



Independent Remuneration Panel for Wales

Annual Report

February 2017

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

Foreword

There have been some changes to the membership of the Panel this year. The 2016 Report was the last produced under the leadership of Richard Penn as Chair. I and other members are most grateful for the guidance he gave to the Panel during his tenure of office. We have 3 new members – Julie May who was appointed from 1 January 2016, Sarah (Saz) Willey and Roger Symonds, both appointed from 1 June 2016. Stephen Mulholland and Gregory Owens have been re-appointed as Panel members from 1 January 2017. The full membership is set out below.

We have made some adjustments to the format of the Report which we hope will make the content clearer and more concise.

Specific changes to our determinations include a very modest increase to the basic salary for elected members with consequential increases for National Park Authorities and Fire and Rescue Authorities. This increase of 0.75% is the first for 3 years and follows the slight easing of restraint in the pay of public sector employees.

We are introducing arrangements to recognise the implications of long term sickness of senior salary holders. We have also made changes to provide more flexibility for authorities without undermining the principle of prescribing payments which still has continuing support.

The Local Government (Wales) Act 2015 widened the remit of the Panel to give consideration to proposed changes to the salaries of chief officers of principal councils, effectively an extension of our role in respect of the heads of paid service of councils and Fire and Rescue Authorities. We have made recommendations on several submissions during the year; these can be found in Section 15 of the Report.

I would thank those organisations and individuals who responded to our Draft Report. Each of these has been examined and where considered appropriate, acted on. I would thank my colleague Panel members and also our diligent and committed secretariat for the significant input into our work during the year.

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 ninth Annual Report of the Independent Remuneration Panel for Wales (the Panel), and the sixth published under the requirements of the Local Government (Wales) Measure 2011.

1. As with the Panel's previous Annual Reports its determinations on member remuneration are underpinned by a set of principles set out in Section 1 of this Annual Report.
2. The Panel remains firmly of the view that maintaining the democratic values of local governance cannot be cost-free. Members of local authorities (including co-opted and appointed members) are there to represent the interests of local people, undertake the governance of local communities, and secure value-for-money public services for local tax-payers through effective scrutiny. These are significant and considerable tasks for members of relevant authorities within the Panel's remit. Publicly funded remuneration is made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.
3. 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.
4. In determining the level of payments to members of local councils, the Panel has sought to meet its principle of '*acceptability*' by ensuring that these are not '*so great as to require a significant diversion of resources from key council priorities*'. But Section 142(8) of the Measure is more explicit on '*affordability*' when it states that "*when setting an 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

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

and to the electorate's disposable incomes – is likely to exert a powerful impact on the public perception of any increases to members' payments.

5. As a charge on the public purse, payments to members for their time, worth and responsibility must be, and must be seen to be, fair and affordable. The Panel's determinations in its 2009 Report aligned payments to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). The basic salary was set at three-fifths of the All Wales Median Salary and senior salaries were set at multiples of this annual median salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.
6. Because of the financial constraints on the public sector and local authorities specifically it has not been possible to maintain the link with average Welsh earnings. On the original basis of 3/5ths of the average the basic annual salary would be in excess of £14,700. The Panel has been mindful of the financial constraint which is the reason that the basic salary of elected members of principal councils has not been increased since 2013. In reaching this decision account was taken of the freeze in salaries to the staff of councils. There has been a modest relaxation more recently and small increases have been allowed.
7. In view of these factors, the Panel has decided that it is appropriate to provide for a very modest uplift to the basic annual salary of £100 which is approximately 0.75%. No increase is proposed for senior salaries but these post holders will receive the uplift in the basic salary element.
8. While in the current economic circumstances it is not possible to reinstate the link between basic salary and average Welsh earnings, the Panel will, in the future examine possible benchmarks that would be appropriate for the remuneration of elected members.
9. The Annual Report 2016 introduced two levels of salary for members of councils' executives and committee chairs of principal authorities, Fire and Rescue Authorities (FRAs) and National Park Authorities (NPAs). This was to provide flexibility to enable authorities to reflect, in their schedules of remuneration, variations in the level of responsibility of portfolios and chairs. The Panel has examined the schedules for 2016/17 and has established that no principal council has introduced differential payments within cabinets or to chairs of committees.

For members of executives:

- 20 councils have paid at level 1
- 2 councils have paid at level 2

For committee chairs:

- 20 councils have paid at level 1
- 2 councils have paid at level 2

As this has only been in place for one year the Panel is retaining this facility for flexibility to reflect variations in the levels of responsibility in the remuneration applied to specific senior posts. The newly elected councils should consider using this flexibility when determining their cabinet and committee structures.

10. Since the Welsh Government introduced regulations relating to Family Absence of elected members of principal councils, the Panel has incorporated remuneration issues related to such absences in its framework. We have received comments that the same arrangements do not apply to absences caused by long term sickness. We have recognised this and have included in this Report a provision to allow principal councils, NPAs and FRAs to make arrangements to cover cases of long term sickness absence of senior salary holders.
11. The Panel remains concerned about the variation and inconsistency of support provided to members to enable them to discharge their functions effectively. We have repeatedly determined that such support should be provided without cost to the individual elected member, and that the cost of support must be appropriate, reasonable and publicly declared. Deductions must not be made from members' salaries by the authority as a contribution towards those support costs which the authority considers necessary for the effectiveness and/or efficiency of members. However, we are aware that this has not been fully implemented by some authorities. It is intended to undertake a detailed analysis of the Schedules for 2016/17 and the publication information from the previous year and take up any matters of non-compliance individually.
12. The Panel expects that the support provided should include taking account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable. Members of Democratic Service Committees and Heads of Democratic Services indicated at our meetings with them that it would be beneficial for authorities to be proactive in sharing information and establishing benchmarks for levels of provision and good practice in how authorities support the work of elected members. We are unaware whether there has been progress in implementing this proposal.
13. The Panel notes that members have not always utilised the support that has been provided through the Panel's remuneration framework, particularly in respect of the care allowance. Some members are reluctant to claim all that they are entitled to claim in support of their work, particularly the care allowance, because of concerns about the adverse publicity this can attract. Democratic Services Committees should take steps to encourage and facilitate eligible members in claiming these allowances.
14. Care Allowances were available to elected members of principal councils several years prior to the Panel's formation. We have extended the provision

to all relevant authorities. There has been very limited take up across all of the organisations within the remit of the Panel. We believe that the major factor for this poor take up is concerns about adverse publicity on individual members. So we have decided to allow optional approaches to the publication of costs of care. We have also decided to use the term “reimbursement of costs of care” to replace care allowance, as a result of discussion with the WLGA leadership.

15. The Panel reiterates the need for all involved to encourage individual members to access all the available support, including for care, which now includes its provision for members who themselves require personal support and assistance.
16. 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 aware and pleased that several principal councils have added this leaflet to their websites.
17. Section 153 of the Measure empowers the Panel to monitor relevant authorities’ compliance with its requirements. Although there has been significant reduction in non-compliance within most authorities. The Panel considers that consistency can be improved by the use of a standard pro forma and will consult on this in early summer 2017.
18. However, there are still major issues to be addressed with community and town councils which the Panel will be raising with individual councils and their representative organisations.
19. Since assuming the additional responsibility in respect of changes to the salaries of chief officers of principal councils the Panel has dealt with several submissions. The Panel’s decisions are attached at Section 15.

Implementation of Determinations

Elections for principal councils and community and town councils will take place on 4 May 2017. Section 26(3) of The Local Government Act 1972 determines that on the 4th day following the election persons who were councillors before the election will retire and newly elected members will assume office. Therefore the effective dates for the implementation of the determinations contained in this Report are:

- For principal councils:
 - Basic and senior salary holders - 8 May 2017, (subject to the member having signed the declaration of acceptance).
 - Chairs/Mayor – civic salary is payable where the chair/mayor remains in post until a successor is appointed at the authority's Annual General Meeting following the election²
- For National Park Authorities –With effect from 1 April 2017.
- For Fire and Rescue Authorities – With effect from the Annual Meeting of the Authority.
- For community and town councils - 8 May 2017 (subject to the member having signed the declaration of acceptance).

² Local Government Act 1972 Part 2 Section 22(2)

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

Upholding trust and confidence

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

Simplicity

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

Remuneration

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

Diversity

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

Accountability

- 1.5 Taxpayers and citizens have the right to receive value for money from public funds committed to the remuneration of those who are elected, appointed or co-opted to serve in the public interest. The Panel expects all principal councils to make information readily and appropriately available about the activities and remuneration of their members.

Fairness

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

Quality

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

Transparency

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

Remuneration of Officers

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

2. Annual Report Summary Page

Type of Payment	Type of Authority			
	Principal Councils	National Park Authorities	Fire and Rescue Authorities	Community and Town Councils
Basic Salary	page 11	page 25	page 30	N/A ³
Senior Roles	page 14	page 25	page 30	page 41
Committee Chairs	page 14	page 25	page 30	N/A
Opposition Groups	page 14	N/A	N/A	N/A
Civic Heads and Deputies	page 15	N/A	N/A	page 41
Presiding Members	page 17	N/A	N/A	N/A
Mileage	page 38	page 38	page 38	page 41
Other Travel Costs	page 38	page 38	page 38	page 41
Subsistence Costs	page 39	page 39	page 39	page 42
Costs of Care	page 35	page 35	page 35	page 43
Family Absence	page 24	N/A	N/A	N/A
Sickness Absence	page 36	page 36	page 36	N/A
Joint Overview and Scrutiny Committees	page 21	N/A	N/A	N/A
Pension	page 23	N/A	N/A	N/A
Co-Optees	page 33	page 33	page 33	N/A
Specific or Additional Allowances	page 19	page 27	page 31	N/A
Payments to Community and Town Councillors	N/A	N/A	N/A	page 40
Financial Loss Allowance	N/A	N/A	N/A	page 42
Statement of Payments	page 79	page 79	page 79	Page 79
Schedule of Remuneration	Page 77	Page 77	Page 77	Page 77
Salaries of Chief Executives and Chief Officers	Page 45	N/A	Page 45	N/A

³ 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 Although public sector funding continues to be constrained, the Panel considers that a modest increase in the basic salary is justified and has determined there shall be an increase of £100 (which equates to 0.75%) from spring 2017 to the basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of all elected members.

Determination 1: Basic salary in 2017/18 for elected members of principal councils shall be £13,400.

Notes to Determination 1:

1. The responsibility element of senior salaries is not being increased but senior salary holders will receive the uplift to the basic salary.
2. The Panel originally determined (IRP Annual Report December, 2009) that the payment of basic salary would be aligned to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). Given the pressures on public expenditure it was not possible for this alignment to be maintained. If this alignment had continued the basic salary would currently be in the region of £14,700. While in the current economic circumstances it is not possible to reinstate the link between basic salary and average Welsh earnings, the Panel will, in the future examine possible benchmarks that would be appropriate for the remuneration of elected members.

Senior salaries for elected members of principal councils

- 3.2 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2017/18 the maximum number of senior salaries payable within each council will not be altered and will be as set out in Table 1.

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

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	15
Merthyr Tydfil	33	16
Monmouthshire	43	17
Torfaen	44	17

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

3.3 The Panel has not changed the previous decisions in respect of the senior salaries paid to these post holders.

(i) The Executive:

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

Many councils operate with a cabinet of 10, the statutory maximum, others choose to have smaller cabinets and therefore the range of individual portfolios is much greater. We have concluded that this should be able to be reflected in the remuneration framework. It is not the role of the Panel to determine the structure of cabinets of local authorities so the determinations continue to provide flexibility for each newly elected council to decide the appropriate range of portfolios to meet local needs, recognising that there is an inevitable variation on the level of responsibility and workload.

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

Level 1 -

Group A - £32,100

Group B - £29,100

Group C - £26,100

Level 2 -

Group A - £28,900

Group B - £26,200

Group C - £23,500

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

(ii) Chairs of Committees

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

Where chairs of committees are paid, there are two levels of remuneration:

Level 1 chairs will be paid a salary of £22,100

Level 2 chairs will be paid a salary of £20,100

It is a matter for individual authorities to determine which chairs are paid and at which level, to reflect the appropriate responsibility attached to the specific post.

The Senior Salary Bands

Determination 2: The Panel has determined that senior salary levels in 2017/18 for members of principal councils shall be as set out in table 2.

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

Basic salary (payable to all elected members) £13,400			
	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 Deputy leader	£53,100 £37,100	£48,100 £33,600	£43,100 £30,100
Band 2 Executive members Level 1 Executive members Level 2	£32,100 £28,900	£29,100 £26,200	£26,100 £23,500
Band 3 Committee chairs (if remunerated):	Level 1 Level 2	£22,100 £20,100	
Band 4 Leader of largest opposition group ⁴		£22,100	
Band 5 Leader of other political groups		£17,100	

Table 2 notes:

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

⁴ Leader of largest opposition group. See IRPW Regulations, Annex 2, Part 1(2) for a definition of “largest opposition group” and “other political group”.

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

- b. No increase is proposed for senior salaries but post holders will receive the uplift in the basic salary paid to all councillors.
- c. Committee chairs will be paid at Band 3, either Level 1 or 2 (for decision by the authority); although an individual authority may determine not to pay particular chairs.
- d. The Panel is aware of the importance placed by the Welsh Government on the value of the scrutiny function for local democracy and has noted that in total there are currently 90 chairs of scrutiny who receive senior salaries. The Panel believes that this is a clear recognition of the importance of this function.
- e. 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.
- f. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- g. The Panel has determined that, if remunerated, a Band 5 senior salary must be paid to leaders of other political groups.

See IRPW Regulations, Annex 2, Part 1(2) for a definition of “*largest opposition group*” and “*other political group*”.

Payments to Civic Heads and Deputies (Civic Salaries)

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

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

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

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

Remuneration of civic heads and deputy civic heads <i>(inclusive of basic salaries)</i>		
Responsibility Level	Civic heads	Deputy civic heads
Level 1	£24,100	£18,100
Level 2	£21,600	£16,100
Level 3	£19,100	£14,100

Table 3 notes:

- a. The posts of civic head and deputy civic head are not included in the cap (with the exception of Isle of Anglesey and Merthyr Tydfil Councils).
 - b. The Panel's requirement that members should not have to pay for the cost of the support (see determination 7) that is needed to carry out their duties applies also in respect of civic heads. The Panel recognises the range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing. The Panel does not consider it appropriate for councils to expect or require that contributions towards any such provision should be met from the net senior salaries paid to civic heads.
- 3.7. Civic roles are senior posts within councils which are distinct from political or executive leadership. In addition to chairing major meetings the civic head is the authority's 'first citizen' and 'ambassador', representing the council to a wide variety of institutions and organisations, and this requires the post holder to exemplify and promote good citizenship.
- 3.8. Deputy civic heads are often 'civic heads in waiting' for the following year, 'learning the ropes' by participating in a separate schedule of events as well as deputising for the civic head.
- 3.9. The intention of the civic allowance as defined by sections 22(5) and 24(4) of the Local Government Act 1972 remains to allow a council to pay a chair and vice-chair of a council a salary which it thinks fit for the purposes of meeting the expenses of those offices.

- 3.10. 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.
- 3.11 The level of support given, the personal financial outlay and the level of activity during the year of office varies considerably between authorities and the size of authority does not necessarily relate to the commitment required, or given by, civic heads.
- 3.12 All principal councils have a number of community councils within their areas and many also include town councils. Where a community council has a particularly active civic head this may have some impact on the workload of the principal council's civic head.
- 3.13 The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint a presiding member whose role it will be to chair meetings of the whole council. Where appointed, there would be a consequential reduction in the responsibilities of the respective civic head.

Payments to Presiding Members

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

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

Key factors underpinning the Panel's determinations:

- 3.14 The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance for the time equivalent of three days a week. Any time commitment beyond three days is an unpaid public service contribution.
- 3.15 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the authority's proper officer to forego all or any element of the payment. It is fundamental that there is transparency in this process so that any possible suggestion that members are put under pressure to forego some of the salaries is avoided. The Panel will be consulting on a pro forma for the Publication of the Statement of Payments Made which will include the exact amount paid to each member.

The following must be applied:

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

Supporting the work of local authority elected members

- 3.16 The Panel has continued its programme of meetings with Chairs and members of Democratic Service Committees and Heads of Democratic Services. These meetings have 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. Heads of Democratic Services have suggested that it would be beneficial for authorities to be pro-active in sharing information and establishing benchmarks for levels of provision and good practice in how authorities support the work of elected members. The Panel shares this view.
- 3.17 The Panel expects that the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable.
- 3.18 The Panel considers it is necessary for each elected member to have ready use of telephone and e-mail services, and to have electronic access to appropriate information via an internet connection. This comprises the necessary provision for a member to be in proper contact with council services and to maintain contact with those they represent. Many councils in Wales are committed to 'paperless working' and without electronic access a member would be significantly limited in his or her ability to discharge their duties. As stated above, it is the responsibility of each council through its Democratic Services Committee to provide support 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. It would not be appropriate for facilities required by members only to be available within council offices within office hours.

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

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

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

Specific or additional senior salaries

- 3.19 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 5).

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.

- 3.20 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 percent⁵ of the membership.

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

- 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.

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. The Panel has set out the arrangements for the remuneration of chairs of Joint Overview and Scrutiny Committees and Sub-committees⁶. The payments align with those of chairs of committees of principal councils set out in Section 3 (Level 2).

The following determinations apply:

Determination 9: The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 Level 2 senior salary that remunerates a committee chair of a principal authority (£6,700).

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

Determination 11: The chair of a sub committee of a JOSC is eligible for a salary of £1,675.

Determination 12: In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £837.

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

Determination 14: Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).

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

Determination 16: Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.

- 4.2. The remuneration of chairs of JOSCs (or a sub-committee of JOSCs) is not prescribed and is a matter for the constituent councils to decide whether such

⁶ [http://www.assembly.wales/Laid%20Documents/SUB-LD9311%20-%20The%20Local%20Authorities%20\(Joint%20Overview%20and%20Scrutiny%20Committees\)%20\(Wales\)%20Regulations%202013-02052013-245903/sub-ld9311-e-English.pdf](http://www.assembly.wales/Laid%20Documents/SUB-LD9311%20-%20The%20Local%20Authorities%20(Joint%20Overview%20and%20Scrutiny%20Committees)%20(Wales)%20Regulations%202013-02052013-245903/sub-ld9311-e-English.pdf)

a post will be paid. However, if a senior salary is paid, it must be at the level set out in section 4 of this report.

5. Pension Provision for Elected Members of Principal Councils

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

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

6. Entitlement to Family Absence

This section applies to 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 2013⁷ and cover maternity, newborn, adoption and parental absences from official business.
- 6.2. The Panel considered the implications for the remuneration of such members who are given absence under the terms of the Welsh Government Regulations and the Panel's determinations are set out below.

Determination 18: An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.

Determination 19: When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.

Determination 20: It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.

Determination 21: If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.

Determination 22: When a Council agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.

Determination 23: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.

⁷ http://www.legislation.gov.uk/wsi/2013/2901/pdfs/wsi_20132901_mi.pdf

7. Payments to Members of National Park Authorities

Structure of National Park Authorities

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

Table 4: Membership of Welsh National Park Authorities

National Park Authority	Total Membership	Principal Council Members	Welsh Government appointed Members
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 County Borough Council – 9	6

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

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

- NPAs manage their work via formal authority meetings, committees and task and finish groups. Each has a Development/Management/Planning Committee, and other committees include Performance and Resources and Audit and Scrutiny. Ordinary NPA members are members of at least one committee as well as being involved in site visits and inspection panels.
- There is an expectation that members will participate in training and development.
- The chair of an NPA has a leadership and influencing role in the authority, a representational role similar in some respects to that of a civic head and a high level of accountability. The chair is not only the leader of the authority but is also the public face of the particular national park and is the link with the Minister and AMs with whom they have regular meetings. The role requires a high level of commitment and time.

Basic and senior salaries

7.6 The Panel has previously determined that the role of ordinary members of an NPA should be aligned to the basic salary of a member of a principal council, and that the time commitment required is a notional 42 days per year. This remains the basis of the Panel's determinations.

7.7 Although public sector funding continues to be constrained the Panel considers that a modest increase in the basic salary is justified and has determined there shall be an increase of £100 (which equates to 0.75%) from 1 April 2017 in the level of basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of members.

7.8 Therefore, there is a corresponding increase of £25 on the basic salary for members of NPAs from 1 April 2017.

7.9 The Panel has also previously determined that the remuneration of an NPA chair should be aligned to that part of a Band 3 Level 1 senior salary received by a committee chair of a principal council.

7.10 In 2014, the Panel 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 £7,325 or £6,025, commensurate with the significant and sustained duties to be discharged in a particular role.

7.11 During 2016, the Panel met with members and officers of the 3 NPAs. Feedback was received during the Panel's visits about the importance of

members' attendance at meetings and the impact non-attendance can have. The Panel is minded to consider this further during 2016/17.

Additional Senior Salaries

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

7.14 The Panel has made the following determinations:

Determination 24: The basic salary for NPA ordinary members should be £3,625

Determination 25: The senior salary of the chair of an NPA should be £12,325

Determination 26: An NPA senior salary can be paid to a Deputy Chair and up to two committee chairs where there is significant and sustained responsibility. This can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility: £6,025 or £7,325

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

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

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

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

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

8. Payments to Members of Welsh Fire and Rescue Authorities

Structure of Fire and Rescue Authorities

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

Table 5: Membership of Fire and Rescue Authorities

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

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

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

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

Basic and Senior Salaries

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

8.7 Although public sector funding continues to be constrained the Panel considers that a modest increase in the basic annual salary of elected members is justified and has determined there shall be an increase of £100 (which equates to 0.75%) from the date of the authority's Annual General Meeting in the level of basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of members.

8.8 Therefore, there is a corresponding increase of £15 on the basic salary for members of FRAs from the date of the authority's Annual General Meeting.

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

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

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

- 8.12 During 2016, the Panel met with members and officers of the 3 FRAs. Feedback was received about the importance of members' attendance at meetings and the impact non-attendance can have. The Panel is minded to consider this further during 2016/17.

Additional Senior Salaries

- 8.13 The Panel allows principal councils greater flexibility to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework. The Panel is extending this provision to FRAs as reflected in the following principles
- a. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
 - b. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
 - c. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

Local Pension Boards

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

Determination 31: The basic salary for FRA ordinary members should be £1,715
Determination 32: The senior salary of the chair of an FRA should be £10,415.
Determination 33: An FRA senior salary can be paid to the deputy chair and up to two chairs of committees where there is significant and sustained responsibility. This should be paid at £5,415.
Determination 34: The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall

within the current Remuneration Framework.
Determination 35: Members must not receive more than one FRA senior salary.
Determination 36: An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility
Determination 37: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.

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

9. Payments to co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities⁸

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

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

Table 6: Fees for co-opted members (with voting rights)

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

Determination 39: Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.

Determination 40: Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).

Determination 41: The appropriate officer within the authority can determine

⁸ This section does not apply to co-opted members of community and town councils.

in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.

Determination 42: Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.

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

10. Reimbursement of Costs of Care

- 10.1. This section applies to members of principal councils, National Park Authorities, Fire and Rescue Authorities and to co-opted members of these authorities. (Similar provision for Community and Town Councils is given in section 13 as there is a different approach to such members, principally that provision is permissive.)

Determination 43: All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.

- 10.2. The reimbursement of the costs of care is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer, or for a member to receive care support to enable that individual to carry out their role. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense and has reflected this in the options for publication as set out in Annex 4. However, the Panel urges authorities to promote this reimbursement and encourage greater take-up of this support to facilitate participation amongst existing authority members and encourage diversity among future elected members.
- 10.3. Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

11. Sickness Absence for Senior Salary Holders

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

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

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

Note:

The Family Absence Regulations apply to elected members in cases of maternity, newborn, adoption and parental absences from official business.

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

Reimbursement of mileage costs

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles in a year by car
5p per mile	Per passenger carried on authority business
24p per mile	Motor cycles
20p per mile	Bicycles

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

Reimbursement of other travel costs

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

Reimbursement of subsistence costs

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

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

13. Payments to Members of Community and Town Councils

- 13.1. The Panel has had responsibility for the remuneration of community and town councils since the Measure of 2011 and its first determinations for such members came into effect in the financial year 2013/2014. Subsequent Annual Reports have developed ideas for remuneration of community and town councillors, allowing flexibility to meet appropriate responsibilities.
- 13.2. The Panel recognises a wide variation in geography, scope and scale across 735 community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities.
- 13.3. Therefore determinations 44 to 51 are permissive powers, each of which requires a formal decision by each community or town council annually. A community or a town council can adopt any or all of the determinations but if it does make such a decision, it must apply to all its members.
- 13.4. An individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these allowances by giving notice in writing to the proper officer of the council.
- 13.5. In arriving at its determinations this year, the Panel actively engaged with Community and Town Councils. The Panel met with representatives of One Voice Wales and presented the draft determinations for discussion at their annual conference. The Panel also met with a representative of the Society of Local Council Clerks. During early 2017 the Panel is holding 3 regional meetings across Wales and is meeting the North and Mid Wales Association of Local Councils to further discuss Community and Town Councils' remuneration.

Payments to Community and Town Councillors

- 13.6. In order to compensate members of community and town councils for expenses and costs involved in carrying out their duties, the Panel has determined that councils should be authorised to make a payment to each member.

Determination 44: Community and town councils are authorised to make a payment to each of their members of a maximum amount of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.

Senior roles

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

Determination 45: Community and town councils are authorised to make an annual payment not exceeding £500 each to up to 3 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses if that is made.

Civic allowance

- 13.8. Recognising that some mayors and chairs of community and town councils and their deputies are very active during their year of office, the Panel has determined that community and town councils should be authorised to pay an allowance for these roles.
- 13.9. In its previous annual reports the Panel determined no maximum levels of payment to mayors/chairs and their deputies. The Panel's research indicates that the majority of community and town councils make no or very modest payments to their civic leaders. However, there are indications that some community and town councils are reporting the budget allocated for civic functions rather than the amount paid as personal civic allowance to the individual. The Panel will take further steps to establish accurate figures for payments made to mayors/chairs with the intention of setting an appropriate level for such payments in its 2018 Annual Report.

Determination 46: Community and town councils are authorised to provide a civic allowance to the mayor/chair of the council at an amount that they deem appropriate to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made

Determination 47: Community and town councils are authorised to provide a civic allowance to the deputy mayor/deputy chair of the council at an amount that they deem appropriate to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made

Reimbursement of travel costs

- 13.10. The Panel recognises that there can be significant travel 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. It has therefore made provision for travel costs to be met.

Determination 48: Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties.⁹ 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.

Reimbursement of subsistence

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

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

Other Allowances / Payments

13.11. Previously the Panel had determined that an Attendance Allowance could be paid to each of its members for attending approved duties outside the area of the council. Very few community or town councils made this payment and therefore this allowance has been removed. However, the Panel has retained the facility and increased the amount which councils may pay as compensation to their members where they suffer financial loss when attending approved duties.

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

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

Reimbursement of the costs of care

13.12. In order to address issues of democratic participation and diversity, the Panel has decided to permit reimbursement of costs to members for the care of dependent children and others, or costs incurred relating to a personal assistance need, whilst attending meetings and other approved duties.

Determination 51: Community and town councils are authorised to provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.

Publicity requirements

13.13. There is a requirement on community and town councils to publish details of all payments made to individual members in an annual Statement of Payments. This information must be published on council noticeboards and/or websites (with easy access) and provided to the Panel by email or by post no later than 30 September following the end of the year to which the payments relate. The Panel draws attention to the requirements stipulated at Annex 4. The Panel is concerned that a significant number of councils are in breach of this requirement.

14. Compliance with Panel Requirements

The Panel's remit under the Measure

- 14.1 Section 153 of the Measure empowers the Panel to require a relevant authority¹⁰ to comply with the requirements imposed on it by an Annual Report of the Panel and further enables the Panel to monitor the compliance of relevant authorities with the Panel's determinations.
- 14.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting or a date specified within the Annual Report.

Monitoring compliance

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

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

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

¹⁰ 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 has issued amended guidance to the Panel which can be found at <http://gov.wales/docs/ds/lgl/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 that the Panel will not decide the amount that 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.
- 15.7 Appended to this section are the decisions of the Panel in respect of:
- The Chief Fire Officer of Mid and West Wales Fire and Rescue Authority
 - The Chief Officers restructuring in Denbighshire County Council
 - The Chief Officers restructuring in Monmouthshire County Council
 - A Chief Officer in Pembrokeshire County Council
 - Chief Officers in Newport City Council
 - A Chief Officer in Neath Port Talbot County Borough Council

Pay Policy Statements

- 15.8 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.

The Chief Fire Officer of Mid and West Wales Fire and Rescue Authority



Mr D Daycock
Clerk and Monitoring Officer
Mid & West Wales Fire & Rescue Authority

d.daycock@mawwfire.gov.uk

23 November 2015

Dear Mr Daycock,

Proposed Salary of Head of Paid Service (Chief Fire Officer)

The Independent Remuneration Panel for Wales (the Panel) has considered the salary proposed in the report to the Chief Officer Remuneration Committee which you submitted on the 2nd November, in accordance with Section 143A of the Local Government (Wales) Measure 2011. We note that the Committee is recommending approval to the Authority

The Panel met on the 18th November 2015; all members were present. We were grateful for the additional information provided to assist in our consideration. The guidance to the Panel from the Welsh Government in respect of its function under Section 143A states that the Panel could:

- a) Indicate approval of the proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

We have examined the content of the report and additional documentation provided. While we fully understand the desire to review the present system of payments made to the Chief Fire Officer and to create a simplified framework, we have decided to "Express concerns about the proposal".

We set out below the reasons for this decision.

You have advised that the existing remuneration of the Chief Fire Officer comprises four elements – Basic Salary; Earn Back (at 3% of basic salary, consolidated); Performance Related Pay (up to 3% of combined basic and Earn Back) and an

allowance for ICT. We have noted that “Earn Back” is rarely not paid which gives the impression that it is in effect part of the basic salary, particularly as it is consolidated. However, PRP is only paid for performance “genuinely beyond expectations”. The report is silent on the way such performance is assessed but given this definition it would be surprising if this was achieved on a regular basis.

The proposal to set the salary on the basis of a combination of population band 3 median and the median for jobs of a similar weight is not justified in the report but to the Panel seems to be a way of compensating for the discontinuance of the PRP element. Overall the result is a consolidated salary significantly higher than the current basic (even when Earn Back is included).

The Panel considers that such an increase in the basic salary is not justified and appears to be out of line with other public sector pay awards. Therefore we formally Express Concern and expect the authority to reconsider.

The legislation requires the authority to have regard to the views of the Panel but are not obliged to follow it. We would draw your attention specifically to paragraph 3.2 of the guidance.

The Panel has noted that the report also deals with the remuneration of other senior officers of the authority. At present our remit does not include officers below the Head of Paid Service and we make no comment on the proposals for these posts.

The Panel would normally publish its decision in exercising this function in the interests of transparency, however, in this instance this will be withheld until we are advised of the authority’s response.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Penn', followed by a small blue dot.

Richard Penn
Chair

The Chief Officers restructuring in Denbighshire County Council



Mohammed Mehmet
Chief Executive
Denbighshire County Council

CC
Cllr Hugh Evans
Catrin Roberts
Sophie Vaughan

04 April 2016

Dear Mr Mehmet

Review of salaries of the senior leadership team

The Independent Remuneration Panel for Wales (the Panel) has considered, in accordance with Section 143A of the Local Government (Wales) Measure 2011, the salary structure for the senior leadership team (SLT) in Denbighshire proposed as a result of the pay review conducted by its remuneration committee. The Panel notes that the committee is recommending approval to the full council.

The Panel was unable to consider the proposal at its meeting on 9th March as it required more specific and relevant information than had been provided. However, in order to consider this expeditiously, the Panel convened an extraordinary meeting on 30 March 2016 solely for this purpose. Four of its five members were present and therefore the meeting was quorate. We examined in advance the content of the "Senior Leadership Pay Review March 2016" report provided to the Panel for this meeting and the original documentation ordered chronologically, which had been provided earlier.

We understand the motivation for Denbighshire County Council to review its SLT pay structure given the length of time since it was last reviewed. We are aware that ad hoc changes have been made resulting in a significant reduction in the membership of the SLT and that has resulted in salaries being adjusted through market supplements and honoraria. We note Denbighshire's desire to produce a pay structure which reviews these and is fair, consistent and transparent and able to attract retain and motivate senior managers.

The guidance to the Panel from the Welsh Government in respect of its function under Section 143A states that the Panel could:

- a) Indicate approval of the proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

Having examined the information provided, the Panel's decision is to recommend a variation to the Council's proposal. This, together with the reasons for the recommendation is set out below.

The report provided to the Panel states that one of the remuneration committee's principles was for the pay structure to be within the median pay range comparable to the remuneration in other organisations. The report then gives data provided by Hay of the market median figure for corporate directors and for the two levels of head of service. There is also a comparison with the pay ranges of three neighbouring authorities.

The Panel noted that the data from Hay as presented in the report did not identify the sources that were used. The data therefore does not specify which organisations were used for comparison. The Council's remuneration committee could have been making comparisons with all England and Wales councils or a subset of that grouping e.g. all Welsh councils or all UK unitary councils.

The Panel noted that the reason given for the comparison with the neighbouring authorities was the current Welsh Government's preferred policy options for local government re-organisation in which Denbighshire is merged with either Conwy or Flintshire and Wrexham. The Panel considers, in carrying out its functions under section 143A, that possible future configurations of local authority areas cannot be an overriding factor in considering proposals referred to it. The comparison with neighbouring authorities is therefore not persuasive evidence to justify the change on this basis

The Panel therefore additionally considered information relating to the demographics and finances of all Welsh principal councils.

- The population of Denbighshire is 16th out of the 22 principal councils in Wales.
- The revenue budget of the Council is approximately £186 million. This is the 16th largest of the 22 councils.
- The salary ranges of chief officers of other Welsh authorities of a similar size and revenue budget

The Panel's recommendation therefore is:

- That the highest salary currently paid at the three proposed grades (SLT3 corporate director, SLT2 head of service and SLT1 head of service) should be the maximum in that grade;

- The officers who have salaries currently below the highest can be raised to that level through a series of increments, over a three year period. The increments should be structured so that no officer receives an increment of less than £1,000;
- Subject to point 2, the council has the discretion to set the minimum for the grade and the incremental steps to reach the maximum as indicated below.

Independent Remuneration Panel of Wales Recommendation		
Senior Leadership Team – Denbighshire (excluding the Chief Executive)		
SLT3 (Directors)	96,630	maximum of scale
	XX	mid point of scale *
	XX	start of scale *
SLT2 (Head of Service)	77,687	maximum of scale
	XX	mid point of scale *
	XX	start of scale *
SLT1 (Head of Service)	62,687	maximum of scale
	XX	mid point of scale *
	XX	start of scale *

* For the Council to determine

The Panel consider that this structure fulfils the principles the remuneration committee worked within, particularly:

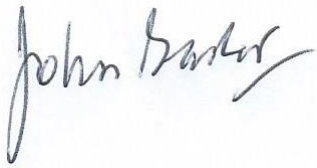
*There is sufficient opportunity for financial progression over 3 years
No officer is being financially disadvantaged.*

In accordance with sections 143A (3B) and (4A) of the Local Government Measure 2011, the authority is required to have regard to the views of the Panel and the Panel is required to inform the Welsh Minister of its recommendation.

In accordance with section 143A (5A), the authority must notify the Panel and the Welsh Ministers of its response to this recommendation.

The Panel would normally publish its decision in exercising this function in the interests of transparency, however, in this instance this will be withheld until we are advised of the authority's response.

Yours sincerely,

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

John Bader
Chair

The Chief Officers restructuring in Monmouthshire County Council



Paul Matthews
Chief Executive
Monmouthshire County Council
cc. Councillor Peter Fox, Leader Monmouthshire CC

26 May 2016

Dear Mr Matthews

Senior Officer Leadership changes at Monmouthshire County Council

Your letter and accompanying documentation dated 5th May was considered by the Independent Remuneration Panel for Wales at the meeting on 25th May. All members of the Panel were present and therefore the meeting was quorate.

Panel members were appreciative of the documents provided including the additional information requested by the secretariat. It was noted that the proposed structure would produce significant ongoing savings.

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 proposals as submitted.

Yours sincerely

John Bader

Chair

Change to a Chief Officer Salary in Pembrokeshire County Council



Ceri Davies
Head of Human Resources
Pembrokeshire County Council

cc. Mark Woolgar, Human Resources Manager

22 August 2016

Dear Ceri,

Proposal to change the remuneration of a chief officer

Your letter and accompanying documentation dated 8th August was considered by the Independent Remuneration Panel for Wales at the meeting on 17th 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

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

Review of Chief Officer Pay in Newport City Council



Will Godfrey
Chief Executive
Newport City Council
Will.godfrey@newport.gov.uk

Eich cyf/ Your ref:

Ein cyf/Our ref: zA1263030

cc Rachael Davies
HR Manager
RachaelA.Davies@newport.gov.uk

23 September 2016

Dear Will

Review of senior pay at Newport City Council

Your review document and accompanying documentation was considered by the Independent Remuneration Panel for Wales at its meeting on 14th September. Five members of the Panel were present and therefore the meeting was quorate.

The Panel considered your proposal to amend the salary range of some of your heads of service. The Panel asked me to seek clarification on 2 issues:

1. The status of your second submission (headed Part 2) and whether this took precedence over the initial proposal.
2. To establish which salary range you were submitting as the range for HDSO2 in the submission was lower than in the additional information provided by your HR Manager following a request from me.

You confirmed that the original submission (Part 1) was the proposal that you were requesting the Panel to consider and that the correct salary range was that provided by your HR Manager.

Having examined the submission from your authority and received satisfactory clarification on the matters noted above it is the decision of the Panel to approve the proposal as submitted.

Regards

John Bader
Chair, Independent Remuneration Panel for Wales.

Review of Chief Officer Pay in Neath Port Talbot City Council

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

n.jarman@npt.gov.uk



13 December 2016

Dear Nick,

Proposal for a Market Pay Supplement – Head of Adult Services

Your letter and accompanying documentation dated 8 November was considered by the Independent Remuneration Panel for Wales at the meeting on 17 November. Three members of the Panel were present and therefore the meeting was quorate. Two members of the Panel declared a conflict of interest and took no part in the discussion.

Following this meeting the Panel wished to discuss the matter with you further, and would like to thank you for meeting with them on 7 December to enable that discussion to take place.

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 and discussed the matter with you in person 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 2017/18

Principal Councils	
1.	Basic salary in 2017/18 for elected members of principal councils shall be £13,400.
2.	The Panel has determined that senior salary levels in 2017/18 for members of principal councils shall be as set out in table 2 (page 15).
3.	The Panel has determined that (where paid) civic salaries at the following levels are payable (Table 3, page 17) and will be applied by principal councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.
4.	The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Level 1 senior salary. This post will count towards the cap.
5.	The Panel has determined that the post of deputy presiding member will not be remunerated.
6.	The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.
7.	The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.
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.
Joint Overview and Scrutiny Committees	
9.	The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 Level 2 senior salary that remunerates a committee chair of a principal authority (£6,700).
10.	In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £3,350.

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

National Park Authorities	
24.	The basic salary for NPA ordinary members should be £3,625
25.	The senior salary of the chair of an NPA should be £12,325
26.	An NPA senior salary can be paid to a Deputy Chair, and up to two committee chairs where there is significant and sustained responsibility. This can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility: £6,025 or £7,325
27.	The Panel has determined to include a provision for NPAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
28.	Members must not receive more than one NPA senior salary.
29.	An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility
30.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.
Fire and Rescue Authorities	
31.	The basic salary for FRA ordinary members should be £1,715
32.	The senior salary of the chair of an FRA should be £10,415.
33.	An FRA senior salary can be paid to the deputy chair and up to two chairs of committees where there is significant and sustained responsibility. This should be paid at £5,415.
34.	The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
35.	Members must not receive more than one FRA senior salary.
36.	An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
37.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.
Co-Opted Members	
38.	Principal councils, NPAs and FRAs must pay the following fees to co-opted members (Table 6, page 33) (who have voting rights).
39.	Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the

	appropriate officer in advance of the meeting.
40.	Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
41.	The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
42.	Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
Reimbursement of Costs of Care	
43.	All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.
Community and Town Councils	
44.	Community and town councils are authorised to make a payment to each of their members of a maximum amount of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.
45.	Community and town councils are authorised to make an annual payment not exceeding £500 each to up to 3 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses if that is made.
46.	Community and town councils are authorised to provide a civic allowance to the mayor/chair of the council at an amount that they deem appropriate to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made.
47.	Community and town councils are authorised to provide a civic allowance to the deputy mayor/deputy chair of the council at an amount that they deem appropriate to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made.
48.	Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties. Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:

	<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.
49.	<p>If a community or town council resolves that a particular duty requires an overnight stay, it may authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> - £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.
50.	<p>Community and town councils are authorised to pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> - Up to £33.00 for each period not exceeding 4 hours: - Up to £66.00 for each period exceeding 4 hours but not exceeding 24 hours.
51.	<p>Community and town councils are authorised to provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.</p>

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

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

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

Amendment to the Schedule

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

Basic salary

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

Senior salary

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

13. The amount of the senior salaries payable will be in accordance with section 142(3) of the Measure and specify:
 - The amount that a relevant authority must pay to a member of the authority.
 - The maximum amount that a relevant authority may pay to a member of the authority.
14. The Senior Salary will comprise an amalgam of the basic salary and an additional amount for the relevant specific responsibility determined by the Panel in its Annual or Supplementary Reports. This may not be the same for all authorities or categories of authorities.
15. The Panel in its Annual or Supplementary Reports will determine either the maximum proportion of its membership or the total number of members that an authority can pay as senior salaries. The percentage may not exceed fifty percent without the express approval of Welsh Ministers (Section 142(5) of the Measure). For principal councils only, the maximum proportion or number may be exceeded to include payment of a senior salary to an additional member who is appointed to provide temporary cover for the family absence of a senior salary office holder (subject to the 50% limit).
- 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 council can if it so determines make an annual payment to members in respect of costs incurred in carrying out the role of a member. The maximum amount payable will be set out in the Annual or Supplementary Report of the Panel.
 - b) The council can if it so determines make payments to members in respect of costs of travel for attending approved duties inside or outside the area of the council. The amounts claimable will be set out in the Annual or Supplementary Report of the Panel.
 - c) The council can if it so determines reimburse subsistence expenses to its members when attending approved duties inside or outside the area of the council. The arrangements for reimbursement will be set out in the Annual or Supplementary Report of the Panel.
 - d) The council can if it so determines pay compensation for Financial Loss to its members where such loss has occurred for attending approved duties outside the area of the council. The Allowances will be set out in the Annual or Supplementary Report of the Panel.
 - e) The council can if it so determines pay an allowance to the chair or mayor of the council for the purposes of undertaking the role of that office. The allowance will be set out in the Annual or Supplementary Report of the Panel
 - f) The council can if it so determines pay a responsibility allowance to a number of its members as stipulated in the Annual Report of the Panel.

- g) The council if it so determines reimburse the costs of care to a member as stipulated 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 the council or duty of a class approved by the council for the discharge of its functions or any of its committees or sub-committees.

Part 6: Miscellaneous

Arrangements for payments

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

Claims

41. An authority must specify a time limit from the date on which an entitlement to travelling or subsistence allowance arises during which a claim for those allowances must be made by the person to whom they are payable. However, this does not prevent an authority from making a payment where the allowance is not claimed within the period specified.

42. Any claim for payment of travelling or subsistence allowance in accordance with these Regulations (excluding claims for travel by private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses.

Avoidance of duplication

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

Records of salaries, allowances and fees

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

Publicity requirements

(The required content of publicity requirements is contained in an annex to the Annual Report)

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

Publicising the reports of the Panel

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

Monitoring compliance with the Panel's determinations

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

Annex 3: Schedule of member remuneration

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

In respect of a principal council:

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

In respect of National Park and Fire and Rescue Authorities:

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

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

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

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

1. Relevant authorities must publish a Statement of Payments made to its members (including chairs of JOSCs or sub-committees of JOSCs). This information must be published in a form and location that is easily accessible to members of the public no later than 30 September following the end of the year to which the payments relate and in the same timescale also provided to the Panel. The following information must be provided:
 - a. The amount of basic salary, senior salary, civic salary and co-opted member fee paid to each named member/co-opted member of the relevant authority, including where the member had chosen to forego all or part of the salary, or fee for the municipal year in question. Where a senior salary has been paid, the title of the senior office held is to be provided.
 - b. The payments made by community and town councils to named members as:
 - Payments in respect of telephone usage, information technology, consumables etc.
 - Responsibility payments
 - Allowances made to a mayor/chair and deputy mayor/deputy chair
 - Compensation for Financial Loss
 - Costs incurred in respect of travel and subsistence
 - Reimbursement of the costs of care (see paragraph f below)
 - c. All travel and subsistence expenses, reimbursement of the costs of care (see paragraph f below) and other payments received by each named member and co-opted member of the relevant authority, with each category identified separately.
 - d. The amount of any further payments received by any named member nominated to, or appointed by, another relevant authority or other public body as defined by Section 67 of the Local Government (Democracy) (Wales) Act 2013, namely:
 - a local health board
 - a police and crime panel
 - a relevant authority
 - a body designated as a public body in an order made by the Welsh Ministers.
 - e. Names of members who did not receive basic or senior salary because they were suspended for all or part of the annual period to which the Schedule applies.

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

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

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

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

Annex 5: Ministerial Remit Letter to the Independent Remuneration Panel for Wales

John Bader
Chair
Independent Remuneration Panel for Wales
irpmailbox@wales.gsi.gov.uk



Llywodraeth Cymru
Welsh Government

17 March 2016

Dear John

Thank you for the copy of your latest Annual Report for 2016; I was pleased to note that you have not proposed any increases in remuneration for the basic or senior salary with the continual pressures that Local Authorities are facing. I was interested to see that the Panel have introduced two salary levels for Executive members to provide more flexibility at local level and to reflect the many differences in responsibilities attached to specific posts.

You are aware that the workload of the Panel is likely to increase in the foreseeable future. This will include the Panel's role in considering what remuneration is appropriate for Shadow Authorities or newly formed Councils post-merger, as set out in section 25 of the Local Government (Wales) Act 2015. I also note the Panel's temporary extension of functions in relation to salaries of chief officers in section 39 of that Act.

As a result of such changes the Panel will be enlarged to six members in June of this year. In light of such expansion I hope that the Panel will provide a comprehensive induction for new members.

I look forward to seeing how the Panel develops in the coming years, and contributes to new policy development around the remuneration of members

I also look forward to receiving your next annual report and noting the degree to which the changes to your functions have affected your work.

Yours Sincerely

Leighton Andrews AC/AM

Y Gweinidog Gwasanaethau Cyhoeddus
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www.remunerationpanelwales.org.uk



Llywodraeth Cymru
Welsh Government



The good councillor's guide

For Community and Town Councillors

Acknowledgements

This guide is an introduction to being a community or town councillor. It is not intended to be a definitive legal guide and should not be relied on, or used, as a substitute for legal advice. The first edition, published in October 2004, was researched and written by Elisabeth Skinner, Laurie Howes and James Derounian of the University of Gloucestershire for the Welsh Assembly Government. It was based on the English version of the guide, published in 2003, and funded by the Countryside Agency. In 2004, the advisory panel included representatives of the Welsh Assembly Government, One Voice Wales, the Society of Local Council Clerks, the Audit Commission, the Commission for Local Administration in Wales and local authority Monitoring Officers. The second edition (2012) and this third edition (2017) were updated by Elisabeth Skinner formerly of the School of Natural and Social Sciences at the University of Gloucestershire with support from the Welsh Government, One Voice Wales and the Society of Local Council Clerks.

The contents do not necessarily reflect the views of the individual bodies represented on the advisory panel.

The information contained in the guide represents what is known at the time of writing (October 2016). Readers are advised to check the progress of government policies and legislation regularly as a matter of good practice. Good councillors make sure that they keep up to date with changes affecting the work of the council.

Words in bold throughout the text are explained in a glossary at the back of the guide. Electronic copies of the guide are available from the following websites: the Welsh Government (www.wales.gov.uk), SLCC (www.slcc.co.uk), and One Voice Wales (www.onevoicewales.org.uk).

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Foreword

From the Welsh Government Cabinet Secretary for Finance and Local Government, Mark Drakeford AM

This guide is for all community and town councillors, but particularly those who have recently been elected or co-opted to a council. Thank you all for taking on the valuable role of local councillor, and the responsibility that comes with it.

Community and town councils are responsible to their local electorates for delivering a wide range of services and for the provision and upkeep of local amenities. You also represent the interests of individual members of the public and your wider community. The work of a councillor can be diverse and complex, but also very rewarding. This guide outlines the roles, duties and responsibilities of a community and town councillor. This is the start of a continuous learning process; your clerk and chair will be able to discuss

the additional training available. You will also want to familiarise yourself with your council's responsibilities and its standing orders.

Community and town local councillors are uniquely placed to help build resilience and renewal in areas through understanding communities' strengths and assets, and actively engaging local people and local business to help identify and meet local ambitions and needs.

As you carry out your role, gaining knowledge and experience, you will have the personal satisfaction of knowing you have made a positive difference to your community. I sincerely hope that you enjoy the many challenges and rewards of being a councillor.



A handwritten signature in dark ink that reads "Mark Drakeford".

Mark Drakeford

Cabinet Secretary for
Finance and Local
Government

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Introduction

This guide introduces the work of community and town councils and the part you play as a councillor in the first tier of local government and closest to the public. You will also find it a useful reference. The guide is divided into five parts to help you find your way as a new, or even as an experienced, councillor.

Part one: **Where are you heading?**

Part One introduces what you can do as a councillor and what your community or town council can achieve. It points you in the right direction so that you can serve and represent your community.

Part two: **Due care and attention**

Here the rules of what you **must, or must not** do, as a council, councillor, employer and financial manager are outlined. If you and your council understand the law, then you can act with confidence.

Part three: **Getting under way**

What happens at council meetings? Decisions taken at meetings drive the actions of the council and the best meetings are productive, professional – and never too long!

Part four: **Delivering the goods**

This is about action for local people. Partnership working and the council's representative role is examined in this section; the delivery of services and your council's role in the town and country planning system are reviewed and a belief in active councils is stressed.

Part five: **The toolbox**

Finally you will find helpful ideas for your councillor's toolbox including danger areas, useful publications, documents and contacts for advice.

The index provides a quick reference when you need to know something in a hurry. Words in bold throughout the text (the first time you meet them) are explained in the glossary.

Part one: Where are you heading?

1. Councillors

You are a councillor; you are over 18 and a British national, or a qualifying citizen of the Commonwealth or the European Union. You are **not** a paid employee of the council because the law forbids it.

You are one of approximately 8,000 community and town councillors in Wales. You will be held accountable by local people for things that happen locally; so why do you get involved? You almost certainly want to do something positive and, like most councillors, you hope to make a difference by influencing decisions that affect your community.

Did you stand for election? Was there a vote, or were you returned unopposed? Perhaps you were co-opted; **co-option** is where the council chooses who will fill the vacant seats if there are not enough candidates at election time. In addition, if a vacancy occurs between elections, the council must find out if the electors **want** an election before they can co-opt. Some councillors represent a political party and others are independent of party affiliations. Whichever route you take to becoming a councillor, once you formally accept the office, it makes no difference; you are councillors **working together to serve your community**. Your task is to bring local issues to the attention of the council, and help it make decisions on behalf of the local community.

You can sometimes claim expenses. These include an attendance allowance (or financial loss allowance if you are employed) and a travel and subsistence allowance. It is extremely important to obtain prior approval before incurring expenditure

and to retain receipts to support claims for expenses.

The Independent Remuneration Panel for Wales is the independent body which produces a report every year setting out the payments that may be made to a councillor. In 2017, the Panel determined that community and town councils may decide to make payments to its councillors including:

- A payment of up to £150 per year;
- A payment of up to £500 per year for up to three councillors with specific responsibilities;
- Travel and subsistence costs for attending approved duties both within and outside the area of the council;
- Reimbursement of care costs for dependents up to a maximum sum;
- Reimbursement of care costs for personal assistance.

It is up to the town and community council to make the formal decision to make these payments.

2. The council

Your council is a **corporate body** with a legal existence of its own quite separate from that of its members. Its decisions are the responsibility of the whole body. The council has been granted **powers** by Parliament or the National Assembly for Wales, including the right to raise money through taxation (the **precept**) and a range of powers to spend public money (more later).

There are over 730 community and town councils in Wales. The Local Government Act 1972 divided the whole of Wales into 'communities'. However, the former boroughs of Cardiff, Merthyr Tydfil, Newport, Port Talbot, Rhondda and Swansea were not included in provisions establishing community councils. As a result, some urban areas in South Wales do not have any community or town councils. New councils are being created (such as two at Risca in the County Borough of Caerphilly) and the Welsh Government actively encourages community and town councils to cluster together so that they can deliver more services for their communities.

A typical community council represents around 1500 people but the largest population served by a town council is Barry with over 50,000. These considerable differences are reflected in annual spending which might range from under £1000 to over a million pounds. It is important that you know how much your council spends each year and where the money goes.

Your council is an elected tier of local government. The other tier in Wales consists of **county or county borough councils**. County or county borough councils have a legal duty to deliver services such as education, town and country planning, environmental health and social services. Community and town councils have the legal power to take action, but they have fewer **duties** and greater freedom to choose what action to take. They can play a vital part in representing the interests of their communities and influencing other decision makers. Furthermore they can take action to improve the quality of life for local people and their local environment and, in some cases, they can deliver services to meet local needs. It is important that you, as a community and town councillor, work closely with the county councillors representing your area to benefit your community. **You and your council can make a difference.**

What does your council do?

Planning, highways, traffic, community safety, housing, street lighting, allotments, cemeteries, playing fields, community centres, litter, war memorials, seats and shelters, rights of way – these are some of the issues that concern community and town councils. The policy makers strongly encourage community and town councils to deliver **more** services and play a greater part in their communities.

Furthermore, in a difficult financial environment, county and county borough councils seek to transfer community-based assets such as public conveniences and allotments to community councils. Local councils should welcome the opportunity to protect such assets to meet the specific needs of their communities.

As examples your council could organise or give financial support for:

- an evening bus taking young people to the nearest town;
- a housing needs survey;
- pond clearing events;
- redecorating the community centre;
- a teenagers' drop-in club;
- restoring a bandstand;
- equipment for the playgroup;
- transport to hospital.

Of course, your council **could** always decide to do very little; but you and your electors might then wonder why the community or town council should exist at all.

Each council can make a unique response to the needs of their community with a sensitivity that is more difficult for county and county borough councils to achieve.

Pulling together

Councillors have different enthusiasms and interests, celebrate this. Councillors have different skills and attitudes; for example, some work with ideas while others are very practical; some like accounts while others prefer reports. The community or town council needs a range of skilled people to work as a team.

Your chair has the roles of team leader and umpire at meetings (see Part Three). Some councils appoint a separate council leader but this party political role has no status in law. The clerk provides advice and administrative support, and takes action to implement council decisions. The clerk may have to act as a project manager, personnel director, public relations officer or finance administrator. The clerk is not just a secretary and is not at the beck and call of the chair or other councillors; the clerk is answerable only to the council as a whole. The clerk is the **proper officer** of the council in law. Legally councils can agree to delegate decisions to clerks because they are professional officers whose independence allows them to act on behalf of the council. Clearly the clerk must be treated with respect.

The best councils will have a clerk and councillors who work as a team to serve the community.

3. Your community

The job of your council is to represent the interests of the **whole** community – and to represent the interests of different parts of the community equally. Occasionally there will be a conflict of interest requiring sensitive judgement; for example, dog owners, parents of young children and walkers might disagree about use of the village green. Making difficult decisions, in an open and reasoned way, is something that community and town councils need to do well.

Local people, including the younger population, need to understand and appreciate the councillor's role; this means that councillors should promote their role in the local community and find people keen to succeed them in their council activity. It is a good idea to set up a youth council or committee of young people, to show that you are keen to listen to young people's views. You might even consider funding a youth council. A few councils have taken up the offer in The Local Government (Wales) Measure 2011 ss118-121, making it possible for a community council to appoint up to two youth representatives (aged 16 to 25) to participate in the work of the council to look after the interests of young people who live, work or receive education or training in the area.

As a councillor, you have a responsibility to be well-informed, especially about diverse local views. You cannot assume that you represent the interests of all your electors without consulting them. Discovering the needs of different groups in the community (such as young, elderly and disabled people) is an important part of your role as councillor.

The tried and tested tools noted below are just some ways in which people can express their hopes and wishes for the community. They provide valuable opportunities for local people to identify features that need improving or are worth protecting. They stimulate discussion and inform the decision makers and usually lead to action. They can be used to help build the 'capacity' of a local community enabling it to contribute to initiatives such as **Local Well-being Plans**; this means giving people the skills and confidence they need to participate in opportunities for influencing community action.

- **Community surveys** are based on questionnaires through which residents, including children, have an opportunity to express their views about where they live. Several thousand such surveys have been conducted across the UK since the 1970s. The response rate from households is impressive – usually over 50% – and in smaller communities it can reach 90%.
- **Design statements** involve communities in a review of the built and natural environment of their area. The published results can be used by your local planning authority to help them make planning decisions (see Part Four).
- A **community map** can be a creative exercise; for example, it might be a painting, tapestry or model of the community. People identify local features that matter to them as they work on the map.
- **Planning for Real®** is a consultation exercise, where people create a simple model of the community (or part of it) and use it to generate discussion and set priorities.
- **Community conferences** or workshops provide more opportunities for bringing people together to talk about the future of the community.

In addition to helping your council identify **real** improvements, the **process** of using tools like these can strengthen people's sense of purpose and belonging. The process is as important as the end product.

You should, of course, use the knowledge you have already as a basis for decisions on behalf of your community, but these tools help you to become even better informed and give a stronger mandate for action. Community consultations can help you to:

- **speak on behalf** of your community with greater confidence especially in discussions with county and county borough councils;
- **provide services and facilities**, especially where there is no other provider or where the community or town council can secure better value for money;
- **support** community action and services provided by others; the council can offer buildings, staff expertise and funding to get local projects off the ground;
- **work in partnership** with community groups, voluntary organisations, county or county borough councils, the business sector and neighbouring community and town councils, to benefit the community. The county and county borough council and the community or town council should complement each other.

For many people, it is the satisfaction of acting on behalf of their local community that encourages them to become councillors. The next challenge is to make sure that the council acts properly in achieving what it sets out to do. It must proceed with due care and attention to the law. Part Two introduces the rules that guide your council – not as glamorous as action, but vital to its success.

Part two: Due care and attention

4. The Rules

What **can** you do? What **must** you do?

What must you **not** do? The rules may not be exciting, but without understanding them your council could run into trouble.

- A council **must** do what the law requires it to do.
- A council may do **only** what the law says it may do.
- A council must **not** do anything unless it has a legal power to act.

The crucial question is – does the council have a legal power to act? A council must always ask this question when making a decision, especially if it involves spending public money. A community or town council can undertake an activity only when a specific Act of Parliament, or a Measure or Act of the National Assembly for Wales, allows it. For example, the Local Government (Miscellaneous Provisions) Act, 1976, section 19, gives local authorities (including community and town councils) the power to spend money on recreation. There is a useful list of activities and specific legal powers in Part Five.

If the council acts without a legal power (even if it would be popular with the community), or if it uses the wrong power to act, then the council could be charged with acting **beyond its powers** (*ultra vires* is the legal term).

Being caught 'powerless' is an uncomfortable experience and an unnecessary risk. The good news is that there are lots of sources of advice. Start by asking your clerk, whose job includes giving advice on the law to the community or town council. Your clerk should have access to **One Voice Wales** (if your Council is a member) and the **Society of Local Council Clerks** for expert advice on more complex legal matters.

There are very few activities that a community council **cannot** undertake; the trick is to ensure that there is a legal power for every action of the council. If the council cannot find a specific power, then **section 137** (Local Government Act 1972) is very useful. It gives a community council the power to do anything that will benefit the community (or part of it) where there is no other specific power covering the action. If another statute prevents a council from incurring expenditure or limits the amount that may be spent, **section 137** cannot be used to overrule that legislation. Under **section 137**, your council can spend up to a set figure annually per elector. In 2017/18 this is £7.57 (rising annually with inflation) on anything it considers worthwhile if (and only if) no other power can be used. The expenditure under this power must be commensurate with the benefit to the community; this means that there must be a match between the level of money spent and the scale of benefit to local people.

In 2011 The Local Government (Wales) Measure 2011 gave the power of well-being to community councils enabling a council to **"do anything which it considers likely to achieve the promotion or improvement of the economic, social or environmental wellbeing of their area."** This power is important because the range of activities permitted by this power is extensive providing a community or town council with considerable scope for action (although trading is not included). However spending under this power counts towards the council's annual s137 limit. Further guidance on how to use this power comes from the Welsh Government and One Voice Wales.

So what must you do as a council?

The law gives community and town councils lots of choice in activities to undertake; but surprisingly there are very few **duties**, activities that they **must** carry out in delivering services to local people. Exceptions are that a council must:

- if its budget is £200,000 or more, take reasonable steps towards meeting the objectives in the local well-being plan that has effect in its area and publish an annual report to show its progress towards meeting these objectives;
- provide allotments if the council considers that there is demand for them from local residents and it is reasonable to do so;
- comply with its obligations under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- comply with employment law;
- consider the impact of their decisions on reducing crime and disorder in their area;
- seek to maintain and enhance biodiversity in carrying out their functions.

In line with the Freedom of Information Act 2000 and the principle of open government, each community or town council must have a **publication scheme**. This demonstrates what information is available and how it is made accessible to the public. A risk assessment is one of the financial documents covered by the model scheme. This means that all councils have an obligation to demonstrate that they have identified and managed the risks to public money arising from their work. A community or town council must also comply with its obligations under the Data Protection Act 1998.

The community council also has a duty to ensure that all the rules for the administration of the council are followed. The council must:

- **appoint a chair of council**;
- **appoint officers** as appropriate for carrying out its functions;
- **appoint a responsible financial officer** (RFO) to manage the council's financial affairs; the RFO is often the clerk, especially in smaller councils;
- **appoint an independent and competent internal auditor** (see below);
- **keep records of all decisions related to council business** (the minutes);
- **hold an Annual Meeting of the Council** in May or shortly after the local council elections.

These rules are set out in law to control the **procedures** of the council and your council can add its own regulations. Together these rules make up **standing orders** as formally agreed by your council (see Part Three). If you discover that your council does not have its own (non-financial) standing orders, this is not unlawful but it is unwise, and duties set out in **statute**, such as appointing a chair and a proper officer (usually the clerk), still apply. One Voice Wales (see Part Five) provides model standing orders. Your council must have standing orders with respect to contracts for the supply of goods and materials or the execution of works (s135, Local Government Act 1972).

Council meetings must be open to the public, whilst disability legislation requires the council to make its meetings accessible to anyone who wishes to attend. Similarly the Freedom of Information Act 2000 requires the council to make documents available to the public in the spirit of open government. A model publication scheme is available from the Information Commissioner. The Local Government (Democracy) (Wales) Act 2013

requires all community and town councils to make certain information available electronically. Statutory guidance on this is set out in [Access to Information on Community and Town Councils](#).

If you are beginning to think there are too many rules, then remember that they protect people's rights (including yours) and give confidence that the organisation is properly run.

The Welsh Language

The Welsh Language (Wales) Measure 2011 enshrines in law the official status of the Welsh language in Wales. It sets out the general principles that the Welsh language should not be treated any less favourably than the English language and that people in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so. It is just one of a number of ways in which the Welsh Government is committed to achieving a million Welsh speakers by 2050.

The 2011 Measure creates the role of the Welsh Language Commissioner whose aim is to promote and facilitate use of the Welsh language. The Measure and related regulations set standards for when and how public bodies must use Welsh, for example when dealing with the public, providing services, making policy decisions, recruiting staff, dealing with employees and keeping records. The Commissioner's role is to impose and enforce the regulations although there is a right of appeal. The Welsh Government has yet to make regulations for community councils and Welsh language schemes remain in force until the regulations are made.

Your council is expected to treat the Welsh language reasonably and proportionally in its dealings with the public. This can affect meetings, correspondence, telephone calls, local signs, published documents, grant-making policies, tenders, contracts, notices and websites. You may find it helpful

to find out what standards your county or county borough council has. If your council has a part to play in meeting the objectives in the local well-being plan, then it may consider how to help achieve 'vibrant culture and thriving Welsh language'.

5. Rules for Councillors

Even if you are qualified to stand as a councillor and the elections were properly held, you cannot act as a councillor until you have signed a formal **declaration of acceptance of office**. This includes an undertaking to observe the **code of conduct** adopted by your council (see below).

You have a duty to act properly as a councillor. In particular you have a responsibility to:

- attend community or town council meetings when summoned to do so; the notice to attend a council meeting is, in law, a summons, because you have a duty to attend;
- prepare for meetings by studying the agenda and any accompanying documents, making sure you are properly informed about issues to be discussed, taking advice where appropriate;
- take part in meetings and form objective judgements based on what is best for the community – and then to abide by majority decisions;
- ensure, with other councillors, that the council is properly managed;
- act on behalf of the whole electorate equally, and not just those who supported your election campaign; similarly take an interest in all issues equally and not just those local issues for which you campaigned; listen, and then represent the views of the community when discussing council business and working with outside bodies;

- maintain proper standards of behaviour as an elected representative of the people.

The code of conduct

The code of conduct adopted by your council is a legal document that guides you, to make sure you maintain proper standards of behaviour as a councillor. When you sign your 'declaration of acceptance of office' you also agree to observe the code. The code is based on these important principles laid down by the National Assembly for Wales:

- selflessness;
- honesty;
- integrity and propriety;
- a duty to uphold the law;
- stewardship;
- objectivity in decision making;
- equality and respect;
- openness;
- accountability;
- leadership.

The essence of the code is that you agree to act openly and honourably in the public interest. You never use your position improperly to secure personal advantage or to avoid disadvantage for yourself, or any other person. You should never bring yourself, as a member of the council, or the council itself into disrepute. The code also reminds you that you must:

- show due regard for the principle of equality;
- show respect and consideration for others;
- **not** use bullying behaviour or harass another person;
- **not** compromise the impartiality of your council staff;

- **not** disclose confidential information;
- **not** prevent access to information to which someone is lawfully entitled;
- **not** bring your office or authority into disrepute;
- report possible criminal behaviour by another member or member of staff;
- report possible breaches of the code by another member to the **Monitoring Officer** at the county or county borough council; note that One Voice Wales publishes a **Model Resolution Process** to help address problems that arise;
- **not** make vexatious, malicious or frivolous complaints against other members or employees of your council;
- co-operate with investigations;
- **not** use your position improperly to secure personal advantage or disadvantage for anyone;
- **not** use council resources improperly including for political or private purposes;
- make decisions on the merits of the case and in the public interest with regard to the advice of officers;
- abide by the rules on allowances and expenses;
- avoid accepting unofficial gifts, hospitality and other benefits and services.

As a councillor, you must declare a **personal interest** as soon as you are aware that you (or people close to you) might benefit, more than most other people in the community, from the outcome of a matter under discussion. The council must be seen to make decisions fairly and openly, without having prejudiced the matter. If a member of the public might reasonably think your judgement on an issue will be influenced, or prejudiced, by your personal interest, then you must declare a **prejudicial interest**.

This applies whether it is a council, committee or sub-committee meeting, or another meeting where members or officers of the authority are present. It helps if the agenda gives councillors an opportunity to declare an interest early in a meeting. You must also declare an interest at any point during a meeting if an interest that you had not anticipated becomes apparent.

In nearly all cases, if you have a prejudicial interest you must withdraw from the meeting whilst the matter giving rise to the interest is being considered, unless granted a dispensation by the **Standards Committee** of the county or county borough authority. The code makes clear some instances where a personal interest is not prejudicial, for example where the matter relates to:

- another relevant authority of which you are a member;
- another public authority or body where you are in a position of general control or management;
- a body to which you have been elected, appointed or nominated by your council.

Personal interests include your employment, landholdings in the community you serve, family and business interests, and your membership and positions of control (such as treasurer) in other organisations. Personal interests disclosed at meetings for the first time must be registered with the clerk to your council; it therefore helps (but is not compulsory) if you complete your **register of interests** at the start of your term as councillor. Registered interests must be kept up-to-date and should be published online. Gifts and hospitality received in your capacity as a councillor must also be registered.

Monitoring Officers may give advice on request but the basic responsibility for complying with the code, and in particular for deciding whether to declare an interest, rests with you. In deciding whether you have a personal interest, you must have regard to any advice

from the relevant Standards Committee. You must read your council's code of conduct carefully, as this is only a summary.

If you reasonably believe that another councillor has failed to comply with the code of conduct, you have a duty to report this failure to the relevant local authority Monitoring Officer. The Monitoring Officer will advise whether the potential breach should be reported to the **Public Services Ombudsman for Wales**. Regardless of the Monitoring Officer's view, a councillor can report a potential breach to the Ombudsman, but the Ombudsman will expect you to have evidence of the breach. The Ombudsman will then decide whether to investigate. It is a breach of the code of conduct to make a complaint which is vexatious, malicious or frivolous.

Guidance published by the **Public Services Ombudsman** to assist you in understanding your obligations under the code is essential reading (see Chapter 18).

Remember, the code protects your electors, your council and you as a councillor.

6. Rules for Employers

Rules also protect your council's employees and your council as an employer. This is a considerable responsibility; misunderstandings can sometimes arise between a council and its employees. The law requires that at all times the council must act as a responsible employer.

Remember, the clerk is employed by the council and answers to the council as a whole. This means that individual councillors cannot instruct the clerk. All other staff, although employed by the council, normally answer directly to the clerk who is their manager and responsible for their performance. These principles should build on mutual respect and consideration between employee and employer and on a proper understanding of different roles (see Part One).

It is most important for the council to ensure that all staff have a contract of employment incorporating terms and conditions and supported by appropriate employment policies. Clerks should be paid (as a minimum) according to the recommendations agreed by the **National Association of Local Councils** and the Society of Local Council Clerks. But note, when councillors occasionally act as clerk, they cannot be paid.

Council employees enjoy the full security of the law whether they are full-time or part-time workers. Employment law protects them, for example, in terms of pension rights, annual leave, sick leave and pay. It guards against bullying or harassment and discrimination. An agreed grievance procedure ensures that problems are handled properly if they occur. Health and Safety law also protects employees (and councillors and members of the public); your clerk should be able to advise on such matters. For more information on the council's role as an employer, see *Being a Good Employer* (details in Part Five).

Employment law is a complex area and councils need to ensure that they have a good grasp of their main employer responsibilities. One Voice Wales offers a training module on 'The Council as an Employer' which provides an opportunity for councils to become familiar with this role. The penalties for failing to comply with employment law can be significant especially having regard to the level of awards that can be made by Employment Tribunals in cases where a council has failed to meet its responsibilities. One Voice Wales is able to offer a consultancy service to councils who may need specific assistance in dealing with identified employment issues.

7. Rules for Dealing with Public Money

It is essential that the council is seen to provide value for money and is constantly looking for ways of improving its performance in achieving the three Es: economy, efficiency and effectiveness. The financial rules, the variety of statutes and procedures protect the council. Most importantly the rules give your council the tools it needs to achieve its goals and make best use of public money.

Being financially responsible for a public body can be daunting. The rules set by Government are designed to make sure that the council takes no unacceptable risks with public money (see Accounts and Audit (Wales) Regulations 2014). The words **risk management** should be engraved upon every councillor's heart. The good news is that the rules protect you and your council from possible disaster. Your council should establish a risk management scheme which highlights every significant risk in terms of the council's activities and makes clear how such risks will be managed. This includes investing in proper insurance to protect employees, buildings, cash and members of the public. Your council should ensure that it has legal expenses cover within the policy. Remember that playgrounds and sports facilities must be subject to regular checks that are properly recorded. It's not just about money, it's about taking care of people.

As a councillor, you share responsibility for financial management of the council, but the finances are administered by an officer known, in law, as the **responsible financial officer** (RFO). Your role is to ensure that the RFO acts properly and that the council avoids the risk of fraud, bad debts or carelessness. You may be asked to sign cheques for payments on behalf of the council, if so, you must always make sure the request is correct and never sign a blank cheque. Local councils now

have more payment choices at their disposal including electronic payments such as BACs transfer. You may be asked to countersign a BACs authorisation sheet along with another member in place of signing cheques.

Your council **must** have its own financial regulations (similar to standing orders) giving details of how the council manages its finances. Model financial regulations are available from One Voice Wales. If your council has not adopted financial regulations then there could be trouble ahead and your council must take action as a matter of urgency.

So the council must have a system of **internal control** where someone, (other than the RFO), keeps an eye on the arrangements for financial management and checks financial documents selected at random including procedures for receiving money, making payments and recording financial transactions. This task is usually undertaken by councillors with a good grasp of financial documentation. The level of internal control should be appropriate to your council's expenditure and activity; councils providing a wider range of services will need more comprehensive checks and balances than less busy councils. The findings are reported to the council, and together with regular feedback from the RFO on the accounts, all councillors will be aware of the council's financial position. This ensures everything is open and above board and you have the information you need. Remember, every councillor is accountable for the council's finances.

The **budget** is an essential tool for controlling the council's finances (Local Government Finance Act 1992 s50). It demonstrates that your council has sufficient income to carry out its activities and policies. The budget must be prepared in advance, as it is used to set the precept for the year. By checking spending against budget plans on a regular basis at council meetings, the council controls its finances and monitors progress towards what it wants to achieve.

The council must adopt transparent **procurement procedures**. This is the process by which the council purchases services and goods. It means that the council must obtain tenders as appropriate (the clerk will advise) and treat those tenders with absolute fairness. It also means setting up proper contracts with providers of services or goods. The council must, by law, have a standing order that sets out the process for determining contracts.

Internal and External Audits

Although it is not a requirement, the **internal auditor** should be an independent and competent person appointed by the council to carry out checks on its system of control. A formal letter of engagement to the internal auditor is essential. The independent internal auditor cannot be involved in any other business of the council and cannot, therefore, be a serving member of the council. Another clerk or an accountant could be suitable (but reciprocal arrangements between councils are not permitted). The internal auditor carries out tests focusing on areas of risk to public money, reports to the council and may complete a report on the **annual return** to confirm that the council's system of controls is in place and operating. 'Governance and Accountability for Local Councils in Wales: A Practitioner's Guide 2011', published by One Voice Wales and the SLCC, sets out an effective approach to internal audit.

The law also requires that councils submit their annual accounts to the Auditor General. For most councils the accounts are in the form of an annual return. The Auditor General makes arrangements for the audit to be undertaken by auditors from the Wales Audit Office or from contracted firms (known as the **external auditors**). The external audit is a check that accounting statements have been properly prepared and the council has complied with its statutory responsibilities in relation to financial management. Each year

external auditors also ask to examine evidence related to a specific theme such as budget monitoring or the appointment of an internal auditor.

The annual return is the principal means by which the council is accountable to its electorate and most councils must complete an annual return to confirm that everything is in order. Signed statements confirm responsibility for governance arrangements during the year. In particular they show that:

- the accounts have been properly prepared and approved;
- a system of internal control is in place – including the appointment of a competent and independent internal auditor – and the effectiveness of both the system and the appointment has been reviewed;
- the council has taken reasonable steps to comply with the law;
- the council has assessed all possible risks to public money;
- the **accounts** have been publicised for general inspection so that electors' rights can be exercised;
- there are no potentially damaging or hidden issues such as an impending claim against the council;
- significant differences in the figures (between the current and the previous year) have been explained.

As a member of the council, you have responsibility for making sure that the annual return accurately represents the financial management of the council. Your clerk will advise.

If you and your fellow councillors have acted properly leading up to the external audit then the Auditor General issues an unqualified audit opinion and certificate. This means that the auditor has seen nothing in the documents giving cause for concern that the council has failed to meet its statutory responsibilities.

Part three: Getting Under Way

8. Meetings

Councils conduct their business through meetings. This is where you play your part as a decision maker. The chair is in charge, and the clerk (or perhaps a deputy) supports the council as it discusses business. The meeting is the council team in action.

Council meetings are formal events, not social occasions. They have a clear purpose – to make decisions following appropriate, focused debate. Furthermore, they are public events; the press and public have a right to observe how the council operates. Exceptions are when sensitive issues are discussed (such as legal, contractual or personnel matters) and then the council can agree to exclude the press and public for just those items.

Public participation is encouraged. This does not mean that they take part in debate, but it is good practice to encourage members of the public to express their views or ask questions under a specially designed slot (agenda item) during the meeting. The format for public participation should be set out in the council's standing orders (see below).

The council usually makes its decisions in council, committee and sub-committee meetings. Council and committee meetings (and following good practice, sub-committee meetings) must all be advertised and open to the press and public. The council should decide on a schedule of meetings for the year.

- Council meetings are meetings of the full council. All councillors should attend.
- Committee meetings bring together a smaller number of councillors to concentrate on a specific function of the council and share the workload.
- Some committees are permanent or standing committees, but others are set up for short-term projects. Many councils have a permanent Planning Committee allowing them to comment on planning applications once a fortnight without convening a full council meeting.
- Some committees are advisory; they make recommendations to the full council, which then makes the decisions. There are also executive committees where the full council delegates (or hands over) the power to make certain decisions to the committee. The committee then reports its decisions to the full council. This helps the Planning Committee to make decisions without referring to the full council.
- Sub-committees are appointed by a committee to focus discussion on a specific topic among an even smaller group of councillors. Otherwise, they operate like committees.
- Working parties, or 'task and finish groups', are occasionally set up for a short-term purpose. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public but should not be used to avoid public access to meetings. A working party cannot make a decision on behalf of the council.
- There are rules about who is permitted to join a committee or sub-committee. Sometimes non-councillors can be included (although with a few exceptions, they cannot vote). This is an excellent means of involving others, particularly young people, in council work.

Annual meetings

If you are elected in May your first meeting will be the **Annual Meeting of the Council**. This is where you elect a chair and probably a vice-chair, and appoint committee members and representatives to other bodies. It helps to think of this as the Annual General Meeting and to remember that it is a meeting of the **council**.

Unlike in England there is no requirement to hold an **Annual Community or Town Meeting** but a community or town meeting can be called at any time. This is **not** a council meeting. It is a meeting of the community or town electors called to discuss community or town affairs. The meeting can be called by the chair of the community or town council or by two other councillors or by the lesser of 10% or 50 electors for the community. A community or town meeting would be a good opportunity to consult your electors on their ideas for action and your council's work programme for the year.

Standing orders

The rules for the Annual Meeting of the Council and all other meetings are contained in the council's standing orders. These include rules of procedure laid down in law and additional regulations chosen by your council. Standing orders help the council to operate smoothly. For example, a standing order reinforces the legal requirement for a **quorum**; a third of the councillors (or three whichever is the greater) must be present for the meeting to go ahead. Other standing orders determine, for example:

- the order of business;
- the length of meetings and the duration of speaking time;
- the schedule of meetings for the year;
- **delegation** (handing over tasks) to committees and officers;
- voting requirements;
- procedures for public participation.

Respecting the chair

The chair is in charge during council meetings; this is a post recognised in law and must command respect. Remember, the chair is elected at the Annual Meeting of the Council for one year. Chairs have a duty to ensure that all decisions are lawful and should take steps to involve **all** councillors in discussion. It is good practice for the chair to refer to the clerk for advice.

In law, the chair has few special powers. For instance, it is unlawful for a council to delegate decision making to any individual councillor and the chair is no different. However, when a vote is tied, the chair has a second, or casting vote, ensuring that a decision can be made.

The chair often enjoys a special relationship with the public, especially in a town where the chair is also the mayor. The chair may carry out civic duties on behalf of the council such as addressing community events or welcoming official visitors from abroad. The chair can receive an extra **'chair's allowance'** to support this important public role.

Where councillors, clerk and chair work together as a team they combine energies and skills to deliver real benefits to the community they serve. Good working relationships, mutual respect and an understanding of their different roles are vital. Conflict between these key players, especially during meetings in front of the press or public can damage the council.

9. Being Prepared

Your first meeting as a councillor can be daunting as you wonder what will happen and where to sit. Hopefully other councillors will be welcoming.

At, or before, your first meeting you must sign the declaration of acceptance of office. In law, you are not a councillor until you sign. At the same time you make a written undertaking

to observe your council's code of conduct. Before you sign, the clerk must give you a copy of this important document which you must read.

At least **three clear days** before each council or committee meeting, a summons and **agenda** should be sent to you. The **three clear days** is established in law because it is important to be notified of issues to be discussed. Topics requiring a decision **cannot** be added to the agenda after the deadline of three clear days has passed; they must wait for another meeting.

This means it is not possible to make a decision, especially a decision to spend money or a recommendation related to a planning application, without sufficient (three clear days) warning.

Each agenda item should make it very clear what you as a councillor are expected to do and be precise about the subject under discussion. For example, an agenda item saying **Stiles** gives you no idea what to expect. It is more helpful to know that your task at the meeting is:

- To receive a report from Cllr Gorie on the condition of stiles in the community and to agree action in response to proposals (copy of report attached).

Vague agenda items that don't specify exact business (such as Matters Arising, Correspondence and Any Other Business) are dangerous because you cannot make decisions under these headings.

The agenda is the clerk's responsibility. The clerk must sign the agenda and can decide how it will be set out. This process is often undertaken in consultation with the chair. You may ask the clerk to add items to the agenda if you feel a relevant subject should be discussed.

The 5 Ws help councillors prepare for a meeting.

- What is the meeting for?
- What part should I play?

- What papers must I read?
- What people do I need to consult?
- What did I promise to do before this meeting?

10. At the Meeting

What if you cannot attend? Remember, you should attend but sometimes things crop up and you are unable to make it. You should contact the clerk with an apology and explanation. If you fail to attend any meetings for six months, before the end of this period you must ask the council to approve your reason for continued non-attendance. Without formal council approval, you are disqualified and cease to be a councillor.

Remember, if you might have a personal interest in a council decision, you must declare that interest as soon as you are aware of it. The big question, if you have declared a personal interest in respect of a matter being considered at the meeting, is whether it is a prejudicial interest (prejudicing your judgement in the public interest). If so, you cannot speak or vote on the matter and must leave the meeting while the matter is being considered (unless you have a dispensation from the principal authority's Standards Committee). There should be an item on the agenda enabling councillors to declare their interests but you should declare an interest at any point should one become apparent during the course of a meeting.

It is, of course, the chair's job to manage the meeting by introducing agenda items, inviting members to speak, focusing discussion, clarifying matters for decision and summing up debate. Councillors, having engaged in discussion, vote for or against the proposal by a show of hands. Matters to be decided are called proposals or motions and are recorded in the minutes as **resolutions**; for example, "**It was resolved that the council will contribute £2000 to the community bus scheme.**" If you have no view on a

proposal, or cannot decide, you can abstain, but you shouldn't do this too frequently. Normally voters' names are not minuted but if necessary, you can ask for names to be recorded.

Remember that council decisions are corporate decisions. It is good practice to search for constructive solutions and as much common ground as possible.

You should keep contributions short and to the point; you probably don't enjoy listening to others who speak for too long. Always work through the chair and try not to score points off fellow councillors. Never engage in personal attacks on others – however tempting. If you can add a dash of humour and common sense to the proceedings then you will be a pleasure to work with!

The council must advertise the meetings by putting up public notices; the public has a right to attend. The council should offer members of the public an opportunity to have their say in a short, defined period early in the meeting. Under Paragraph 14 (2) of the model code of conduct, a councillor who has declared a prejudicial interest in an item on the agenda can make oral representations, answer questions or give evidence on the matter provided that the public are also allowed to attend for the same purpose. The councillor must leave the room as usual when the council discusses the matter. If a councillor cannot attend a meeting to make oral representations, they may submit written representations (again provided the public are allowed to attend the meeting to make representations), but must comply with any procedure the council may adopt for this purpose. In addition, county and county borough councillors and police officers would normally contribute to the meeting at the invitation of the chair under an appropriate agenda item.

The meeting must remain quorate at all times, so if you need to leave during a council meeting always warn your clerk and chair beforehand.

As a rule, meetings should not last more than two hours otherwise concentration begins to lapse. A well-crafted agenda with precise topics for discussion is a valuable tool to help the chair bring the meeting to a close on time.

11. After the Meeting

Decisions have been taken and these need to be implemented. The clerk or the minuting secretary writes the minutes as a legal record of what was decided at the meeting. It is not necessary to note who said what, although the discussion can be summarised and decisions must be precisely recorded. It is important that the minutes are accurate and therefore the minutes of the last meeting are confirmed and signed at the start of the next meeting. It is a good idea if the minutes record clearly the actions to be taken following the meeting.

What happens if a decision needs to be taken between meetings? Where the matter needs full discussion then the chair might call an extraordinary meeting, but delegation is a useful tool. Section 101 (of the Local Government Act 1972) allows a council to delegate the power to make decisions to an officer, a committee, a sub-committee or another council. It is good practice to specify in standing orders the kind of decisions that the clerk can make such as routine decisions, dealing with emergencies or spending small sums of money. Standing orders may require decisions to be taken after consultation with two councillors (including the chair) but the decision remains with the officer. Most importantly, the council must not allow delegation to a single councillor – not even to the chair.

Part four: Delivering the Goods

12. Services

You have come full circle and now return to issues raised in Part One. The best community and town councils want to improve the quality of life and the environment for people in their community. The trend across England and Wales is for the tier of government closest to the people to be more active and to provide more services. This section suggests how your council can be dynamic and professional in delivering the goods, especially if it works in partnership with others.

Community and town councils can use their legal powers to provide many services, from community centres to festivals, allotments to buses. Councils may do almost anything provided they act lawfully (see Part Five for a list of powers).

Community and town councils also provide services in partnership with other bodies (including neighbouring community councils), or as their agent. It is important that the work of the community or town council complements the work of the county or county borough council; this means working in partnership. For example, a community or town council might manage library services for the county and county borough authority or provide a grass-cutting service that more closely meets local needs. The Welsh Government strongly encourages all councils to enter into formal 'Charter' agreements to underpin the relationship with the county or county borough council for the area. Guidance on developing charters is contained in 'A Shared Community – Relationship building and charters for unitary authorities and community and town councils'.

If the community or town council takes the lead in setting up a partnership, then it should represent community interest groups and minority interests (such as disabled people or ethnic groups) through either membership or consultation. The partnership should be of a manageable size – say up to twenty partners – and aim to give the English and Welsh languages equal status.

Community and town councils might also work in partnership with, for example, the village hall committee to help local young people, or with local companies to encourage tourism. They can offer funding, equipment and premises, to help **others** provide services. Giving grants to organisations that run child care, services for the elderly, arts activities, pond clearance or sport can improve the quality of community life. A modest grant often helps another body to secure further finance from other sources such as the lottery.

The community or town council can act as the first port of call (or information point) for all local services. Access to services delivered by other organisations including county and county borough authorities and **voluntary bodies** could be available through an internet connected computer located with the community council. If you think your council couldn't possibly afford it, then ask yourself whether local people would pay a little more in council tax, if they could see real benefits delivered by the community or town council.

13. Making a Plan

How does your council know which services to deliver or what activities to support? The answer is clear. It consults, listens and identifies what is missing; it then agrees priorities for action and its policies and action plans begin to take shape.

In Part One it was suggested that surveys, community maps, community conferences, design statements and Planning for Real, are ways in which your council can identify the needs and wishes of local people. Tools like these strengthen community spirit and build confidence, especially if they involve all parts of the community. A council that listens knows that it has local support for actions it may take.

In considering what services to deliver or what activities to support community and town councils should also take account of the assessment of local well-being for their area, and the objectives contained within the local well-being plan. While only some community and town councils will be under a duty to take reasonable steps towards meeting those objectives all councils have an important role to play in improving the well-being of their area.

The idea that a community or town council might have a strategy or even a **business plan** no longer raises eyebrows. It is an essential tool for guiding action; it shows clearly what the council wants to achieve and how it will get there.

Once you know what you (and particularly local people) want, you can decide how to pay for it. Many councils start with the money and then decide how far it will stretch. Some councils claim that they have so little money that they can do almost nothing. Evidence clearly suggests that local taxpayers would be willing to pay more if they could see the results in terms of better services. Ask first, and then set the budget accordingly. The best councils

will draw up a business plan linking actions to finance for the period of an administration, say four years.

Whatever your council's approach to plan-making, financial regulations say it must have a budget. It is good advice to follow the PBP principle: the **P**lan creates the **B**udget that determines the **P**recept. Remember, the precept is taken from the council tax. Your council should investigate other sources of funding such as grants and sponsorship to help implement its policies; on average non-precept funding makes up one third of community council income.

Community and town councils play an active role in representing the interests of the community in any partnership set up to manage local action to improve the quality of life and the environment. Community or town council representation on other bodies and joint working arrangements are likely to increase in future. When the opportunity arises, consider standing for these posts.

Either councillors or officers can represent the council on a partnership. Representatives remain accountable to the community or town council and must report back on a regular basis.

A plan is particularly useful for informing the community or town council's participation in the development of the **Public Services Board's** Local Well-being Plan. The PSB is made up of the leaders and chief executives of the local authority, the local health board, the Fire and Rescue Authority and Natural Resources Wales; along with others are also invited to attend. The PSB has a duty to improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the well-being goals. To implement this duty, the partners of the PSB engage with citizens and communities and examine the evidence base before drawing up a Local Well-being Plan.

A key challenge is to ensure that the Local Well-being Plan makes proposals in line with the needs and objectives of the specific local community that the community or town council represents. This is an exciting time to be a community councillor. Plans and policies will guide you as you seek to improve the quality of community life.

14. Town and Country Planning

Town and Country planning is devolved to the National Assembly. Relevant legislation is contained in the Planning (Wales) Act 2015 and in the Town and Country Planning Act 1990. Your council's contribution to the preparation of plans can help to manage change but the wider planning system deeply affects life in the community and is a vital tool for delivering benefits. Town and country planning (planning the use of land and physical space) is, for many councils, their single most important activity. Surprisingly therefore, many community or town councils have no policies of their own to guide responses to planning applications. A lack of tailored local policies on how to develop and protect the area can result in inconsistent and off-the-cuff observations being made to the local **planning authority** (the county or county borough council or a National Park authority).

So what part does your community or town council play in the planning system? Community and town councils have a legal right to ask for copies of planning applications, and can comment on the merits of planning applications. Most community and town councils spend time and energy at full council or planning committee meetings, deciding what recommendations to make. While the planning authority doesn't have to agree, it must consider the community view.

If the local planning authority does not agree with your observations, you should consider asking for its reasons.

Some planning applications seek approval for development in principle through outline planning permission. If plans are not properly considered at this stage, it is often too late to express concern when the full details of agreed outline proposals come before the council at a later date.

Your council's observations on a planning application should conform to the local planning authority's adopted development plan, otherwise they may be ignored. The planning authority **must**, by law, be guided by its own development plan.

The community or town council needs to understand the procedures by which the planning authority makes decisions. Some decisions are made by the authority's planning committee, while most decisions are delegated to officers. Central to the decision making process are **material considerations** – issues that are, in law, **material** or relevant to a planning application. Such matters must be taken into account when making a recommendation on a planning application. Material considerations include:

- the planning authority's development plan;
- a site's planning history (including earlier applications);
- accessibility;
- traffic;
- roads and parking;
- archaeology;
- a community survey, plan or design statement.

Your personal feelings about the application, or the applicant, are irrelevant. It is the wider public interest that is important.

Planning Aid Wales offers advice and training for community and town councillors.

There are three possible responses to a planning application. Your council can decide to recommend approval or refusal, or approval subject to conditions. The community or town council can suggest appropriate conditions such as materials, maximum size, parking or access arrangements.

The planning authority is responsible for **development control**, where development is managed through planning applications (except where **Developments of National Significance** are handled by the Welsh Government). The community or town council's local knowledge, combined with a sound understanding of the planning process, means that its views are more likely to be heard by the planning authority or by the Welsh Government. As one planning officer observed; **"there are those community and town councils who understand the system and have influence ... and there are those that don't."** Note that community councils can choose to produce community impact reports where Developments of National Significance are concerned.

Community and town councils can spend hours on development control and forget that it is perhaps more important to influence the policies of the planning authority. The single most influential document in the planning process is the local planning authority's development plan. All planning decisions must be determined in accordance with the development plan unless material considerations indicated otherwise. If your council doesn't participate when that plan is being discussed and developed, then it may be unpleasantly surprised later on when it attempts to object to planning applications

that are submitted in accordance with the plan's policies. Development plans are subject to annual monitoring reviews.

A design statement is a supplement to the **local development plan** and can influence development control. It is usually produced by the community or town council, in consultation with the community to which it belongs. Once accepted by the planning authority it becomes a **supplementary planning document**. A community with a design statement is more likely to agree over planning matters. It is also possible to work in partnership with the local planning authority to draw up a separate element of a community or town action plan covering relevant spatial planning – the implications of the action plan for physical space within the community. The spatial element of the plan can then be adopted as a supplementary planning document.

Planning can get people very agitated and the council has a responsibility to represent the whole community – not just those with the loudest voices. Planning, like finance, often spells trouble for the council. The council must ensure proper procedures are in place. Its view on a planning application cannot be summarised from comments written onto a copy of an application passed from councillor to councillor outside a meeting. Decisions must be taken at meetings that are lawful and well-managed. It is efficient practice where applicable to have a planning committee that meets every two weeks. Your planning authority is required to determine planning applications within a tight time frame.

Councillors should follow the code of conduct at all times – remember those personal interests. It can be particularly sticky for a councillor who also serves on the planning committee of the county or county borough council. 'Dual-hatted' councillors can speak and vote on an application before both councils but when considering an application before the

county or county borough council, they must keep an open mind and avoid being influenced by the community or town council position; instead they must view the application from the county perspective. Councillors must not only make decisions fairly, openly and impartially, without prejudging issues, but must be seen to be doing so. An open mind is a very useful asset for any aspect of council work.

15. The Active Community Council

At the heart of best practice in service delivery and community planning is the active community or town council working in partnership with its county or county borough council. Councils should be working to improve communication between tiers for all areas of service delivery.

A council that uses electronic communication and has its own interactive website will give a more modern, dynamic and professional image to the public. Websites are especially useful for dispersed communities. In particular, the community or town council can provide a one-stop-shop information point with electronic access to services elsewhere. Electronic communication provides rapid and up-to-date access to information from organisations such as the Welsh Government or the county or county borough council. It is also a valuable tool for connecting councillors and their constituents, especially the young, and can be used to facilitate networking between community and town councils.

County and county borough councils may consider devolving funding so that community and town councils can deliver more services. The delegation of power cannot occur unless a county or county borough council is confident of the community or town council's professionalism and ability to deliver. Charter agreements can provide the basis for

discussions between councils that wish to investigate the delegation of services.

The Welsh Government encourages community and town councils, as public sector organisations representing local communities, to work in partnership with other organisations to achieve the best deal for local people. The community or town council should select its representative on a partnership with care, depending on experience and expertise and an ability to represent the range of views held by the local community; this means being fully informed of those views. It is also important to make sure that channels of communication are open so that the debates and decisions made by the partnership are reported clearly to the community concerned and vice versa.

The community or town council is often represented on other organisations in the community, including a primary school's governing body where the community is represented. Contact with other organisations helps the council to keep in touch with local needs and interests. It also helps the council to co-ordinate activities and oversee grants that they give to local groups.

The best community or town council represents all parts of its community and creates a sense of belonging. It aims to be inclusive by ensuring that no-one feels disadvantaged. In particular, it must make sure that people with either Welsh or English as their first language (or speakers of other languages) are not excluded.

Policies and legislation are continually emerging from the Welsh Government and the UK Government and it is vitally important to keep in touch with changes as they develop. It is essential for councillors and council staff to attend training courses, particularly those that will contribute to personal development as well as to helping to keep the council on the ball (see Part Five for more guidance).

In summary, the good community or town council:

- provides community leadership and a vision for the future;
- listens to local people and articulates their needs;
- works closely with community groups;
- keeps them informed of what it does and why;
- acts in a professional manner; this means that its finances are properly managed; it conforms to high standards of behaviour and is served by a trained clerk;
- works in partnership with others especially county and county borough authorities and other community and town councils;
- committed to ongoing training and development, not only for its staff but for councillors too;
- is active and elected by its community.

The central idea is that the council has a close relationship with its community and is so active that people want to serve as councillors – hence the elections. It is a vision of democracy at its best; local votes for local people for local action.

The next and final part contains advice, contacts and other information to help you in your role as a community councillor.

Part five: The Toolbox

16. Hazards

Even in the best councils things go wrong, so one of the most useful resources is the council's clerk. Trained clerks can recognise when something needs attention; if they cannot fix the problem, they will know someone who can.

Your council should anticipate where breakdowns and accidents might occur. For example, it could be hazardous if councillors, clerk and chair:

- are unsure of their respective roles, duties and responsibilities;
- don't work as a team or share mutual respect;
- don't communicate with each other;
- concentrate on point-scoring.

Furthermore, the council could have difficulty if it:

- allows one person or a small group of councillors to dominate;
- allows any single councillor (including the chair) to make decisions on its behalf;
- doesn't listen to and communicate with its community, other community and town councils, county and county borough authorities and outside bodies;
- ignores or antagonises the press;
- doesn't have contracts of employment for staff and doesn't pay staff for the hours they work at recommended rates of pay;
- doesn't keep its records in order and lacks a robust system of financial control;

- doesn't manage meetings effectively;
- is not well-informed on topics to be discussed.

Everyone in the team is responsible for checking that the council avoids these dangers and ultimately the council is liable. By contrast, well-prepared and well-informed councillors avoid difficulties and devote their energies to serving the community.

17. Important Documents

Always know where your important documents are kept so you can refer to them when necessary.

You are advised to have your own copy of:

- a schedule of meetings for the coming year;
- the council's standing orders;
- the council's financial regulations;
- the code of conduct adopted by your council;
- contact details of councillors and the clerk (but note, only contact the clerk during dedicated working hours);
- the budget for the current year;
- the minutes of meetings that took place during the previous year.

You will also find it useful to know whether the following exist for your council and if so, what they contain. These documents are normally kept by the clerk:

- a map of the community;
- the community action plan;

- the council's strategy, action plan or business plan;
- the design statement;
- the local well-being plan produced by the Public Services Board;
- the county or county borough council's adopted local development plan;
- your community council's development control policy;
- policies for equal opportunities, and health and safety;
- processes for handling emergencies and working with the media;
- grievance/complaints procedures;
- the council's Welsh Language Scheme;
- the council's publication scheme for the Freedom of Information Act;
- risk assessment policy;
- assets register (list of property);
- register of councillor's interests;
- lease agreements;
- insurances;
- the cash book for recording receipts and payments;
- schedule of council charges and fees for services and facilities;
- partnership agreements.

You might also need to know:

- the size and composition of the population of the community and its electorate;
- how much an average household pays in council tax to the community or town council;
- contact details of county and county borough authority councillors;
- contact details of local organisations.

Don't worry if your council doesn't have all this information. It can be assembled over time – except for essential items such as the financial regulations which must exist already.

18. Sources of Advice

Always start by asking your clerk. It is the clerk's job to receive information from other bodies and keep up-to-date on your behalf. As a council you should monitor the clerk's workload to ensure that there are sufficient hours to carry out the tasks required by the council. Your clerk (and the council) benefit if the clerk is a member of the Society of Local Council Clerks (SLCC). The Society provides legal, financial and other advice, an online training course and considerable support and guidance from the clerks' network. Your council is strongly advised to pay the clerk's subscription to the SLCC.

Organisations

The next stop for advice on legal matters, policy and councillor training, will probably be **One Voice Wales** or its area committee. It is vital that your council is a member in order to benefit from its services and keep abreast of changes affecting community and town councils.

Most areas have an organisation such as a **Council for Voluntary Service (CVS)** or **Voluntary Action** offering advice on local service delivery, funding and community projects.

Planning Aid Wales (www.planningaidwales.org.uk) is an independent source of advice on all types of planning issues. It is of considerable value to local communities engaging in the planning process.

Further detail about the role and functions of the Welsh Language Commissioner, including details of which standards apply to the Principal Councils, can be found on the Commissioner's website:

www.comisiynyddygydraeg.cymru

Publications

Your clerk or the adviser representing One Voice Wales will help you find the following publications. One Voice Wales disseminates information and provides help and advice for councillors.

The Parish Councillor's Guide by Paul Clayden, the 20th edition was published in 2009 by Shaw and Sons. It is a quick and readable guide to the law and practice of town, parish and community councils with topics in alphabetical order.

Local Councils Explained was published by the National Association of Local Councils in 2013. It explains law and procedures for councils and contains model standing orders.

A Community and Town Councillors' Handbook: The Land Use Planning System in Wales (2005) provides useful guidance on how to interact with the planning system

www.planningaidwales.org.uk/how-paw-can-help/information/publications

Developing a comprehensive understanding of community and town councils in Wales by Professor Michael Woods of the Aberystwyth University is a review of evidence undertaken for the Welsh Government (published in 2014).

For the councillor seeking detailed knowledge of law and procedures, a valuable book is *Arnold-Baker on Local Council Administration* by Paul Clayden; 10th edition published in 2016 by LexisNexis. It is essential that the council has a copy of the latest edition, often known as the 'clerk's bible', as it gives thorough advice and extracts from relevant legislation.

Governance and Accountability for Local Councils in Wales: A Practitioner's Guide (2011) (amended 2014), published by One Voice Wales and the SLCC, is a useful tool for RFOs and for councillors seeking detailed knowledge of financial management. It explains statutory 'proper practices' for financial management.

Access to Information on Community and Town Councils: (2015) statutory guidance from the Welsh Government on publicising information on the web.

The Code of Conduct for members of local authorities in Wales: Guidance from the Public Services Ombudsman for Wales for members of community councils (2015)

Being a Good Employer is an extremely useful guide published by the National Training Strategy (England). It takes you through all stages of the employment process from recruitment to departure.

LCR (formerly Local Council Review), the quarterly magazine produced by the National Association of Local Councils and available through your contact at One Voice Wales; alongside this is the free (to LCR subscribers) weekly updated LCR Online (lronline.org.uk).

DIS Extra is a fortnightly electronic news bulletin produced by the National Association of Local Councils available on subscription.

The Voice is a quarterly publication for members of One Voice Wales.

The Clerk, the journal of the Society of Local Council Clerks is published every two months both in print and online.

The Community Planning Handbook by Nick Wates (published in 2000 by Earthscan) is a useful and concise source on public involvement in planning and action.

Where We Live: Our place in the world from Rhondda Cynon Taf (2005) available from www.slnnr.org.uk/documents/resources/publications/Where%20We%20Live.pdf

Training

The council should have in place arrangements for induction – introducing new councillors to the work and procedures of the council. This guide will be part of an induction tailored to the work of the specific council. The clerk, perhaps co-ordinating with the chair, is often in a good position to carry out induction.

In partnership with the Welsh Government, One Voice Wales and the Society of Local Council Clerks are concerned with the provision of training to community and town councils in Wales. Your council should advise One Voice Wales or the Society of Local Council Clerks what it needs in terms of training.

One Voice Wales (www.onevoicewales.org.uk) offers an annual training programme covering many modules. In addition a module on **The Planning Process** is delivered by Planning Aid Wales on behalf of One Voice Wales. Events can be held in suitable locations throughout Wales and can be delivered in either English or Welsh. One Voice Wales also delivers bespoke courses for councils with specific training needs where possible. Councils are encouraged to make provision for training both clerks and councillors in their budgets. For councils with low incomes bursaries funded by the Welsh Government may be available.

ILCA (Introduction to Local Council Administration) is an online course written and delivered by the Society of Local Council Clerks. It is a great help to new councillors, clerks and aspiring clerks as it introduces the work of community and town councils and includes sections on roles, law and procedures, finance, management, and community. It can easily be studied at home and you can check

your knowledge by doing some online tests that really make you think. If you study this course you can join the SLCC's webinars where you share experiences and discuss the issues with others. ILCA is available in both English and Welsh. For further information see www.slcc.co.uk.

There are two nationally recognised qualifications tailored precisely to the needs of the community council sector and essential for all clerks and aspiring clerks. The Level Three qualification is CiLCA 2015; this requires candidates to complete an online portfolio of explanations and annotated documents relevant to their work. The Society of Local Council Clerks then provides higher education qualifications in Community Governance validated by a recognised university at Levels 4 and 5. These advanced qualifications are suitable for both officers and councillors. Further information can be obtained from the SLCC.

Continuing Professional Development (CPD) is the process by which employees can track, record and plan learning. The Improvement and Development Board (England) publishes a guide to CPD points (see www.nalc.gov.uk). Employers might find this guide useful as a basis for annual appraisals and officer development.

List of legal duties and powers

Finally the list below is an indicative list of duties and powers to help you appreciate in summary the wide range of functions covered by Acts of Parliament and Measures or Acts of the National Assembly for Wales. It is a useful reference when you need to know if the community council can act but note, no list can be comprehensive.

It is hoped that you find this guide useful and, most importantly, that you enjoy your work as a councillor making a difference in the community that you serve.

Activity	Powers and Duties	Statutory Provisions
Annual meeting	Duty to hold	Local Government Act 1972, Schedule 12, paragraph 23
Allotments	Powers to provide allotments Duty to provide allotment gardens if demand unsatisfied	Small Holdings and Allotments Act 1908, s23
Borrowing	Subject to Welsh Ministers' consent power to borrow money for capital purposes	Local Government Act 2003 Schedule 1 para 2
Burial grounds, cemeteries and crematoria	Power, as a burial authority, to acquire and provide with a duty to maintain Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, ss. 9 and 10 Parish Councils and Burial Authorities (Miscellaneous) Act 1970, s.1 Local Government Act 1972, s. 214
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) Act 1953, s.4
Bye Laws	Power to make byelaws for: Mortuaries and post mortem rooms Pleasure grounds Parking places Open spaces and burial grounds	Public Health Act 1936, s.198 Public Health Act 1875, s.164 Road Traffic Regulation Act 1984, s.57(7) Open Spaces Act 1906, s.15
Charities	Powers regarding local charities	Charities Act 2011, Part 15

Activity	Powers and Duties	Statutory Provisions
Christmas Lights	Power to encourage visitors	Local Government Act 1972, s.144
Citizens Advice Bureau	Power to support Citizens Advice Bureaus	Local Government Act 1972, s.142 (2A)
Climate change	Power to promote local energy saving measures	Climate Change and Sustainable Energy Act 2006, s.20
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215
Code of conduct	Duty to adopt a code of conduct Duty on councillors to comply with the code of conduct	Local Government Act 2000, s. 51 Local Government Act 2000, s. 52
Common land and village greens	Power to protect common land and village greens where the owner is not registered	Commons Act 2006, s.45
Community centres	Power to provide and equip community buildings Power to provide buildings for use of clubs having athletic, social or educational objectives	Local Government Act 1972, s.133 Local Government (Miscellaneous Provisions) Act 1976 s.19
Community meetings	Power to convene and duty to give notice	Local Government Act 1972, Schedule 12, paragraphs 30, 30D and 30E
Community polls	Duty to consider taking action and giving notice	Local Government Act 1972, Schedule 12, paragraphs 26A and 29A
Conference facilities and exhibitions	Power to provide facilities	Local Government Act 1972, s.144
Co-option of members	Powers to co-opt persons to fill vacancies Duty to advertise	Representation of the People Act 1985, s21 Local Elections (Parishes and Communities) (England and Wales) Rules 2006, Reg 5 Local Government (Wales) Measure 2011, s116

Activity	Powers and Duties	Statutory Provisions
Crime prevention	<p>Powers to spend money on various crime prevention measures</p> <p>Duty to exercise functions with regard to the effect on crime and disorder</p>	<p>Local Government and Rating Act 1997, s.31</p> <p>Crime and Disorder Act 1998, s17</p>
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Entertainment and the arts	Power to provide entertainment and support to the arts including festivals and celebrations	Local Government Act 1972, s.145
Finance	<p>Duty to make arrangements for the proper administration of the council's financial affairs and to secure that one of their officers has responsibility for the administration of those affairs</p> <p>Duty to make a budget calculation</p> <p>Power to issue a precept to a billing authority</p> <p>Duty to keep accounts for audit</p> <p>Power to make financial contributions etc for the purpose of BID projects</p>	<p>Local Government Act 1972, s151</p> <p>Local Government Finance Act 1992, s.50</p> <p>Local Government Finance Act 1992, s.41</p> <p>Accounts and Audit (Wales) Regulations 2014</p> <p>Local Government Act 2003, ss. 43,58</p>
General power	Power to incur expenditure for certain purposes not otherwise authorised [also see Wellbeing below]	Local Government Act 1972, s. 137
Gifts	Power to accept gifts	Local Government Act 1972, s.139

Activity	Powers and Duties	Statutory Provisions
Highways	<p>Power to enter into agreement as to dedication</p> <p>Power to repair and maintain footpaths and bridleways</p> <p>Power to plant trees etc and to maintain roadside verges</p> <p>Power to complain to highway authority regarding protection of rights of way and roadside wastes</p> <p>Power to erect flagpoles etc on highways</p> <p>Power to contribute to traffic calming schemes</p> <p>Power to provide roadside seats and shelters</p> <p>Power to light roads and public places</p> <p>Power to provide parking places</p> <p>Power to provide traffic signs and other notices</p>	<p>Highways Act 1980, s.30</p> <p>Highways Act 1980, ss. 43, 50</p> <p>Highways Act 1980, s.96</p> <p>Highways Act 1980, s.130(6)</p> <p>Highways Act 1980, s.144</p> <p>Highways Act 1980, s. 274A</p> <p>Parish Councils Act 1957, s.1</p> <p>Parish Councils Act 1957, s.3</p> <p>Road Traffic Regulation Act 1984, s.57</p> <p>Road Traffic Regulation Act 1984, s.72</p>
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961
Land	<p>Power to acquire by agreement, to appropriate, to dispose of land</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss.124, 126, 127</p> <p>Local Government Act 1972, s.139</p>
Litter	Power to provide receptacles in public places	Litter Act 1983, ss.5.6
Lotteries	Power to hold a lottery operating license	Gambling Act 2005, s.98

Activity	Powers and Duties	Statutory Provisions
Marine management	Power to obtain advice from the Maritime Management Organisation Power, by agreement, to accept delegation of functions	Marine and Coastal Access Act 2009, s.25 Marine and Coastal Access Act, ss. 55-57
Meetings	Duty to hold annual meeting Duty to hold meeting within 14 days of a community council election Power to call extraordinary meeting Quorum for meetings Duty to notify time and place of meeting	Paragraph 23(1), Schedule 12, Local Government Act 1972 Paragraph 23(2), Schedule 12, Local Government Act 1972 Paragraph 25, Schedule 12, Local Government Act 1972 Paragraph 28, Schedule 12, Local Government Act 1972 Paragraph 26(1)(a), Schedule 12, Local Government Act 1972
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Minutes	Duty to draw up minutes of community meetings Duty to draw up minutes of community council meetings	Paragraph 35, Schedule 12, Local Government Act 1972 Paragraph 41, Schedule 12, Local Government Act 1972
National Parks	Duty to have regard to purposes for which National Parks are designated	National Parks and Access to the Countryside Act 1949, s.11A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Open Spaces	Power to acquire land and duty to maintain them	Open Spaces Act 1906, ss.9 and 10
Property and documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Public buildings and village halls	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide public conveniences	Public Health Act 1936, s.87

Activity	Powers and Duties	Statutory Provisions
Public spaces protection orders	Right to be notified of proposal for an order	Anti-social Behaviour, Crime and Policing Act 2014, s.72
Publication	Duty to publish documents relating to the business of the meeting Duty to have a publication scheme	Paragraph 26(1)(aa), (b), Schedule 12, Local Government Act 1972 Freedom of Information Act 2000
Parks, pleasure grounds	Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s.164 (Local Government Act 1972, Sched.14 para 27) Public Health Acts Amendment Act 1890, s.44 Open Spaces Act 1906, ss.9 and 10
Recreation	Power to provide a wide range of recreational facilities	Local Government (Miscellaneous Provisions) Act 1976, s.19
Staff	Power to appoint staff	Local Government Act 1972, s.112
Standing orders	Duty have standing orders with respect to contracts for the supply of goods and materials or the execution of works	Section 135, Local Government Act 1972
Status	Power for a community council to resolve that the community shall have the status of a town	Local Government Act 1972, s.245B
Town and Country Planning	Right to request the local planning authority for notification of planning applications	Town and Country Planning Act 1990, Schedule 1A, paragraph 2
Tourism	Power to contribute to certain organisations encouraging tourism	Local Government Act 1972, s.144 (2)

Activity	Powers and Duties	Statutory Provisions
Transport	<p>Power to establish car-sharing schemes</p> <p>Power to make arrangements for taxi fare concessions</p> <p>Power to investigate provision of public transport services and to publicise information on such services</p> <p>Power to make grants to for bus services</p>	<p>Local Government and Rating Act 1997, s.26</p> <p>Local Government and Rating Act 1997, s.28</p> <p>Local Government and Rating Act 1997, s.29</p> <p>Transport Act 1985, s.106A</p>
War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923 s.1; as extended by Local Government Act 1948, s.133
Website	Duty to make specified information available electronically	Local Government (Democracy) (Wales) Act 2013, s.55
Wellbeing	Power to do anything which the council considers likely to achieve the promotion or improvement of the economic, social or environmental wellbeing of the area, subject to s137 limit on expenditure	Local Government Act 2000, s.2
Well-being of future generations	Duty to take all reasonable steps towards meeting local objectives in the local well-being plan (and to report annually) if the council's gross income or expenditure was at least £200k in each of the 3 years prior to publication of the local well-being plan	Well-being of Future Generations (Wales) Act 2015, s. 40
Welsh language	Duty to comply with Welsh language standards	Welsh Language (Wales) Measure 2011, s. 25
Youth representatives	Power to appoint youth representatives	Local Government (Wales) Measure 2011 ss.118-119

19. Glossary

Reference	Explanation
Accounts	These are financial papers including receipts and payments records, statements of income and expenditure and the balance sheet.
Agenda	The agenda is the list of items to be covered during a meeting. In law it identifies the “business to be transacted”.
Annual Community or Town Meeting	This is a meeting of the electorate, not a meeting of the council. It can be used as a form of community engagement, debate or celebration. Unlike in England, it is not required by law.
Annual Meeting of the Council	This is a meeting of the council usually held in May where the chair is elected. The council might elect a vice-chair, and will also appoint committee members and representatives to other bodies. It might also be known as the Annual General Meeting.
Annual return	The annual return is a form completed and signed by responsible parties as part of the external audit.
Budget	The budget is the plan for income and expenditure over the next year. Working papers are designed to help you decide what the budget will be for the next financial year; they should include comparisons with the previous and current financial years and forms the basis for precept calculations.
Business plan	A business plan usually covers the four-year term of a community council. It shows how the council will raise and spend money over this longer period to achieve its goals.
Chair’s allowance	This is a small sum of money allocated to the chair to help pay for activities undertaken in the role of chair such as attendance at civic events and gifts for visitors.
Code of conduct	This is the formal code adopted by your council to regulate the behaviour of councillors. It must be signed by you at your first meeting.
Co-option	Co-option occurs when there are not enough candidates for seats at an election or when the electorate doesn’t call for an election after a seat has fallen vacant. The council chooses someone from a list of applicants.
Corporate body	A corporate body has a legal existence separate from that of its individual members. It can be taken to court, it can enter into a contract and, as a body, is responsible for its actions.
County and county borough councils	These are other local government bodies in Wales. Some of these authorities call themselves city councils.

Reference	Explanation
Declaration of acceptance of office	This is the formal procedure by which you accept the office of councillor. You should sign this declaration at or before your first meeting.
Delegation	Delegation is the act of handing over the power to make a decision to an officer, a committee, a sub-committee, or another council. Delegation must be formally agreed by the full council.
Development control	This is the formal name for the control of development through the planning permission process.
Development of National Significance	This is usually an infrastructure development considered to be too important for a local authority to decide and where the national interest overrides the local interest.
Duties	Duties are actions that a council must take by law.
External auditor	The external audit is where the Government's appointed auditor makes the final check using the annual return.
Internal auditor	The internal auditor is independent of the council and has an appropriate level of competence. The internal audit is a review of the council's system of internal control.
Internal control	Internal controls are the checks and balances that ensure that the council's business is carried out properly.
Local development plan	This is a spatial plan relating to a unitary council's area – the area served by a county or county borough authority or by a National Park authority.
Local Well-being Plans	Established by the Well-Being of Future Generations (Wales) Act 2015, these plans are drawn up by Public Service Boards. Following an assessment of local well-being and extensive community consultation, the plans set out proposals for ensuring the social, environmental, cultural and economic well-being of the local area covered by the county or county borough council. The community or town council is a statutory consultee.
Material considerations	These are matters that are material (or relevant) in planning law to an application.
Monitoring Officer	This is an officer at the county or county borough authority who oversees the ethical framework in the county (or county borough) council and in the community and town councils in the area. The ethical framework is the legislation and statutory guidance designed to maintain proper standards of behaviour for people serving in local government. A breach in behaviour is referred to the standards committee at the county or county borough council.

Reference	Explanation
National Association of Local Councils	At present, NALC, which represents parish and town councils in England, negotiates pay with the Society of Local Council Clerks for England and Wales.
One Voice Wales	One Voice Wales is the national representative body for community and town councils in Wales.
Personal interests	Personal interests are financial or other interests as defined in your council's code of conduct.
Planning Aid Wales	Planning Aid Wales is an independent charity helping communities to engage effectively with planning. It provides a range of services including a telephone advice helpline (02920 625 000), easy-to-read guidance publications (www.planningaidwales.org.uk) and effective training on all types of planning issues. Planning Aid Wales has worked with community and town councils across Wales and offers a range of publications and training courses specifically designed to meet their needs.
Planning authority	The local planning authority is the county or county borough council or a National Park authority. It is responsible for all development planning and development control decisions.
Powers	Powers refer to those activities which a council may engage in, as authorised by an Act of Parliament, or a Measure or Act of the National Assembly for Wales.
Precept	The precept is determined by the community council and represents its share of the council tax. The precept demand goes to the billing authority (the county or county borough council) which collects the tax and distributes it to the community council.
Prejudicial interests	A prejudicial interest is a personal interest that is so significant that a knowledgeable member of the public might consider that it prejudices your judgement on the matter.
Procedures	These are the guidelines for operating a community or town council within the law.
Procurement procedures	The process by which the council purchases goods and services. It includes asking for tenders and treating tenders with transparency and fairness. It also includes ensuring proper contracts are in place.
Proper officer	This is a term used in law to mean the officer appointed by a council for a specific statutory purpose. In community and town councils this officer is normally the clerk.

Reference	Explanation
Public Services Ombudsman for Wales	The Ombudsman is an independent office holder who considers complaints of maladministration by councils and alleged breaches of the code of conduct by councillors.
Public Services Board	PSBs have been set up to improve the economic, social, environmental and cultural well-being of an area. Their aim is to strengthen joint working between public agencies such as local authorities, health boards, the Fire and Rescue Authority and Natural Resources Wales. Their work includes assessing well-being in their area and setting objectives in a Local Well-being Plan to maximise their contribution to the Welsh Government's well-being goals.
Publication scheme	The Freedom of Information Act 2000 requires a council to publish a scheme to clarify what information is available and how and at what cost (if any). There are core classes of information that must be made available and optional classes of information. Your council's scheme is probably based on the model provided by Government.
Quorum	The quorum is the number of members who must be present before decisions can be taken. If enough members are present then the meeting is said to be quorate . A quorum is one third of the full membership, or three – whichever is the greater.
Register of interests	This is the register of your personal interests that might affect your decisions as a councillor. The register of your interests is kept by the community council's proper officer and must be kept up to date. Dispensations cannot be awarded unless interests have been formally registered in advance.
Resolutions	When a proposal has been agreed, it becomes a resolution.
Responsible financial officer	The RFO is the officer responsible for administering the council's finances. The RFO is often the clerk.
Society of Local Council Clerks	This is the organisation that provides advice, support and training for clerks (see Part Five).
Standards Committee	This is a committee of the county or county borough council established to monitor and manage issues arising from the ethical framework in relation to county and community and town councillors.
Statute	A statute is an Act of Parliament or a Measure or Act of the National Assembly for Wales. It is the law and must be followed. It includes legal regulations to be observed in implementing the law. Community and town councils are statutory bodies; this means they are established by statute. Acts and Measures control the activities of community and town councils.

Reference	Explanation
Supplementary planning document	A supplementary planning document is produced by a community or town council and has been adopted by the local planning authority. It informs decisions on planning applications.
Three clear days	This is a term in law. It does not include the day on which the agenda was sent out, nor the day of the meeting. It also excludes Sundays, bank holidays and days of the Christmas and Easter breaks.
Voluntary body	A voluntary body is established by volunteers; but it may raise money and employ staff to do its work. Local charities and the Council for Voluntary Service are examples.

Further Copies

Further copies of this document are available from:

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Welsh Government
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E-mail: LGPartnerships@wales.gsi.gov.uk

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

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Local Government Act 2000	Deddf Llywodraeth Leol 2000
Model Code of Conduct for Members and Co-opted Members with voting rights	Cod Ymddygiad Enghreifftiol ar gyfer Aelodau ac Aelodau Cyfetholedig â hawliau pleidleisio
<p>The attached sets out the text (in English and Welsh) of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:</p> <ul style="list-style-type: none"> Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (No. 2014/1815) (“the 2014 Regulations”) – effective from 1 August 2014. Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016. <p>This document has been produced for the benefit of relevant authorities to whom the Model Code applies, but it does not itself have any legal standing. It is believed to be a true and accurate representation of the law as at 1 April 2016, but no assurance is given in this regard and authorities should take their own legal advice on matters relating to the Code.</p> <p>Please note the 2014 Regulations were made by the UK Government. They amend the Model Code to insert a definition of a ‘registered society’. It appears that the Welsh language version of the Model Code was not amended at the same time. The Welsh Government is in discussion with the UK Government about this with a view to the Welsh language version being amended as soon as practicable.</p> <p>In the interim, the Welsh Government does not believe this anomaly has a material bearing on the operation of the Model Code.</p>	<p>Mae'r Atodiad amgaeedig yn nodi testun (yn Gymraeg a Saesneg) y Cod Ymddygiad Enghreifftiol a bennir gan Orchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008, fel y'i diwygiwyd gan yr offerynnau statudol canlynol:</p> <ul style="list-style-type: none"> Rheoliadau Deddf Cwmnïau Cydweithredol a Chymdeithasau Budd Cymunedol ac Undebau Credyd 2010 (Diwygiadau Canlyniadol) 2014 - (Rhif 2014/1815) (“Rheoliadau 2014”) - yn dod i rym ar 1 Awst 2014. Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) 2008 (Rhif 2016/84) – yn dod i rym ar 1 Ebrill 2016. <p>Cynhyrchwyd y ddogfen hon er budd awdurdodau perthnasol y mae'r Cod Enghreifftiol yn gymwys iddynt, ond nid oes ganddi unrhyw statws cyfreithiol. Credir ei bod yn cynrychioli'r gyfraith ar 1 Ebrill 2016 yn wir ac yn gywir, ond ni roddir unrhyw sicrwydd yn hyn o beth, a dylai'r awdurdodau geisio eu cyngor cyfreithiol eu hunain ar faterion sy'n ymwneud â'r Cod.</p> <p>Sylwer: Gwnaed Rheoliadau 2014 gan Lywodraeth y DU. Maent yn diwygio'r Cod Enghreifftiol drwy fewnosodi diffiniad o ‘cymdeithas gofrestredig’. Mae'n ymddangos na ddiwygiwyd fersiwn Gymraeg y Cod Enghreifftiol ar yr un pryd. Mae Llywodraeth Cymru wrthi'n trafod hyn â Llywodraeth y DU gyda'r bwriad o ddiwygio'r fersiwn Gymraeg cyn gynted ag y bo'n ymarferol.</p> <p>Yn y cyfamser, nid yw Llywodraeth Cymru yn credu bod yr anghysondeb hwn yn effeithio'n ymarferol ar weithredu'r Cod Enghreifftiol.</p>

GELLIGAER COMMUNITY COUNCIL

**CODE OF CONDUCT FOR
MEMBERS & CO-OPTED MEMBERS**

CODE FOR ADOPTION

By

GELLIGAER COMMUNITY COUNCIL

17th MAY 2017

PART 1 INTERPRETATION

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue 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,

3.

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that

exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

Gelligaer Community Council

STANDING ORDERS

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

It is recommended that the Council adopt the standing orders in bold type in their current form because these reflect statutory requirements.

Standing orders, not highlighted in bold type, do not incorporate statutory requirements. They are aimed at:

- (i) highlighting matters that merit regulation by standing orders and
- (ii) encourage use of standing orders to regulate routine administrative arrangements and they have been adapted to suit Gelligaer Community Council's particular needs.

Once again, the Council is reminded not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation.

It is, of course, recognised that local councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

Gelligaer Community Council

Standing Orders

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1. Meetings

- a) Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b) When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- c) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- d) Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.**
- e) In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- f) Subject to standing orders, which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- g) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- h) Subject to the standing order below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- i) The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- j) Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

- k) **The minutes of a meeting shall record the names of councillors present and absent.**
- l) **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**
- m) **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.**
- n) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council (4) are present and in no case shall the quorum of a meeting be less than 3.**
- o) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**
- p) **Meetings shall not exceed a period of 2 hours.**
- q) **Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda, at the start of the meeting.**
- r) **The period of time designated for public participation at a meeting in accordance with standing order 1 (q) above shall not exceed 15 minutes unless directed by the chairman of the meeting and then not to exceed 30 minutes**
- s) **Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman shall direct the order of speaking and the time divided and agreed accordingly.**

2. Ordinary Council meetings

- a **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d **(Wales) In addition to the annual meeting of the council, any number of other ordinary meetings may be held in each year on such dates and times as the council may direct.**
- e **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**

- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**

- g **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**

- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**

- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**

3. Proper Officer

- a) The Council's Proper Officer shall do the following:
 - i. **Sign and serve on councillors by delivery or post at their residences, a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.**
 - ii. Include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.
 - iii. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
 - iv. Make available for inspection the minutes of meetings.
 - v. **Receive and retain copies of byelaws made by other local authorities.**
 - vi. **Receive and retain declarations of acceptance of office from councillors.**
 - vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
 - viii. Keep proper records required before and after meetings;

- ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiii. Keep a record of every planning application notified to the Council and the Council's response to the local planning authority.

- xiv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4. Motions requiring written notice

- a) No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.

- b) The Proper Officer may, before including a motion in the agenda, correct obvious grammatical or typographical errors in the wording of the motion.

- c) If the Proper Officer considers the wording of a motion received in accordance with the standing order above, is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.

- d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

- e) Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

- f) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5. Motions not requiring written notice

- a) Motions in respect of the following matters may be moved without written notice:
- i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vi. To proceed to the next business on the agenda.
 - vii. To close or adjourn debate.
 - viii. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - ix. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - x. To authorise legal deeds to be signed by two councillors and witnessed.
 - xi. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xii. To extend the time limit for speeches.
 - xiii. To exclude the press and public for all or part of a meeting.
 - xiv. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xv. To give the consent of the Council if such consent is required by standing orders.
 - xvi. To suspend any standing order except those which are mandatory by law.**
 - xvii. To adjourn the meeting.
 - xviii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xix. To answer questions from councillors.

6. Rules of debate

- a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b) A motion shall not be considered unless it has been proposed and seconded.
- c) A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- d) A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- e) Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- f) A proposed or carried amendment to a motion shall not have the effect of negating the original or substantive motion under consideration.
- g) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- h) If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- i) If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- j) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 5 minutes.

- k) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- l) A point of order shall be decided by the Chairman and his decision shall be final.
- m) With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- n) When a councillor's motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any standing order, except those which are mandatory.

7. Code of Conduct (Wales)

- a) **All councillors shall observe the code of conduct adopted by the Council.**
- b) All councillors shall have the opportunity to undertake training in the code of conduct
- c) **Councillors may exercise rights contained in the standing order below, only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- d) **Councillors who have a prejudicial interest in relation to any item of business being transacted at that meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

8. Questions

- a) A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c) Every question shall be put and answered without discussion.
- d) A person to whom the question has been put may decline to answer

9. Minutes

- a) If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting, they shall be taken as read.**
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy
- c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

10. Disorderly conduct

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b) If, in the opinion of the Chairman, there has been a breach of standing order (a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

- c) If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

11. Rescission of previous resolutions

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 7 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to standing order (a) above has been disposed of, no similar motion may be moved within a further 6 months.

12. Voting on appointments

- a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

13. Expenditure

- b) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- c) **The Council's financial regulations shall be reviewed once a year.**
- d) **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

14. Execution of Legal Deeds

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) **In accordance with a resolution made under standing order (a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

15. Committees

- a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may in accordance with standing orders, dissolve a committee at any time.

16. Sub- Committees

- a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

17. Extraordinary meetings

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

18. Advisory Committees

- a) The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b) Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

19. Accounts and Financial Statement

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall Include In each monthly agenda a Balance of Funds which contains details of all recent transactions (payments and receipts). The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20. Precepts/Estimates

- a) The Council shall approve written estimates for the coming financial year at its meeting before the end of January.**

21. Canvassing of and recommendations by councillors

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

- c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22. Inspection of documents

- a) Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

23. Unauthorised Activities

- b) Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

24. Confidential Business

- a) Councillors [Wales: and employees] shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b) A councillor in breach of the provisions of standing order (a) above may be removed from a committee or a sub-committee by a resolution of the Council.

25. Matters Affecting Council Employees

- a) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- b) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- c) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

- d) Access and means of access by keys and/or computer passwords to records of employment, administration and finance, shall be provided only to the Chairman of the Council and two other nominated Members.

26. Freedom of Information Act 2000

- a) All requests for information held by the Council shall be processed by the Proper Officer in respect of handling requests under the Freedom of Information Act 2000.

27. Relations with the Press/Media/Public

- a) **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

28. Liaison with District and County or Unitary Councillors

- a) An agenda for each meeting of the Council shall be sent to the County Borough Council
- b) Minutes of all Full Council Meetings will be sent to the County Borough Council
- c) Appointed Community Council Representative are expected to attend Community and Town Councils Liaison Committees and County Borough Joint Liaison Committee Meetings

29. Financial matters

- a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v. procurement policies (subject to the standing order below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.

- b) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in the standing order below.**
- c) Any formal tender process shall comprise the following steps:
 - i. a public notice of intention to place a contract to be placed in a local newspaper;
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e) **Where the value of a contract is likely to exceed £138, 893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

30. Allegations of breaches of the code of conduct

- a) On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer will Investigate the alleged breach and consult with the Chairman and the County Borough Council Monitoring Officer.
- b) The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Proper Officer and the Chairman of the Council shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.

- i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- c) The above should not be taken to prohibit the Council from disclosing information to Members and Officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

31. Variation, Revocation and Suspension of Standing Orders

- a) Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b) A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

32. Standing orders to be given to councillors

- a) The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b) The Chairman's decision as to the application of standing orders at meetings shall be final.
- c) A councillor's failure to observe the standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.



MODEL for consideration by Council. Values are to be set by the Council when adopting Financial Regulations (other than the EU Procurement thresholds shown in Regulation 11)

..... **COMMUNITY / TOWN COUNCIL**
FINANCIAL REGULATIONS [WALES]

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These Financial Regulations were adopted by the Council at its Meeting held on [.....]

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders¹ and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute and may represent a breach in the Councillor's Code of Conduct
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. [The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.]

¹ Model standing orders for Councils are available in Local Councils Explained © 2013 National Association of Local Councils

- 1.9. The RFO;
- acts under the policy direction of the Council;
 - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the Council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the Council up to date in accordance with proper practices;
 - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the Council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments comply with the Accounts and Audit (Wales) Regulations and to prepare additional or management information, as the case may be, to be prepared for the Council from time to time.
- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the Council; and
 - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the

approval of the RFO and that the approvals are shown in the accounting records; and

- measures to ensure that risk is properly managed.

1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full Council only.

1.14. In addition the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve any grant or a single commitment in excess of [£5,000]; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit (Wales) Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 39 of the Public Audit (Wales) Act 2004, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils in Wales - A Practitioners' Guide* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit (Wales) Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council [Finance Committee].
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit (Wales) Regulations.
- 2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.6. The internal auditor shall:
 - be competent and independent of the financial operations of the Council;
 - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the Council.
- 2.7. Internal or external auditors may not under any circumstances:
 - perform any operational duties for the Council;
 - initiate or approve accounting transactions; or

- direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Public Audit (Wales) Act 2004, or any superseding legislation, and the Accounts and Audit (Wales) Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. [Each committee (if any) shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of [November] each year including any proposals for revising the forecast].
- 3.2. The RFO must each year, by no later than [month], prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the [relevant committee and the] Council.
- 3.3. The Council shall consider annual budget proposals in relation to the Council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over [£5,000];
 - a duly delegated committee of the Council for items over [£500]; or
 - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below [£500].

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in [October] for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of Council services, the clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of [£500]. The Clerk shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to

the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose “material” shall be in excess of [£100] or [15%] of the budget.

- 4.9. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. [The Council shall seek credit references in respect of members or employees who act as signatories].
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to Council [or finance committee]. The Council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council [or finance committee]. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council [or Finance Committee] meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of

such payments shall be submitted to the next appropriate meeting of Council [or finance committee];

- b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee]; or
- c) fund transfers within the Councils banking arrangements up to the sum of [£10,000], provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee].

- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which Council [,or a duly authorised committee,] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council [or Finance Committee].
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable or other interest, unless a dispensation has been granted.
- 5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The Council will make safe and efficient arrangements for the making of its payments.

- 6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council [or duly delegated committee].
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed by [one] two member[s] of Council [,and countersigned by the Clerk,] in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council [or Finance Committee] at the next convenient meeting.
- 6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be

made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

- 6.12. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk [RFO] shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by [two of] the Clerk [the RFO][a member]. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk [and the RFO] and will also be restricted to a single transaction maximum value of [£500] unless authorised by Council or finance committee in writing before any order is placed.
- 6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council [Finance Committee]. Transactions and purchases made will be reported to the [Council] [relevant committee] and authority for topping-up shall be at the discretion of the [Council] [relevant committee].

- 6.20. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk [and RFO] and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.21. The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk [or RFO] (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

OR

- 6.22. [The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO shall maintain a petty cash float of [£250] for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.]

7. PAYMENT OF SALARIES

- 7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the [Council] [relevant committee].
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate

confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- a) by any Councillor who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Public Audit (Wales) Act 2004, or any superseding legislation.

- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.8. Before employing interim staff the Council must consider a full business case.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Welsh Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the Council at the same time as one is issued to the Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.5. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.

- 8.6. All investments of money under the control of the Council shall be in the name of the Council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3. The Council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the

authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below)].

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the Council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

- b. The full requirements of The Public Contracts Regulations 2015 (“the Regulations”), as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.
- f. Any invitation to tender issued under this regulation shall be subject to Standing Orders[], ³ [insert reference of the Council’s relevant standing order] and shall refer to the terms of the Bribery Act 2010.
- g. When it is to enter into a contract of less than [£25,000]⁴ in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below [£3,000] and above [£100] the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- h. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

² Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

³ Based on NALC’s model standing order 18d in Local Councils Explained © 2013 National Association of Local Councils

⁴ This suggested figure is based on the sum above which special rules are applicable (under the Regulations) to Councils in England and is therefore considered an appropriate threshold.

- i. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.
- 11.2. The Proper Officer shall maintain a register of personal interests, in respect of both members and senior staff.
 - a. Members and senior staff should not, so far as is practicable, be involved in the award of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.
 - b. Members and senior staff should not, so far as is practicable, be involved in the making or authorising payments in respect of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

12. [PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.]

13. [STORES AND EQUIPMENT

- 13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

- 13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.]

14. ASSETS, PROPERTIES AND ESTATES

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit (Wales) Regulations.
- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed [£250].
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. INSURANCE

- 15.1. Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers [in consultation with the Clerk].
- 15.2. [The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.]
- 15.3. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.5. All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the Council, or duly delegated committee.

16. [CHARITIES

- 16.1. Where the Council is sole managing trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.]

17. RISK MANAGEMENT

- 17.1. The Council is responsible for putting in place arrangements for the management of risk. The Clerk [with the RFO] shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 17.2. When considering any new activity, the Clerk [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 18.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.
- 18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

* * *

Notes to the Model.

Stated dates or months may be changed to suit local circumstances.

[square brackets] This part may be deleted if not relevant. An alternative may have been provided.

Where the word “regularly” is used in the text it is for the individual Council to set the required interval, monthly, quarterly, or half-yearly. This period should never exceed 12 months.

The value inserted in square brackets in [...] any of the paragraphs (other than the EU Procurement and Public Contract Regulations 2015 thresholds referred to in 11.1(k)) may be varied by the Council and should be reviewed regularly and confirmed annually by the Council.

The appropriate approved list referred to in paragraph 11.1 (b) shall be a list drawn up by the Clerk and approved by Council but, normally shall be based on the list maintained by the District Council for such works, if such list is maintained. In the absence of an appropriate list, the words in square brackets should be omitted.

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