSC sub-committee.

7. Termination of membership on ceasing to be a member of the authority/suspension from membership

7.1 If an elected member appointed to the JOSC ceases to be a member of the appointing authority, then that person also immediately ceases to be a member of the JOSC.

7.2 If a person appointed as a member of a JOSC is suspended from being a member or a co-opted member of one of the appointing authorities, that person may not serve as a member of the JOSC for the duration of the suspension.

7.3 If a co-opted member appointed to the JOSC ceases to be an employee or representative of the organisation he/she was appointed from, then that person immediately ceases to be a member of the JOSC.

8. Voting Rights

- 8.1 All elected members who are members of the JOSC may vote on any question that falls to be decided at that meeting
- 8.2 Where there is an equality of votes at a meeting of a JOSC or sub-committee, the chair has a second or casting vote.
- 8.3 A person co-opted to serve on the JOSC or on a sub-committee is not entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting (see also co-opted members section, Section 7, above).

9. Sub Committees of the JOSC

- 9.1 The JOSC may establish sub-committees from amongst the JOSC members to undertake its statutory functions.
- 9.2 Any sub-committees appointed by the JOSC will comprise at least 4 elected members, together with any co-opted members as agreed when establishing the sub-committee.
- 9.3 A sub-committee is to comprise an equal number of elected members of each of the appointing authorities.
- 9.4 Any report or recommendation made by a sub-committee of the JOSC is subject to approval by a resolution of the JOSC.
- 9.5 Any sub-committee can only exercise the functions conferred upon it by the JOSC.

10. Duration of the JOSC and procedure for withdrawal

- 10.1 The duration of the JOSC will be until such time as there is a decision taken by the full Council of either of the two participating local authorities to withdraw from the JOSC arrangements.
- 10.2 Written notification will be given to the Chief Executive and the Leader of the other local authority advising of the decision to withdraw from the JOSC arrangements. A copy of the written notification shall also be sent to the Chair of the PSB.

11. Remuneration

- 11.1 The determinations of the Independent Remuneration Panel for Wales will apply to any payments made to JOSC members.
- 11.2 Payments for chairing duties of the JOSC or a sub-committee of the JOSC will only be made if both Denbighshire and Conwy councils agree that payments should be available.

11.3 The reimbursement of travel and subsistence costs incurred by elected or co-opted members of the JOSC when on official JOSC business will be in accordance with the determinations of the Independent Remuneration Panel for Wales.

11.4 Elected members will claim their travel and subsistence costs from their own local authority i.e. Conwy councillors will claim from Conwy County Borough Council and Denbighshire councillors will claim from Denbighshire County Council. Co-opted members will claim from the lead authority providing committee support to the JOSC.

12. Access to meetings and documentation etc.

12.1 The JOSC, or sub-committee, is to be treated as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972(1)(access to meetings and documents of certain authorities, committee and sub-committees).

13. Dispute resolution procedure

13.1 If at any time any dispute or difference shall arise between the participating local authorities in respect of any matters arising out of this agreement or the meaning or effect of this agreement or anything herein contained or the rights or liabilities of any of the local authorities the same shall be referred to the Monitoring Officer of Denbighshire and Conwy councils. Each Monitoring Officer shall undertake and agree to pursue a positive approach towards the dispute resolution which avoids legal proceedings and maintains strong working relationships between the parties. There shall be a commitment to resolving the matter within 10 working days.

13.2 In the event that the dispute is not settled at Monitoring Officer level, and the context so requires, it shall be referred to the respective Chief Executives who shall use their best endeavours to reach a resolution within a further 10 working days.

13.3 In the event that any dispute or difference between the Councils relating to this agreement which it has not been possible to resolve through the decision making process of the Joint Committee or otherwise, the Authorities may either agree to refer the matter to arbitration or utilise the withdrawal procedures at section 10.

14. Referral of matters to individual local authorities' scrutiny committees

14.1 If it becomes evident during a discussion at a JOSC meeting that an issue or a matter has a greater or a more adverse impact on one of the local authorities or within one of the local authority's area, the JOSC can refer the matter to either Denbighshire's or Conwy's locally designated PSB

scrutiny committee for consideration. The JOSC, if it deems appropriate, can ask the individual local authority scrutiny committee to report its conclusion back to the JOSC.

15. Schedule of Meetings of the JOSC

15.1 The JOSC will meet at least twice during each municipal year. Additional meetings of the JOSC may be arranged with the agreement of the Chair of the JOSC in consultation with the Head of Democratic Services of the authority providing the JOSC's committee support.

15.2 The schedule of planned JOSC meetings will be drafted by the host authority providing committee support to the JOSC and will be agreed in consultation with the other local authority.

16. Forward Work Programme (see also Section 27)

16.1 The JOSC should draw-up a forward work programme to identify the main issues it intends to focus upon during the course of the year

16.2 The forward work programme should provide a clear rationale as to the purpose of considering a particular topic, the desired outcomes of its consideration, and the methods by which it will be investigated

16.3 Elected members of both local authorities (whether or not the member is appointed to the JOSC), officers or members of the public who wish the JOSC to consider a specific matter or topic should complete the appropriate 'scrutiny proposal form' to enable the JOSC to consider the topic's suitability for inclusion on its forward work programme. The JOSC will consider the proposals when it reviews its forward work programme at the next available meeting of the JOSC.

16.4 Where there is a co-ordinating committee or panel within Denbighshire or Conwy councils for allocating topics to their Scrutiny committee, those committees or panels can allocate topics to the JOSC. It will be for the JOSC (or the Chair of the JOSC if it is impractical for the JOSC to meet in the time available) to allocate the topics to a particular JOSC meeting. The JOSC may refer topics to the committee or panel responsible for co-ordinating Scrutiny items for one or both of the local authorities.

17. Invitations to the Conwy and Denbighshire Public Services Board

17.1 The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite members of the PSB to attend a meeting of the JOSC. This includes any person that has accepted an invitation to participate in the activity of the PSB.

- 17.2 The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite or require officers and Cabinet members of either local authority to attend its meeting when appropriate.
- 17.3 The JOSC may request invitees to give account for their activities and their performance on matters within the JOSC's remit, particularly relating to:
- Any particular decision
 - The performance of partners in delivering shared objectives
 - The level of commitment from individual partners to the work of the PSB
 - Governance arrangements
 - The effectiveness of the Well-being Assessment and Plan
 - The effectiveness of performance measurement arrangements
 - The effectiveness of communication with stakeholders on the PSB's objectives and outcomes
 - The effectiveness of the PSB in addressing the issue of pooled funding to tackle priorities
- 17.4 When the JOSC wishes to invite members of the PSB, officers, Cabinet members or another individual to a meeting, it will:
- Where possible give a minimum of 4 weeks' notice;
 - Clearly outline the reason and likely areas for questioning;
 - Identify what information is being requested and in what format
- 17.5 Where individuals attend before a JOSC, the Chair shall ensure that they are treated with courtesy and respect. Following the meeting, attendees will be provided with feedback and clarification as to whether further information is required as part of the Scrutiny process
- 17.6 As a matter of courtesy the JOSC may wish to invite the Chair of the PSB to attend JOSC meetings, unless there is a specific reason why it would not be appropriate for the Chair to be in attendance.

18. Rules of procedure

- 18.1 Members of the JOSC and the public must have regard for the Chair who will have the authority to adjudicate on any rules of procedure during meetings of the JOSC.
- 18.2 The Chair and the JOSC will adhere to the rules of procedure attached to these terms of reference as Appendix A.

19. Declarations of interests

- 19.1 All elected members shall observe the Code of Conduct in force for their respective authorities, whilst co-opted members shall observe the Code of Conduct of the host Authority providing committee support to the JOSC.

19.2 Members and co-opted members of the JOSC must declare any personal or personal and prejudicial interest in any business being considered at a meeting of the JOSC in accordance with the Code of Conduct.

20. Confidentiality of Information

20.1 In accordance with Members' respective Authority's Code of Conduct, members (elected and co-opted members) of the JOSC must not disclose any information considered 'exempt' in accordance with Section 100A (4) of the Local Government Act 1972.

21. Administrative arrangements

21.1 The Secretariat will be provided by the local authorities in rotation for a period of two years from the start of a municipal year (i.e. after the Annual Meetings of both authorities). The local authority providing the chair of the JOSC will also provide the Secretariat unless the local authorities agree to different arrangements for administrative support. The function includes:

- Arranging regular or extraordinary meetings of the JOSC
- Preparing agendas and co-ordinating reports/documents for the meeting
- Timely electronic publication and despatch of the agenda and associated meeting papers
- Inviting participants
- Managing attendance
- Minute taking
- Webcasting arrangements if required
- Preparing evidence for scrutiny
- Providing Welsh written translation and Welsh to English simultaneous interpretation.

22 Scrutiny Support

22.1 Dedicated Scrutiny Support will be available to the JOSC from the Denbighshire and Conwy Scrutiny Officers. The Scrutiny Officers will co-ordinate their support activities with the lead role for Scrutiny Support being undertaken by the local authority providing the chair of the JOSC.

23. JOSC meeting procedures (including sub-committees)

23.1 Main agenda items will be identified at the previous meeting in line with the agreed work programme. At this point potential witnesses and broad themes should be considered

23.2 With a view to securing effective scrutiny all JOSC meeting agendas will be limited to a maximum of 4 reports plus the JOSC's forward work

programme report, unless an urgent or unforeseen item of business necessitates discussion at that particular meeting.

- 23.3 A pre-meeting for all JOSC members will be held for 30 minutes immediately before each JOSC meeting. The purpose is to ensure that members are fully prepared for the JOSC meeting and that the questioning strategy is clear.
- 23.4 Prior to the date of a meeting of the JOSC all JOSC members may be engaged in raising and discussing possible questions or lines of enquiry by e-mail. The Chair of the JOSC or the Scrutiny Officers will facilitate this process.
- 23.5 During the meeting, the Chair of the JOSC will be responsible for ensuring that questioning is effective and that the JOSC achieves its objectives
- 23.6 Those invited to attend for a particular agenda item shall not be expected to remain at the meeting following the conclusion of the discussion on that item.
- 23.7 Any conclusions and recommendations from a JOSC meeting will be reported to the PSB, individual PSB partners and relevant Cabinet member(s) as appropriate. Where the conclusions and recommendations are feedback and views which are intended to be relatively informal, these would be reported in the form of a 'Chair's Letter'¹. Where the JOSC's recommendations or views relate to more formal observations and activities with respect to the PSB's functions or governance, the JOSC will send a copy of any report or recommendation to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales.²

24. Responding to the JOSC recommendations

- 24.1 Where recommendations have been made to the PSB, a PSB partner or the local authority Cabinet member(s), a written response would be expected within one month or following the next meeting of the PSB (where a response from the PSB as a whole is required) indicating whether the recommendation is to be accepted and what action (if any) will be taken in response.
- 24.2 Where the JOSC makes a report or recommendations to any of the PSB appointing authorities or their executives the JOSC:
- May publish the report or recommendations

¹ A 'Chair's Letter' is a letter agreed by and in the name of the Chair of the JOSC. A Chair's Letter will normally be issued by a Scrutiny Officer on behalf of the Chair of the JOSC.

² Under Section 35(2) of the Well-being and Future Generations (Wales) Act 2015

- May require the appointing authority or authorities, or the executive or executives –
 - To consider and respond to the report or recommendations indicating what (if any) steps it proposes, or they propose, to take; and
 - If the JOSC has published a report or recommendations, to publish the response
- Where the JOSC has provided a copy of the report or recommendations to a member of an appointing authority who has referred a matter to the JOSC or sub-committee, it must provide the member with a copy of the response.

25. Call-in arrangements

- 25.1 Decisions of the PSB may be called-in for consideration by the JOSC using the procedure attached as Appendix B.
- 25.2 Where the decision maker for a PSB decision is the local authority the call-in will be heard either by the JOSC or by the local authority's designated PSB Scrutiny Committee. The Monitoring Officers of the two authorities will determine which Scrutiny committee will undertake the call-in.
- 25.3 Decisions implemented by PSB partners other than the local authorities are not subject to the formal call-in procedures,

26. Evidence gathering

- 26.1 The JOSC is entitled to gather evidence in connection with any review or inquiry it undertakes as part of their agreed work programme.
- 26.2 The JOSC shall adopt methods of gathering evidence to inform its deliberations. These include, but are not limited to, task and finish groups, holding inquiries, undertaking site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. JOSC evidence gathering will be supported by the Scrutiny Officers.

27. Reference of matters to the Joint Overview and Scrutiny Committee (JOSC) (see also section 16)

- 27.1 Any member of the JOSC, officer of the local authorities or a body represented on the PSB, or a member of the public may refer to the committee any matter which is relevant to its functions. This will be done via the completion of a 'Scrutiny Proposal Form'.

27.2 Any member of a sub-committee of the JOSC can refer to the sub-committee any matter which is relevant to its functions, via the completion of a 'Scrutiny Proposal Form'.

27.3 The merits of including any referrals received as per 27.1 and 27.2 above on a future JOSC, or sub-committee, agenda will be considered as part of the JOSC/sub-committee's discussion on its Forward Work Programme at every meeting

27.4 Where the JOSC, or sub-committee, makes a report or recommendations in relation to the matter referred to it by a member, it must provide the member with a copy of the report or recommendations.

28. Setting the agenda

28.1 Individual agenda items, other than standing items, are to be determined in the first instance by the Forward Work Programme which is to be established and agreed by the JOSC at each meeting. The decision to consider additional items or defer planned items will be a matter for the discretion of the Chair.

29. Public engagement

29.1 Meetings of the JOSC and sub-committees are open to the public and all reports are available to the public unless exempt or confidential matters are being considered, when the press and public would be excluded from the meeting.

29.2 All persons who live or work in the two local authority areas can bring to the attention of the JOSC their views on any matter under consideration by the JOSC, and the JOSC must take into account these views.

29.3 The JOSC will seek to gather evidence from the public as an ongoing aspect of its work

29.4 Agenda packs and any appropriate formal letters from or to the JOSC will be published via the two Authority's agenda publication pages on their websites.

29.5 Members of the public may request the JOSC to examine areas or matters of concern relating to the PSB, which are within the JOSC powers to scrutinise, via the completion of a 'Scrutiny Request' form. Completed 'Scrutiny Request' forms will be considered by the JOSC when it considers its forward work programme at each meeting, and the individual who submitted the request will be notified of the JOSC's decision in relation to the request and the outcomes of the examination of the topic, if the matter is accepted for scrutiny.

30. Training and Development

30.1 Training will be provided to members of the JOSC according to the requirements of the JOSC and its members. The Heads of Democratic Services of the local authorities will liaise to agree the training and development provision.

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RULES OF PROCEDURE FOR THE JOSCS

1. Notice of Meetings

- 1.1 A summons and agenda to attend a meeting of the JOSCS shall be published and circulated at least 3 clear working days before a meeting of the JOSCS by the host authority providing committee support to the JOSCS. Both local authorities shall display the agenda and public meeting documents on their public websites.
- 1.2 The summons and agenda for a JOSCS meeting shall be sent electronically to all members of the JOSCS and to the appropriate officers of each Authority.

2. Venue and Time of JOSCS Meetings

- 2.1 The JOSCS may from time to time, dependent upon the items selected for discussion, webcast a meeting of the JOSCS, or a sub-committee subject to webcasting resources being available.
- 2.2 Unless otherwise agreed by the JOSCS, the JOSCS shall meet in rotation between the offices of Denbighshire and Conwy councils or at a location mutually agreed by the JOSCS and which is easily accessible to the public and compliant with the requirements of the Disability Discrimination Act 2005.
- 2.3 Meetings of the JOSCS will be scheduled by the host authority providing committee support for the JOSCS in consultation with the other local authority. Meetings of a sub-committee of the JOSCS will be agreed by the JOSCS.

3. Quorum

- 3.1 The quorum of a JOSCS meeting will be 50% of the whole number of Members, rounded down. For the avoidance of doubt, the whole number of members does not include vacancies. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 3.2 The quorum for a JOSCS sub-committee meeting will be 50% of the whole number of members of the sub-committee, rounded down, providing that at all times there shall be a minimum of 3 members present. At least 1 elected member from both of the local authorities shall be present at any sub-committee of the JOSCS.

3.3 A sub-committee of the JOSC is to comprise an equal number of elected members of each of the appointing authorities.

4. Order of Business

4.1 At every meeting of the JOSC the order of business shall be to select a person to preside if the Chair or Vice Chair are absent and thereafter shall be in accordance with the order specified in the notice of the meeting except that such order may be varied either by the Chair at his or her discretion or on a request agreed to by the Joint Committee.

5. Welsh Language

5.1 The Welsh Language Standards for the host authority providing committee support shall be applied to the documents and meetings of the JOSC and any sub-committees of the JOSC.

6. Rules of Debate

6.1 The rules of debate at meetings of the JOSC or a sub-committee of the JOSC shall normally be informal but the Chair may apply the rules of debate from the Constitution of the host authority providing committee support.

7. Rights to Address Meetings

7.1 There should be no automatic right for observers to speak on any issue. The right of someone who is not a JOSC member to speak is solely at the discretion of the chair of the meeting.

JOINT SCRUTINY OVERVIEW AND SCRUTINY COMMITTEE (JOSC)

CALL-IN PROCEDURE – GUIDANCE NOTE

Introduction

The Procedure Rules allow for any 5 non-Executive members (councillors who are not members of the Cabinet) of either Conwy County Borough Council or Denbighshire County Council (~~at least one of who has to be a member of a different authority to the other signatories~~) to initiate a call-in of a decision of the Public Services Board (PSB). To facilitate this process a 'Notice of Call-in of Decision' form has been produced which is signed by the 5 members and submitted to the Monitoring Officer of either Conwy County Borough Council or Denbighshire County Council. Five days are allowed for a decision to be called-in following its publication on the PSB and both councils' websites and emailed to all members of both local authorities. A decision taken will not be implemented by officers until the expiry of this period.

Members who have a prejudicial interest in the decision may not be a signatory to a Notice of Call-In.

Decisions implemented by PSB partners other than the local authorities are not subject to the formal call-in procedures.

Publication of Decisions

The 5 working day period will not begin until the decision has been published on the PSB and the Councils' websites and e-mailed to all members of both councils. Decisions must be publicised within 2 working days of the decision being taken in accordance with the PSBs and the Councils' Constitutions. This could be in the form of draft minutes of the meeting, a summary of decisions or a record of a delegated decision taken.

Implementation of Decisions

Decisions may be implemented from the sixth working day following their publication unless a valid Call-in has been received by either Monitoring Officer.

Urgent Decisions

Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:

- (i) the Chair of the Public Services Board's (PSB) Joint Overview and Scrutiny Committee (JOSC); or

- (ii) if there is no such person or that person is unable to act, the Chairs of both Conwy County Borough Council and Denbighshire County Council; or
- (iii) If there is no chair of the JOSC or Chairs of the Councils, the Vice-Chairs of both councils.

In exceptional circumstances there may be urgent decisions that must be implemented immediately upon the decision being taken and a call-in is therefore not possible. These must be identified by the PSB/decision-maker at the time the decision is taken and the reasons behind their urgency explained and reported in the record of decision.

The Procedure

A duly completed 'Notice of Call-In of Decision' must be submitted to either of the Monitoring Officers. The notice must contain the signatures of the 5 non-Executive members calling in the decision along with the reasons for the call-in.

Where the decision maker for a PSB decision is the local authority the call-in will be heard either by the JOSC or by the local authority's designated PSB Scrutiny Committee. The Monitoring Officers of the two authorities will determine which Scrutiny committee will undertake the call-in.

The Monitoring Officer will notify the Chair of the PSB, Leaders of both Councils, the delegated decision taker (if relevant), the Chief Executives of both Councils and the other Monitoring Officer of the receipt of the Notice of Call-In and confirm with them that the decision may not be implemented until further notice from the Monitoring Officer.

For a call-in allocated to the JOSC the Monitoring Officer will liaise with the Chair of the JOSC seeking a meeting of the JOSC to be convened to consider the Call-In within 10 working days of the receipt of the Notice of Call-In of Decision unless the JOSC has a scheduled meeting within that period, or if an extension to the time period is agreed between the decision maker and the Chair of the JOSC.

All members of the PSB and both local authorities will be notified of the call-in and the details of the meeting being held to consider it.

Signatories to attend

The signatories to the call-in will normally be expected to attend the meeting of the JOSC and justify the reasons for the call-in of the decision.

What happens if the JOSC does not meet in time?

Should the JOSC not convene within the 10 working days of the receipt of the Notice of Call-In, and without an extension to the time period being agreed, the Monitoring Officer will inform the Chair of the PSB, the Leaders and Chief

Executives of both Councils, the other Monitoring Officer and (if appropriate) the delegated decision taker, that the call-in has ceased.

No case to answer?

Should the JOSC upon meeting to consider the call-in, decide that the decision should not be referred back to the decision maker (e.g. PSB, local authority or delegated decision taker) for reconsideration, the Monitoring Officer will advise the Chair of the PSB, the Leaders and Chief Executives of both Councils and the other Monitoring Officer (if appropriate) the delegated decision taker, that the decision may be implemented.

Recommendations from Scrutiny

If the JOSC agrees that there is a case for the decision to be reviewed, the JOSC's recommendations will be considered by the PSB or appropriate Cabinet(s) at its next available meeting, or in the case of a delegated decision by the decision-maker within 10 working days.

What if the original decision is re-confirmed?

Should the decision maker confirm the original decision, the decision may be implemented immediately and may not be subject to a further call-in. The decision maker should demonstrate that appropriate consideration has been given to the recommendations from the JOSC.

Conwy and Denbighshire Public Services Board



NOTICE OF CALL-IN OF DECISION

To: The Monitoring Officer

Conwy County Borough Council/Denbighshire County Council (*delete as appropriate*)

We, the undersigned, wish to call in the following decision (**see note 1**)

Decision taken by (*see note 2*):

Date decision was taken:

Report Title:

Decision (*see note 3*):

Reason for Call-In:

We (**see note 4**) request that according to the Joint Overview and Scrutiny Committee for the Public Service Board's approved 'call-in' procedure rules (**see note 5**) a meeting of the Joint Overview and Scrutiny Committee be held within 10 working days (**see note 6**) of the date of your receipt of this notice.

1. Name (print): _____

Signature: _____

Council: _____

2. Name (print): _____

Signature: _____

Council: _____

3. Name (print): _____

Signature: _____

Council: _____

4. Name (print): _____

Signature: _____

Council: _____

5. Name (print): _____

Signature: _____

Council: _____

Dated: _____

Guidance Notes

1. Five working days are allowed for a decision to be called-in following its publication on the Public Services Board (PSB) and both Councils' websites and notification to Members of the PSB and both Councils. Urgent decisions may proceed despite a call-in if the decision-maker had the agreement of:
 - (i) The chair of the Joint Overview and Scrutiny Committee (JOSC), or
 - (ii) If there is no such person or that person is unable to act, the Chairs of both Conwy County Borough Council and Denbighshire County Council; or
 - (iii) If there is no chair of the JOSC or Chairs of both Councils, the Vice-Chairs of both Councils.
2. Please state the name of the decision maker e.g. PSB, or delegated decision maker for.....
3. If the decision contains more than one part, please state which are to be called-in, e.g. parts (a), (b), and (c) of the Resolution.
4. Signatories must be non-Executive members., ~~with at least one signatory being a member of a different local authority to the remaining signatories.~~ Councillors with a prejudicial interest in the decision may not be a signatory to the Notice of Call-In.
5. The JOSC's Call-In Procedure Rules appear in Appendix A of the JOSC's Terms of Reference.
6. Timescales may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the JOSC.

For office use only

Received by: _____

Date: _____

Date decision was published: _____

Notification sent to the Chair of the PSB and Leaders of Conwy and Denbighshire Councils and the Decision Taker:

Date: _____

Notification sent to the Chief Executives of Conwy and Denbighshire Councils:

Date: _____

Referred to a meeting of the JOSC for:

Date: _____

Time: _____

Venue: _____

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Llywodraeth Cymru
Welsh Government

Appendix 1

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

August 2017



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
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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](#).

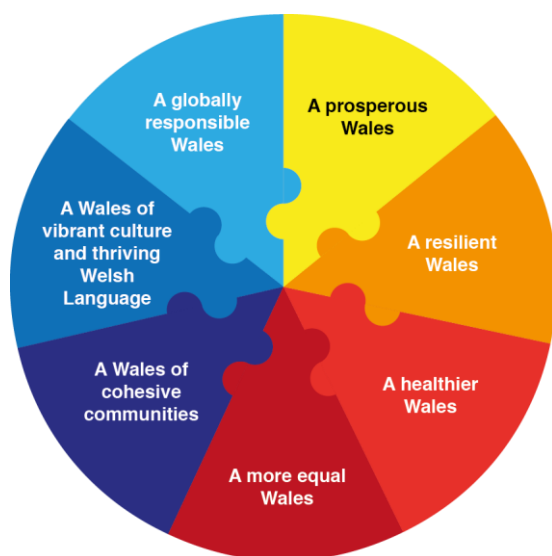
In wishing to support models of local government scrutiny that facilitate effective collaborative working, the Welsh Government has commissioned Centre for Public Scrutiny (CfPS) to develop guidance detailing the contribution scrutiny may make to Public Services Board governance and delivery arrangements.

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.

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

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 planning¹. It specifies that local authority overview and scrutiny is the means by which the Act assures democratic accountability for partnership working in a locality².

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.

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

² "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 collaboration³. 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

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

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;**

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:

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."

As statutory consultees, overview and scrutiny committees can help strengthen the quality of the overall well-being plan by exploring how identified actions⁴ 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.

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

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

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 delivery⁵.

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.

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

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:

Public Services Board Statutory Members / Invited Participants	PSB Performance Panel Invitee
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

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

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

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Terms of Reference and Rules of Procedure

Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee

1. Statutory Provisions

1.1 The Joint Overview and Scrutiny Committee (JOSC) has been established in accordance with the following legislation:

- Section 58, Local Government (Wales) Measure 2011
- Regulation 3 of The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013
- Section 35 of the Well-being of Future Generations (Wales) Act 2015

1.2 The conduct of the JOSC and the arrangements for joint scrutiny shall be subject to the legislative provisions in 1.1 above, and any regulations or guidance made in accordance with the legislation; and in the event of any conflict between the Act and/or Regulations and any joint arrangements, the requirements of legislation will prevail.

2. Name of the Overview and Scrutiny Committee

2.1 The appointing authorities are Conwy County Borough Council and Denbighshire County Council

2.2 The title of the JOSC between both authorities shall be the “Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee” (*referred to as the JOSC for the purpose of this document*)

3. Purpose of the Joint Overview and Scrutiny Committee (JOSC)

3.1 To ensure Public Services Boards (PSBs) are democratically accountable the Well-being of Future Generations (Wales) Act 2015 places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions of the Act the scrutiny committee has extensive powers to review the PSB’s governance arrangements as well as any decisions made or actions taken by the PSB. In addition, the scrutiny committee is provided with considerable reporting powers as it is required to share copies of any reports or recommendations made in connection with the PSB’s functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

3.2 The key statutory functions of the JOSC are:

- To review or scrutinise the decisions made or actions taken by the Board;
- To review or scrutinise the Board’s governance arrangements;
- To make reports or recommendations to the Board regarding its functions or governance arrangements;
- To consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and

- To carry out other functions in relation to the Board as are imposed on it by the Well-Being of Future Generations (Wales) Act 2015

3.3 For the purpose of supporting the work of the JOSC the PSB must:

- Consult with the JOSC during its preparation of both the Well-being Assessment and the Well-being Plan and on any proposed amendments to the Plan;
- Send a copy of both the Well-being Assessment and the Well-being Plan to the JOSC; and
- Send a copy of its Annual Report to the JOSC.

3.4 In addition to 3.2 and 3.3 above the JOSC may consider other areas of the PSB's work such as:

- The effectiveness of the Well-being Assessment
- The effectiveness of the Well-being Plan
- The effectiveness of performance measurement arrangements
- The level of commitment from individual partners to the work of the PSB
- The effectiveness of the PSB in communicating its work objectives and outcomes to its stakeholders and residents
- The effectiveness of the PSB in addressing the issue of pooled funding to tackle priorities

3.5 In accordance with the Well-being and Future Generations (Wales) Act 2015 the JOSC may require one or more of the statutory PSB members to attend a scrutiny meeting to provide it with explanations of matters outlined to them as part of the invitation to attend. **Scrutiny of the PSB partner is limited only to its contribution to the activity of the PSB and does not include scrutiny of policies or decisions made by an organisation as an individual entity.**

3.6 Existing legislation excludes any matter which could be considered by a local authority's designated Crime and Disorder Overview and Scrutiny Committee (as per Sections 19 and 20 of the Police and Justice Act 2006) from the work programmes of all other scrutiny committees, sub-committees and JOSCs.

3.7 The Well-being and Future Generations (Wales) Act 2015 puts in place a 'sustainable development principle' which tells organisations how to go about meeting their duty under the Act. There are 5 things that public bodies need to think about to demonstrate that they have applied the principle which the JOSC will want to consider:

- Long Term - The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.
- Prevention - How acting to prevent problems occurring or getting worse may help public bodies meet their objectives.
- Integration - Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.
- Collaboration - Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.
- Involvement - The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

4. Membership and Political Balance

- 4.1 There will be an equal number of elected members from each appointing authority and no executive (Cabinet) members may be on the JOSC.
- 4.2 The JOSC will comprise ~~12~~ 16 elected members; that is ~~6~~ 8 non-executive elected members from Conwy County Borough Council and ~~6~~ 8 non-executive elected members from Denbighshire County Council.
- 4.3 Both local authorities will determine and nominate its elected committee members in accordance with its own arrangements. The term of office of the nominated elected members shall be a matter for each nominating local authority subject to a minimum planned term of one municipal year.
- 4.4 In accordance with the Local Authorities (Joint Overview and Scrutiny Committees)(Wales) Regulations 2013 the duty to allocate seats to political groups does not apply to the JOSC. However, each appointing authority must ensure that, as far as practicable, the members of the JOSC reflect the balance of political groups for the time being prevailing among the members of the appointing authority.

5. Appointment of Chair and Vice-Chair

- 5.1 A JOSC must appoint a chair of the committee from within its elected member membership
- 5.2 A JOSC may appoint a vice-chair and this must be from within its elected member membership.
- 5.3 The appointment of the Chair will normally take place at the first meeting of the JOSC following the Annual Meeting of both Councils in May and last for two municipal years. The post of Chair of the JOSC will alternate every two years between the elected membership of Denbighshire and Conwy

councils. The allocation of the vice-chair (if appointed) will be given to a member of the Authority which is next scheduled to hold the position of Chair.

5.4 Any sub-committee must appoint a chair, and may appoint a vice-chair, from amongst its elected member membership.

6. Co-opted Members

6.1 The JOSC, or a sub-committee of the JOSC, may resolve to co-opt additional members to serve on the JOSC or sub-committee, subject to paragraphs 7.2 to 7.3

6.2 A person may not be appointed as a co-opted member of the JOSC, or of a sub-committee of the JOSC, unless the appointment is approved by a majority of the members of the JOSC or sub-committee.

6.3 A person co-opted to serve on the JOSC, or on a sub-committee of the JOSC, is not entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting.

6.4 The JOSC, or a sub-committee of the JOSC, may not co-opt a person who is a member of a local authority, whether that authority is one of the appointing authorities or otherwise.

6.5 The membership of a person co-opted to serve on the JOSC, or on a sub-committee of the JOSC, may be withdrawn by a majority vote at any time by the JOSC or JOSC sub-committee.

7. Termination of membership on ceasing to be a member of the authority/suspension from membership

7.1 If an elected member appointed to the JOSC ceases to be a member of the appointing authority, then that person also immediately ceases to be a member of the JOSC.

7.2 If a person appointed as a member of a JOSC is suspended from being a member or a co-opted member of one of the appointing authorities, that person may not serve as a member of the JOSC for the duration of the suspension.

7.3 If a co-opted member appointed to the JOSC ceases to be an employee or representative of the organisation he/she was appointed from, then that person immediately ceases to be a member of the JOSC.

8. Voting Rights

- 8.1 All elected members who are members of the JOSC may vote on any question that falls to be decided at that meeting
- 8.2 Where there is an equality of votes at a meeting of a JOSC or sub-committee, the chair has a second or casting vote.
- 8.3 A person co-opted to serve on the JOSC or on a sub-committee is not entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting (see also co-opted members section, Section 7, above).

9. Sub Committees of the JOSC

- 9.1 The JOSC may establish sub-committees from amongst the JOSC members to undertake its statutory functions.
- 9.2 Any sub-committees appointed by the JOSC will comprise at least 4 elected members, together with any co-opted members as agreed when establishing the sub-committee.
- 9.3 A sub-committee is to comprise an equal number of elected members of each of the appointing authorities.
- 9.4 Any report or recommendation made by a sub-committee of the JOSC is subject to approval by a resolution of the JOSC.
- 9.5 Any sub-committee can only exercise the functions conferred upon it by the JOSC.

10. Duration of the JOSC and procedure for withdrawal

- 10.1 The duration of the JOSC will be until such time as there is a decision taken by the full Council of either of the two participating local authorities to withdraw from the JOSC arrangements.
- 10.2 Written notification will be given to the Chief Executive and the Leader of the other local authority advising of the decision to withdraw from the JOSC arrangements. A copy of the written notification shall also be sent to the Chair of the PSB.

11. Remuneration

- 11.1 The determinations of the Independent Remuneration Panel for Wales will apply to any payments made to JOSC members.
- 11.2 Payments for chairing duties of the JOSC or a sub-committee of the JOSC will only be made if both Denbighshire and Conwy councils agree that payments should be available.

11.3 The reimbursement of travel and subsistence costs incurred by elected or co-opted members of the JOSC when on official JOSC business will be in accordance with the determinations of the Independent Remuneration Panel for Wales.

11.4 Elected members will claim their travel and subsistence costs from their own local authority i.e. Conwy councillors will claim from Conwy County Borough Council and Denbighshire councillors will claim from Denbighshire County Council. Co-opted members will claim from the lead authority providing committee support to the JOSC.

12. Access to meetings and documentation etc.

12.1 The JOSC, or sub-committee, is to be treated as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972(1)(access to meetings and documents of certain authorities, committee and sub-committees).

13. Dispute resolution procedure

13.1 If at any time any dispute or difference shall arise between the participating local authorities in respect of any matters arising out of this agreement or the meaning or effect of this agreement or anything herein contained or the rights or liabilities of any of the local authorities the same shall be referred to the Monitoring Officer of Denbighshire and Conwy councils. Each Monitoring Officer shall undertake and agree to pursue a positive approach towards the dispute resolution which avoids legal proceedings and maintains strong working relationships between the parties. There shall be a commitment to resolving the matter within 10 working days.

13.2 In the event that the dispute is not settled at Monitoring Officer level, and the context so requires, it shall be referred to the respective Chief Executives who shall use their best endeavours to reach a resolution within a further 10 working days.

13.3 In the event that any dispute or difference between the Councils relating to this agreement which it has not been possible to resolve through the decision making process of the Joint Committee or otherwise, the Authorities may either agree to refer the matter to arbitration or utilise the withdrawal procedures at section 10.

14. Referral of matters to individual local authorities' scrutiny committees

14.1 If it becomes evident during a discussion at a JOSC meeting that an issue or a matter has a greater or a more adverse impact on one of the local authorities or within one of the local authority's area, the JOSC can refer the matter to either Denbighshire's or Conwy's locally designated PSB

scrutiny committee for consideration. The JOSC, if it deems appropriate, can ask the individual local authority scrutiny committee to report its conclusion back to the JOSC.

15. Schedule of Meetings of the JOSC

15.1 The JOSC will meet at least twice during each municipal year. Additional meetings of the JOSC may be arranged with the agreement of the Chair of the JOSC in consultation with the Head of Democratic Services of the authority providing the JOSC's committee support.

15.2 The schedule of planned JOSC meetings will be drafted by the host authority providing committee support to the JOSC and will be agreed in consultation with the other local authority.

16. Forward Work Programme (see also Section 27)

16.1 The JOSC should draw-up a forward work programme to identify the main issues it intends to focus upon during the course of the year

16.2 The forward work programme should provide a clear rationale as to the purpose of considering a particular topic, the desired outcomes of its consideration, and the methods by which it will be investigated

16.3 Elected members of both local authorities (whether or not the member is appointed to the JOSC), officers or members of the public who wish the JOSC to consider a specific matter or topic should complete the appropriate 'scrutiny proposal form' to enable the JOSC to consider the topic's suitability for inclusion on its forward work programme. The JOSC will consider the proposals when it reviews its forward work programme at the next available meeting of the JOSC.

16.4 Where there is a co-ordinating committee or panel within Denbighshire or Conwy councils for allocating topics to their Scrutiny committee, those committees or panels can allocate topics to the JOSC. It will be for the JOSC (or the Chair of the JOSC if it is impractical for the JOSC to meet in the time available) to allocate the topics to a particular JOSC meeting. The JOSC may refer topics to the committee or panel responsible for co-ordinating Scrutiny items for one or both of the local authorities.

17. Invitations to the Conwy and Denbighshire Public Services Board

17.1 The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite members of the PSB to attend a meeting of the JOSC. This includes any person that has accepted an invitation to participate in the activity of the PSB.

- 17.2 The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite or require officers and Cabinet members of either local authority to attend its meeting when appropriate.
- 17.3 The JOSC may request invitees to give account for their activities and their performance on matters within the JOSC's remit, particularly relating to:
- Any particular decision
 - The performance of partners in delivering shared objectives
 - The level of commitment from individual partners to the work of the PSB
 - Governance arrangements
 - The effectiveness of the Well-being Assessment and Plan
 - The effectiveness of performance measurement arrangements
 - The effectiveness of communication with stakeholders on the PSB's objectives and outcomes
 - The effectiveness of the PSB in addressing the issue of pooled funding to tackle priorities
- 17.4 When the JOSC wishes to invite members of the PSB, officers, Cabinet members or another individual to a meeting, it will:
- Where possible give a minimum of 4 weeks' notice;
 - Clearly outline the reason and likely areas for questioning;
 - Identify what information is being requested and in what format
- 17.5 Where individuals attend before a JOSC, the Chair shall ensure that they are treated with courtesy and respect. Following the meeting, attendees will be provided with feedback and clarification as to whether further information is required as part of the Scrutiny process
- 17.6 As a matter of courtesy the JOSC may wish to invite the Chair of the PSB to attend JOSC meetings, unless there is a specific reason why it would not be appropriate for the Chair to be in attendance.

18. Rules of procedure

- 18.1 Members of the JOSC and the public must have regard for the Chair who will have the authority to adjudicate on any rules of procedure during meetings of the JOSC.
- 18.2 The Chair and the JOSC will adhere to the rules of procedure attached to these terms of reference as Appendix A.

19. Declarations of interests

- 19.1 All elected members shall observe the Code of Conduct in force for their respective authorities, whilst co-opted members shall observe the Code of Conduct of the host Authority providing committee support to the JOSC.

19.2 Members and co-opted members of the JOSC must declare any personal or personal and prejudicial interest in any business being considered at a meeting of the JOSC in accordance with the Code of Conduct.

20. Confidentiality of Information

20.1 In accordance with Members' respective Authority's Code of Conduct, members (elected and co-opted members) of the JOSC must not disclose any information considered 'exempt' in accordance with Section 100A (4) of the Local Government Act 1972.

21. Administrative arrangements

21.1 The Secretariat will be provided by the local authorities in rotation for a period of two years from the start of a municipal year (i.e. after the Annual Meetings of both authorities). The local authority providing the chair of the JOSC will also provide the Secretariat unless the local authorities agree to different arrangements for administrative support. The function includes:

- Arranging regular or extraordinary meetings of the JOSC
- Preparing agendas and co-ordinating reports/documents for the meeting
- Timely electronic publication and despatch of the agenda and associated meeting papers
- Inviting participants
- Managing attendance
- Minute taking
- Webcasting arrangements if required
- Preparing evidence for scrutiny
- Providing Welsh written translation and Welsh to English simultaneous interpretation.

22 Scrutiny Support

22.1 Dedicated Scrutiny Support will be available to the JOSC from the Denbighshire and Conwy Scrutiny Officers. The Scrutiny Officers will co-ordinate their support activities with the lead role for Scrutiny Support being undertaken by the local authority providing the chair of the JOSC.

23. JOSC meeting procedures (including sub-committees)

23.1 Main agenda items will be identified at the previous meeting in line with the agreed work programme. At this point potential witnesses and broad themes should be considered

23.2 With a view to securing effective scrutiny all JOSC meeting agendas will be limited to a maximum of 4 reports plus the JOSC's forward work

programme report, unless an urgent or unforeseen item of business necessitates discussion at that particular meeting.

- 23.3 A pre-meeting for all JOSC members will be held for 30 minutes immediately before each JOSC meeting. The purpose is to ensure that members are fully prepared for the JOSC meeting and that the questioning strategy is clear.
- 23.4 Prior to the date of a meeting of the JOSC all JOSC members may be engaged in raising and discussing possible questions or lines of enquiry by e-mail. The Chair of the JOSC or the Scrutiny Officers will facilitate this process.
- 23.5 During the meeting, the Chair of the JOSC will be responsible for ensuring that questioning is effective and that the JOSC achieves its objectives
- 23.6 Those invited to attend for a particular agenda item shall not be expected to remain at the meeting following the conclusion of the discussion on that item.
- 23.7 Any conclusions and recommendations from a JOSC meeting will be reported to the PSB, individual PSB partners and relevant Cabinet member(s) as appropriate. Where the conclusions and recommendations are feedback and views which are intended to be relatively informal, these would be reported in the form of a 'Chair's Letter'¹. Where the JOSC's recommendations or views relate to more formal observations and activities with respect to the PSB's functions or governance, the JOSC will send a copy of any report or recommendation to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales.²

24. Responding to the JOSC recommendations

- 24.1 Where recommendations have been made to the PSB, a PSB partner or the local authority Cabinet member(s), a written response would be expected within one month or following the next meeting of the PSB (where a response from the PSB as a whole is required) indicating whether the recommendation is to be accepted and what action (if any) will be taken in response.
- 24.2 Where the JOSC makes a report or recommendations to any of the PSB appointing authorities or their executives the JOSC:
- May publish the report or recommendations

¹ A 'Chair's Letter' is a letter agreed by and in the name of the Chair of the JOSC. A Chair's Letter will normally be issued by a Scrutiny Officer on behalf of the Chair of the JOSC.

² Under Section 35(2) of the Well-being and Future Generations (Wales) Act 2015

- May require the appointing authority or authorities, or the executive or executives –
 - To consider and respond to the report or recommendations indicating what (if any) steps it proposes, or they propose, to take; and
 - If the JOSC has published a report or recommendations, to publish the response
- Where the JOSC has provided a copy of the report or recommendations to a member of an appointing authority who has referred a matter to the JOSC or sub-committee, it must provide the member with a copy of the response.

25. Call-in arrangements

- 25.1 Decisions of the PSB may be called-in for consideration by the JOSC using the procedure attached as Appendix B.
- 25.2 Where the decision maker for a PSB decision is the local authority the call-in will be heard either by the JOSC or by the local authority's designated PSB Scrutiny Committee. The Monitoring Officers of the two authorities will determine which Scrutiny committee will undertake the call-in.
- 25.3 Decisions implemented by PSB partners other than the local authorities are not subject to the formal call-in procedures,

26. Evidence gathering

- 26.1 The JOSC is entitled to gather evidence in connection with any review or inquiry it undertakes as part of their agreed work programme.
- 26.2 The JOSC shall adopt methods of gathering evidence to inform its deliberations. These include, but are not limited to, task and finish groups, holding inquiries, undertaking site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. JOSC evidence gathering will be supported by the Scrutiny Officers.

27. Reference of matters to the Joint Overview and Scrutiny Committee (JOSC) (see also section 16)

- 27.1 Any member of the JOSC, officer of the local authorities or a body represented on the PSB, or a member of the public may refer to the committee any matter which is relevant to its functions. This will be done via the completion of a 'Scrutiny Proposal Form'.

27.2 Any member of a sub-committee of the JOSC can refer to the sub-committee any matter which is relevant to its functions, via the completion of a 'Scrutiny Proposal Form'.

27.3 The merits of including any referrals received as per 27.1 and 27.2 above on a future JOSC, or sub-committee, agenda will be considered as part of the JOSC/sub-committee's discussion on its Forward Work Programme at every meeting

27.4 Where the JOSC, or sub-committee, makes a report or recommendations in relation to the matter referred to it by a member, it must provide the member with a copy of the report or recommendations.

28. Setting the agenda

28.1 Individual agenda items, other than standing items, are to be determined in the first instance by the Forward Work Programme which is to be established and agreed by the JOSC at each meeting. The decision to consider additional items or defer planned items will be a matter for the discretion of the Chair.

29. Public engagement

29.1 Meetings of the JOSC and sub-committees are open to the public and all reports are available to the public unless exempt or confidential matters are being considered, when the press and public would be excluded from the meeting.

29.2 All persons who live or work in the two local authority areas can bring to the attention of the JOSC their views on any matter under consideration by the JOSC, and the JOSC must take into account these views.

29.3 The JOSC will seek to gather evidence from the public as an ongoing aspect of its work

29.4 Agenda packs and any appropriate formal letters from or to the JOSC will be published via the two Authority's agenda publication pages on their websites.

29.5 Members of the public may request the JOSC to examine areas or matters of concern relating to the PSB, which are within the JOSC powers to scrutinise, via the completion of a 'Scrutiny Request' form. Completed 'Scrutiny Request' forms will be considered by the JOSC when it considers its forward work programme at each meeting, and the individual who submitted the request will be notified of the JOSC's decision in relation to the request and the outcomes of the examination of the topic, if the matter is accepted for scrutiny.

30. Training and Development

30.1 Training will be provided to members of the JOSC according to the requirements of the JOSC and its members. The Heads of Democratic Services of the local authorities will liaise to agree the training and development provision.

DRAFT

RULES OF PROCEDURE FOR THE JOSCS

1. Notice of Meetings

- 1.1 A summons and agenda to attend a meeting of the JOSCS shall be published and circulated at least 3 clear working days before a meeting of the JOSCS by the host authority providing committee support to the JOSCS. Both local authorities shall display the agenda and public meeting documents on their public websites.
- 1.2 The summons and agenda for a JOSCS meeting shall be sent electronically to all members of the JOSCS and to the appropriate officers of each Authority.

2. Venue and Time of JOSCS Meetings

- 2.1 The JOSCS may from time to time, dependent upon the items selected for discussion, webcast a meeting of the JOSCS, or a sub-committee subject to webcasting resources being available.
- 2.2 Unless otherwise agreed by the JOSCS, the JOSCS shall meet in rotation between the offices of Denbighshire and Conwy councils or at a location mutually agreed by the JOSCS and which is easily accessible to the public and compliant with the requirements of the Disability Discrimination Act 2005.
- 2.3 Meetings of the JOSCS will be scheduled by the host authority providing committee support for the JOSCS in consultation with the other local authority. Meetings of a sub-committee of the JOSCS will be agreed by the JOSCS.

3. Quorum

- 3.1 The quorum of a JOSCS meeting will be 50% of the whole number of Members, rounded down. For the avoidance of doubt, the whole number of members does not include vacancies. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 3.2 The quorum for a JOSCS sub-committee meeting will be 50% of the whole number of members of the sub-committee, rounded down, providing that at all times there shall be a minimum of 3 members present. At least 1 elected member from both of the local authorities shall be present at any sub-committee of the JOSCS.

3.3 A sub-committee of the JOSC is to comprise an equal number of elected members of each of the appointing authorities.

4. Order of Business

4.1 At every meeting of the JOSC the order of business shall be to select a person to preside if the Chair or Vice Chair are absent and thereafter shall be in accordance with the order specified in the notice of the meeting except that such order may be varied either by the Chair at his or her discretion or on a request agreed to by the Joint Committee.

5. Welsh Language

5.1 The Welsh Language Standards for the host authority providing committee support shall be applied to the documents and meetings of the JOSC and any sub-committees of the JOSC.

6. Rules of Debate

6.1 The rules of debate at meetings of the JOSC or a sub-committee of the JOSC shall normally be informal but the Chair may apply the rules of debate from the Constitution of the host authority providing committee support.

7. Rights to Address Meetings

7.1 There should be no automatic right for observers to speak on any issue. The right of someone who is not a JOSC member to speak is solely at the discretion of the chair of the meeting.

JOINT SCRUTINY OVERVIEW AND SCRUTINY COMMITTEE (JOSC)

CALL-IN PROCEDURE – GUIDANCE NOTE

Introduction

The Procedure Rules allow for any 5 non-Executive members (councillors who are not members of the Cabinet) of either Conwy County Borough Council or Denbighshire County Council ~~(at least one of who has to be a member of a different authority to the other signatories)~~ to initiate a call-in of a decision of the Public Services Board (PSB). To facilitate this process a 'Notice of Call-in of Decision' form has been produced which is signed by the 5 members and submitted to the Monitoring Officer of either Conwy County Borough Council or Denbighshire County Council. Five days are allowed for a decision to be called-in following its publication on the PSB and both councils' websites and emailed to all members of both local authorities. A decision taken will not be implemented by officers until the expiry of this period.

Members who have a prejudicial interest in the decision may not be a signatory to a Notice of Call-In.

Decisions implemented by PSB partners other than the local authorities are not subject to the formal call-in procedures.

Publication of Decisions

The 5 working day period will not begin until the decision has been published on the PSB and the Councils' websites and e-mailed to all members of both councils. Decisions must be publicised within 2 working days of the decision being taken in accordance with the PSBs and the Councils' Constitutions. This could be in the form of draft minutes of the meeting, a summary of decisions or a record of a delegated decision taken.

Implementation of Decisions

Decisions may be implemented from the sixth working day following their publication unless a valid Call-in has been received by either Monitoring Officer.

Urgent Decisions

Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:

- (i) the Chair of the Public Services Board's (PSB) Joint Overview and Scrutiny Committee (JOSC); or

- (ii) if there is no such person or that person is unable to act, the Chairs of both Conwy County Borough Council and Denbighshire County Council; or
- (iii) If there is no chair of the JOSC or Chairs of the Councils, the Vice-Chairs of both councils.

In exceptional circumstances there may be urgent decisions that must be implemented immediately upon the decision being taken and a call-in is therefore not possible. These must be identified by the PSB/decision-maker at the time the decision is taken and the reasons behind their urgency explained and reported in the record of decision.

The Procedure

A duly completed 'Notice of Call-In of Decision' must be submitted to either of the Monitoring Officers. The notice must contain the signatures of the 5 non-Executive members calling in the decision along with the reasons for the call-in.

Where the decision maker for a PSB decision is the local authority the call-in will be heard either by the JOSC or by the local authority's designated PSB Scrutiny Committee. The Monitoring Officers of the two authorities will determine which Scrutiny committee will undertake the call-in.

The Monitoring Officer will notify the Chair of the PSB, Leaders of both Councils, the delegated decision taker (if relevant), the Chief Executives of both Councils and the other Monitoring Officer of the receipt of the Notice of Call-In and confirm with them that the decision may not be implemented until further notice from the Monitoring Officer.

For a call-in allocated to the JOSC the Monitoring Officer will liaise with the Chair of the JOSC seeking a meeting of the JOSC to be convened to consider the Call-In within 10 working days of the receipt of the Notice of Call-In of Decision unless the JOSC has a scheduled meeting within that period, or if an extension to the time period is agreed between the decision maker and the Chair of the JOSC.

All members of the PSB and both local authorities will be notified of the call-in and the details of the meeting being held to consider it.

Signatories to attend

The signatories to the call-in will normally be expected to attend the meeting of the JOSC and justify the reasons for the call-in of the decision.

What happens if the JOSC does not meet in time?

Should the JOSC not convene within the 10 working days of the receipt of the Notice of Call-In, and without an extension to the time period being agreed, the Monitoring Officer will inform the Chair of the PSB, the Leaders and Chief

Executives of both Councils, the other Monitoring Officer and (if appropriate) the delegated decision taker, that the call-in has ceased.

No case to answer?

Should the JOSC upon meeting to consider the call-in, decide that the decision should not be referred back to the decision maker (e.g. PSB, local authority or delegated decision taker) for reconsideration, the Monitoring Officer will advise the Chair of the PSB, the Leaders and Chief Executives of both Councils and the other Monitoring Officer (if appropriate) the delegated decision taker, that the decision may be implemented.

Recommendations from Scrutiny

If the JOSC agrees that there is a case for the decision to be reviewed, the JOSC's recommendations will be considered by the PSB or appropriate Cabinet(s) at its next available meeting, or in the case of a delegated decision by the decision-maker within 10 working days.

What if the original decision is re-confirmed?

Should the decision maker confirm the original decision, the decision may be implemented immediately and may not be subject to a further call-in. The decision maker should demonstrate that appropriate consideration has been given to the recommendations from the JOSC.

Conwy and Denbighshire Public Services Board



NOTICE OF CALL-IN OF DECISION

To: The Monitoring Officer

Conwy County Borough Council/Denbighshire County Council (*delete as appropriate*)

We, the undersigned, wish to call in the following decision (**see note 1**)

Decision taken by (*see note 2*):

Date decision was taken:

Report Title:

Decision (*see note 3*):

Reason for Call-In:

We (**see note 4**) request that according to the Joint Overview and Scrutiny Committee for the Public Service Board's approved 'call-in' procedure rules (**see note 5**) a meeting of the Joint Overview and Scrutiny Committee be held within 10 working days (**see note 6**) of the date of your receipt of this notice.

1. Name (print): _____

Signature: _____

Council: _____

2. Name (print): _____

Signature: _____

Council: _____

3. Name (print): _____

Signature: _____

Council: _____

4. Name (print): _____

Signature: _____

Council: _____

5. Name (print): _____

Signature: _____

Council: _____

Dated: _____

Guidance Notes

1. Five working days are allowed for a decision to be called-in following its publication on the Public Services Board (PSB) and both Councils' websites and notification to Members of the PSB and both Councils. Urgent decisions may proceed despite a call-in if the decision-maker had the agreement of:
 - (i) The chair of the Joint Overview and Scrutiny Committee (JOSC), or
 - (ii) If there is no such person or that person is unable to act, the Chairs of both Conwy County Borough Council and Denbighshire County Council; or
 - (iii) If there is no chair of the JOSC or Chairs of both Councils, the Vice-Chairs of both Councils.
2. Please state the name of the decision maker e.g. PSB, or delegated decision maker for.....
3. If the decision contains more than one part, please state which are to be called-in, e.g. parts (a), (b), and (c) of the Resolution.
4. Signatories must be non-Executive members., ~~with at least one signatory being a member of a different local authority to the remaining signatories.~~ Councillors with a prejudicial interest in the decision may not be a signatory to the Notice of Call-In.
5. The JOSC's Call-In Procedure Rules appear in Appendix A of the JOSC's Terms of Reference.
6. Timescales may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the JOSC.

For office use only

Received by: _____

Date: _____

Date decision was published: _____

Notification sent to the Chair of the PSB and Leaders of Conwy and Denbighshire Councils and the Decision Taker:

Date: _____

Notification sent to the Chief Executives of Conwy and Denbighshire Councils:

Date: _____

Referred to a meeting of the JOSC for:

Date: _____

Time: _____

Venue: _____

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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
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
	2	Joint Scrutiny of the PSB	To consider final proposals for submission to Council to establish a joint Scrutiny committee with Conwy	Steve Price / Rhian Evans	June 2018
29 March 2019					
4 October 2019					

Other Business

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

Note for officers – Democratic Services Committee Report Deadlines

Meeting	Deadline	Meeting	Deadline	Meeting	Deadline
March 2018	9 March 2018	October 2018	5 October 2018		

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