

Pecyn Dogfennau Cyhoeddus

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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Helen Morgan
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Dyddiad: Dydd Gwener, 12 Mai 2017

Bydd y cyfarfod hwn yn cael ei ffilmio a'i wneud ar gael i weld yn fyw ac ar ffurf archif drwy wefan y Cyngor. Caiff y cyfarfod cyfan ei ffilmio, ac eithrio ar gyfer trafodaethau sy'n cynnwys eitemau cyfrinachol neu sydd wedi'u heithrio. Bydd y gweddarllediad ar gael am 18 mis o ddyddiad y cyfarfod ar www.caerffili.gov.uk

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Annwyl Gyngorydd,

Drwy hyn, cewch eich gwahodd i fynychu **Cyfarfod Blynyddol Cyngor Bwrdeistref Sirol Caerffili** a gynhelir yn **Siambr y Cyngor, Tŷ Penallta, Tredomen, Ystrad Mynach** on **Dydd Iau, 18fed Mai, 2017** am **6.00 pm** i ystyried y materion sydd wedi'u cynnwys yn yr agenda canlynol.

Yn gywir,

Chris Burns
PRIF WEITHREDWR DROS DRO

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb.
- 2 Cyhoeddiadau'r Maer.
- 3 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach



Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

- 4 I ethol Maer y Cyngor tan y Cyfarfod Blynyddol ym mis Mai 2018 a gwneud taliad cyflog dinesig.
- 5 Cyflwyno Bathodynau'r Maer a'r Cymar Diwethaf.
- 6 I benodi Dirprwy Faer y Cyngor tan y Cyfarfod Blynyddol ym mis Mai 2018 a gwneud taliad cyflog dinesig.
- 7 Cyhoeddiadau'r Maer.
- 8 I ethol Arweinydd y Cyngor.
- 9 I nodi y bydd Arweinydd y Cyngor yn cael uwch-daliad cyflog.
- 10 I nodi penodiad Dirprwy Arweinydd/Arweinwyr a gwneud uwch-daliad cyflog.
- 11 I nodi nifer yr Aelodau i gael eu penodi i'r Cabinet, yr enwau mae'r arweinydd wedi dewis i ddod yn aelodau o'r Cabinet ac i wneud uwch-daliadau cyflog.
- 12 I nodi y bydd Arweinydd y brif wrthblaid yn derbyn uwch-daliad cyflog.
- 13 Datganiad yr Arweinydd - ar lafar.

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

- | | | |
|----|--|----------|
| 14 | I dderbyn ac ystyried adroddiadau canlynol | 1 - 8 |
| 15 | Materion Cyfansoddiadol. | 9 - 68 |
| 16 | Aelodau Cyfetholedig y Pwyllgor Craffu | 69 - 74 |
| 17 | Adroddiad Blynyddol Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol - 2017/18 | 75 - 168 |
| 18 | I benodi Cadeirydd ac Is-gadeirydd y Pwyllgorau Trosolwg a Chraffu canlynol ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol a gwneud uwch-daliad cyflog i'r Cadeirydd:- | |

Pwyllgor Craffu Addysg Gydol Oes
Pwyllgor Craffu Iechyd, Gofal Cymdeithasol a Lles
Pwyllgor Craffu Polisi ac Adnoddau/Pwyllgor Craffu Partneriaethau
Pwyllgor Craffu Adfywio a'r Amgylchedd

- 19 Penodi aelodau i wasanaethu ar y Pwyllgorau Trosolwg a Chraffu canlynol ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol:-
- Pwyllgor Craffu Addysg Gydol Oes
Pwyllgor Craffu Iechyd, Gofal Cymdeithasol a Lles
Pwyllgor Craffu Polisi ac Adnoddau/Pwyllgor Craffu Partneriaethau
Pwyllgor Craffu Adfywio a'r Amgylchedd
- 20 I benodi Cadeirydd a/neu Is-gadeirydd (fel y bo angen) i'r Pwyllgorau canlynol ar gyfer y flwyddyn nesaf a gwneud uwch-daliad cyflog i'r Cadeirydd:- (*ddim yn gymwys)
- Panel Apeliadau (Disgyblu/Cwyno)*
Pwyllgor Penodiadau*
Pwyllgor Gwasanaethau Democrataidd
Pwyllgor Ymchwilio a Disgyblu*(yn cael ei benodi gan y Pwyllgor)
Pwyllgor Trwyddedu
Pwyllgor Cynllunio
- 21 I nodi y caiff y Cadeirydd ac Is-gadeirydd y Pwyllgor Archwilio eu penodi yng nghyfarfod cyntaf y Pwyllgor Archwilio sy'n dilyn Cyfarfod Blynyddol y Cyngor ac y gwneir uwch-daliad cyflog i'r Cadeirydd.
- 22 Penodi Aelodau i wasanaethu ar y pwyllgorau canlynol ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol:
- Panel Apeliadau (Disgyblu/Cwyno) (3 aelod/3 dirprwy)
Pwyllgor Apwyntiadau (8 aelod)
Pwyllgor Archwilio (12 aelod)
Pwyllgor Gwasanaethau Democrataidd (16 aelod)
Pwyllgor Ymchwilio a Disgyblu (7 aelod)
Pwyllgor Trwyddedu a Gamblo/Pwyllgor Tacsis a Chyffredinol (15 Aelod)
Pwyllgor Cynllunio (20 aelod)
Pwyllgor Safonau (2 aelod/2 ddirprwy)
Pwyllgor Cabinet Hawliau Tramwy (5 aelod)
- 23 I gyfansoddi Is-bwyllgorau/Gweithgorau/Panelli/Byrddau a phenodi/enwebu aelodau i wasanaethu arnynt ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol (adroddiad ynghlwm).
- 169 - 170
- 24 I benodi cynrychiolwyr i wasanaethu ar gyrrff allanol lle mae'n ofynnol (mae adroddiad yn nodi'r cynrychiolwyr presennol ynghlwm).
- 171 - 174

Cylchrediad:

Pob Aelod a Swyddog Priodol

Gadewir y dudalen hon yn wag yn fwriadol



ANNUAL COUNCIL – 18TH MAY 2017

SUBJECT: REVIEW OF POLITICAL BALANCE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER

1. PURPOSE OF REPORT

1.1 To carry out a review of political balance across the authority and the allocation of seats to political groups in accordance with statute.

2. SUMMARY

2.1 This report gives the political balance of the authority following the local government elections in May 2017 and outlines the possible variations dependent on the grouping of Independent Members.

3. LINKS TO STRATEGY

3.1 The Council is under a statutory duty to review the political balance of the authority and to comply with relevant legislation regarding the governance arrangements for Local Authorities in Wales.

3.2 The recommended course of action contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016:

- *A more equal Wales*

4. THE REPORT

4.1 Under the Council's Rules of Procedure set out in the Constitution, the Council is required to appoint or re-appoint Committees at its Annual Meeting.

4.2 The legislation requires a council to review the political balance and apply the following principles to that review:-

- (a) Not all the seats on the body are allocated to the same political group;
- (b) That the majority of seats on the body is allocated to a particular political group if the number of people belonging to that group represents a majority of the council's membership;

- (c) Subject to those earlier rules the number of seats on the ordinary committees of the council allocated to each group bear the same proportion to the total of all seats allocated as is borne by the number of members of that group to the membership of the authority.

4.3 The Council has always applied the legislation to mean that so far as is practicable the allocation of seats is the same as the overall percentage that a party has of the total seats of the authority. However it is impossible to obtain a perfect percentage balance on each and every committee and there are therefore two principles:-

- (i) The majority group must have the majority on any committee;
(ii) That the overall allocation of seats is as close as possible to the overall percentage that a party holds on the council.

4.4 The membership of the current political groupings has been calculated along with possible variations of Independent Members. There is already an Independents group of four; however one Independent Member has not yet indicated their intentions. Therefore the possible variations are as follows:-

Variation 1

Group	Membership	Percentage
Labour	50	68.5%
Plaid Cymru	18	24.7%
Independents	4	5.5%

Variation 2

Group	Membership	Percentage
Labour	50	68.5%
Plaid Cymru	18	24.7%
Independents	5	6.8%

4.5 A single Independent Member cannot form a group therefore a percentage of 1.4% would be applied and the individual Member only entitled to a seat on full Council.

4.6 Appendices 1 and 2 to this report sets out the political balance and allocation of seats for Committees calculated in accordance with the relevant guidance, for each of the variations listed in 4.4 above.

4.7 The number of seats on Committee's is listed as follows;

- Audit Committee – 12 Members
- Appeals Committee – 3 Members
- Appointments Committee – 8 Members
- Democratic Services Committee – 16 Members
- Licensing Committee – 15 Members
- Planning Committee – 20 Members (subject to changes detailed in Constitutional Matters Report)
- Education for Life Scrutiny Committee – 16 Members
- Health, Social Care and Well-Being Scrutiny - 16 Members
- Policy and Resources/Partnerships Scrutiny Committee – 16 Members
- Regeneration and Environment Scrutiny Committee – 16 Members

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the importance of ensuring that representation on committees reflect the political balance of the local authority thereby involving people with an interest in achieving the well-being goals.

6. EQUALITIES IMPLICATIONS

- 6.1 The Council is under a statutory duty to review the political balance of the authority and apply that balance to the allocation of seats on committees.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications which have not been included in this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications which have not been included in this report.

9. CONSULTATIONS

- 9.1 There are no consultations that have not been included in the report.

10. RECOMMENDATIONS

- 10.1 That the Council considers the political balance as outlined in either Appendix 1 or 2 (as applicable) and approves the appropriate general allocation of seats to the Committees in accordance with the political balance.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 In order to comply with statutory requirements to keep the political balance of the authority under review and to allocate seats on committees in accordance with that balance.

12. STATUTORY POWER

- 12.1 Local Government and Housing Act 1989 and regulations made under the Act and Local Government (Wales) Measure 2011.

Author: Catherine Forbes-Thompson, Interim Head of Democratic Services
Consultees: Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer
Gail Williams, Interim Head of Legal Services and Monitoring Officer
Helen Morgan, Senior Committee Services Officer

Appendices:

- Appendix 1 Copy of Political Balance 8th May 2017 – variation 1
Appendix 2 Copy of Political Balance 8th May 2017 – variation 2

Gadewir y dudalen hon yn wag yn fwriadol

Caerphilly County Borough Council

Political balance as at May 2017

Appendix 1

Seats	No	%
Total	73	100.0
Labour Group	50	68.5
Plaid Cymru Group	18	24.7
Independent Group	4	5.5
New Group	1	1.4

Seats allocated to particular committee sizes

Committee Size	Labour			Plaid Cymru			Independent			New Group		
	Calculated	Actual	%	Calculated	Actual	%	Calculated	Actual	%	Calculated	Actual	%
2	1.4	1	50.0	0.5	1	50.0	0.1	0	0.0	0.0	0	0.0
3	2.1	2	66.7	0.7	1	33.3	0.2	0	0.0	0.0	0	0.0
4	2.7	3	75.0	1.0	1	25.0	0.2	0	0.0	0.1	0	0.0
5	3.4	4	80.0	1.2	1	20.0	0.3	0	0.0	0.1	0	0.0
6	4.1	4	66.7	1.5	2	33.3	0.3	0	0.0	0.1	0	0.0
7	4.8	5	71.4	1.7	2	28.6	0.4	0	0.0	0.1	0	0.0
8	5.5	6	75.0	2.0	2	25.0	0.4	0	0.0	0.1	0	0.0
9	6.2	6	66.7	2.2	3	33.3	0.5	0	0.0	0.1	0	0.0
10	6.8	6	60.0	2.5	3	30.0	0.5	1	10.0	0.1	0	0.0
11	7.5	7	63.6	2.7	3	27.3	0.6	1	9.1	0.2	0	0.0
12	8.2	8	66.7	3.0	3	25.0	0.7	1	8.3	0.2	0	0.0
13	8.9	9	69.2	3.2	3	23.1	0.7	1	7.7	0.2	0	0.0
14	9.6	9	64.3	3.5	4	28.6	0.8	1	7.1	0.2	0	0.0
15	10.3	10	66.7	3.7	4	26.7	0.8	1	6.7	0.2	0	0.0
16	11.0	11	68.8	3.9	4	25.0	0.9	1	6.3	0.2	0	0.0
17	11.6	12	70.6	4.2	4	23.5	0.9	1	5.9	0.2	0	0.0
18	12.3	12	66.7	4.4	5	27.8	1.0	1	5.6	0.2	0	0.0
19	13.0	13	68.4	4.7	5	26.3	1.0	1	5.3	0.3	0	0.0
20	13.7	14	70.0	4.9	5	25.0	1.1	1	5.0	0.3	0	0.0
73	50.0	50	68.5	18.0	18	24.7	4.0	4	5.5	1.0	1	1.4
AVERAGE %:			68.3			25.4			5.2			1.2

Gadewir y dudalen hon yn wag yn fwiadol

Caerphilly County Borough Council
Political balance as at: - 8th May 2017

Appendix 2

Seats	No	%
Total	73	100.0
Labour	50	68.5
Plaid Cymru	18	24.7
Independent	5	6.8

Seats allocated to particular committee sizes

Committee Size	Labour			Plaid Cymru			Independent		
	Calculated	Actual	%	Calculated	Actual	%	Calculated	Actual	%
2	1.4	1	50.0	0.5	1	50.0	0.1	0	0.0
3	2.1	2	66.7	0.7	1	33.3	0.2	0	0.0
4	2.7	3	75.0	1.0	1	25.0	0.3	0	0.0
5	3.4	3	60.0	1.2	1	20.0	0.3	0	0.0
6	4.1	4	66.7	1.5	2	33.3	0.4	0	0.0
7	4.8	5	71.4	1.7	2	28.6	0.5	0	0.0
8	5.5	5	62.5	2.0	2	25.0	0.5	1	12.5
9	6.2	6	66.7	2.2	2	22.2	0.6	1	11.1
10	6.8	7	70.0	2.5	2	20.0	0.7	1	10.0
11	7.5	7	63.6	2.7	3	27.3	0.8	1	9.1
12	8.2	8	66.7	3.0	3	25.0	0.8	1	8.3
13	8.9	9	69.2	3.2	3	23.1	0.9	1	7.7
14	9.6	10	71.4	3.5	3	21.4	1.0	1	7.1
15	10.3	10	66.7	3.7	4	26.7	1.0	1	6.7
16	11.0	11	68.8	3.9	4	25.0	1.1	1	6.3
17	11.6	12	70.6	4.2	4	23.5	1.2	1	5.9
18	12.3	12	66.7	4.4	5	27.8	1.2	1	5.6
19	13.0	13	68.4	4.7	5	26.3	1.3	1	5.3
20	13.7	14	70.0	4.9	5	25.0	1.4	1	5.0
73	50.0	50	68.5	18.0	18	24.7	5.0	5	6.8

AVERAGE %:

68.2

24.9

6.9

Gadewir y dudalen hon yn wag yn fwiadol



ANNUAL COUNCIL – 18TH MAY 2017

SUBJECT: CONSTITUTIONAL MATTERS

REPORT BY: INTERIM HEAD OF LEGAL SERVICES & MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To deal with those matters that require consideration at the Annual Meeting of the Council in accordance with the Council Procedure Rules.
- 1.2 To appoint the Lay Member of the Audit Committee.
- 1.3 To note and adopt the changes to the Planning Committee's Amended Terms of Reference and the Taxi and General Committee as a result of legislation.
- 1.4 To note and adopt the Monitoring Officer Protocol as set out in the report to the Standards Committee attached at Appendix 1.
- 1.5 To note and endorse the proposed changes to Part 3 of the Scheme of Delegation set out in the Council's Constitution as attached at Appendix 2 and marked in bold and italics.
- 1.6 To ask Council to delegate authority to the Interim Head of Legal Services and Monitoring Officer to make the necessary changes to the Council's Constitution to give effect to the changes referred to in the Report.

2. SUMMARY

- 2.1 This report sets out details of those matters that require consideration at the Annual general Meeting of Council. It also proposes changes to the Planning Committee's Terms of Reference, the Taxi and General Committees Terms of Reference, the appointment of the Lay Member of the Audit Committee and the adoption of the Monitoring Officer Protocol together with changes to the Scheme of Delegation.

3. LINKS TO STRATEGY

- 3.1 The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000 and contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 as it sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. It sets the framework for the decision making roles and responsibilities which will impact on future generations.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales

- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

4. BACKGROUND

- 4.1 The Council's Constitution was formally adopted by the Council in May 2002. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the decision making processes are efficient, transparent and available to local people. The Constitution is a 'living document' in that it is constantly being updated and revised to reflect new government legislation and improvements and changes in procedures gained in light of experience.

5. THE REPORT

- 5.1 The Council's Procedure Rules require the Annual Meeting to appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees the Council considers appropriate to deal with the matters which are neither reserved to the Council nor are executive functions. The Constitution provides for the appointment of the following committees:-

1. Audit Committee
2. Democratic Services Committee
3. Licensing & Gambling Committee
4. Taxi & General Committee
5. Planning Committee
6. Policy and Resources Scrutiny Committee (includes Partnerships Scrutiny Committee)
7. Education for Life Scrutiny Committee
8. Health, Social Care and Wellbeing Scrutiny Committee
9. Regeneration and Environment Scrutiny Committee
10. Standards Committee
11. Investigating and Disciplinary Committee
12. Appeals Panel
13. Appointments Committee
14. Rights of Way Cabinet Committee

- 5.2 Other than the changes proposed to the Planning Committee's Terms of Reference and the Taxi and General Committee's Terms of Reference which are set out in Paragraph 6 of this report it is not proposed that any changes be made to the committee structure as set out above at this Annual Meeting. This includes the number of Members allocated to each Committee. Members are therefore asked to note the arrangements.
- 5.3 The composition of the committees is dealt with in a separate report. There is also a separate report on the appointment of Co-opted members onto the Council's Scrutiny Committee.
- 5.4 The nominations for the Members to each Committee will be reported verbally at the Council meeting.
- 5.5 To Appoint a Lay Member of the Audit Committee
- 5.5.1 The Council is required in accordance with the Local Government Measure 2011 to appoint an Audit Committee with a prescribed membership as follows:-
- (a) at least two-thirds of the members of the Audit Committee are members of the Council;
 - (b) at least one member is a lay member;
 - (c) no more than one member of the Committee is a member of the authority's executive (the Cabinet);

- (d) the senior member of the executive (the Leader) is not a member of the Audit Committee.

- 5.5.2 An act of an Audit Committee is invalid if the membership of the committee breaches the requirements set out in paragraph 5.5.1 above.
- 5.5.3 The Statutory Guidance from the Local Government Measure recommends that a lay member should not be appointed for more than two full terms of a local authority.
- 5.5.4 By way of background information, in 2012, the Council undertook a recruitment and interview process to appoint a Lay Member. Following an interview process a Panel of Members selected Mr Nigel Donald Yates as the independent member of the Council's Audit Committee for a term of office to run concurrently with the current administration, namely 2012 to 2017. This was endorsed by Council at its meeting on 26th September 2012.
- 5.5.5 As mentioned above if a Lay Member is not appointed the Audit Committee will be unable to exercise its functions. Whilst the Council may undertake a further recruitment process, the Statutory Guidance provides the Council with the option of a potential alternative reappointing the current Lay Member for a further term of office. This brings with it a number of advantages including:-
- (a) removing the time delay for the Council having a functioning Audit Committee following the election;
- (b) the Council not incurring the cost (both financial and time) of advertising the role and undertaking interviews, which will involve current Members;
- (c) the Council having a person with a proven track record in the role who has gained knowledge and experience of the Council and its operation and can therefore "hit the ground running".
- 5.5.6 The current Lay Member has been asked if he would be interested in continuing his role if the Council agreed to reappoint him to the role. He has confirmed that he would be interested in continuing as Lay Member, subject to the approval of the Council.
- 5.5.7 Council is therefore asked to endorse the recommendation that Mr Yates be reappointed as the Lay Member for the Audit Committee for a second and final term of office from the AGM on 18th May 2017 for a period of 5 years until the next Council elections in May 2022.

6. TERMS OF REFERENCE OF COMMITTEES

Planning Committee

- 6.1 As a result of recent changes to legislation details of which are set out below, Council is required to make specific changes to the terms of reference for the Planning Committee and the Council's Standing Orders.
- 6.2 The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 ("the Regulations") have been made by the Welsh Ministers which bring into effect and provide the detailed interpretation for Section 39 of the Planning (Wales) act 2015, so far as it relates to the size and composition of committees discharging functions.
- 6.3 The Regulations require Planning Committees (and any sub-committee) in Wales to be structured and operated in accordance with the following requirements:-
- **The Planning Committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number).**

- **Where wards have more than one elected member, only one member may sit on the planning committee, in order to allow other ward members to perform the representative role for local community interests.**

Note: This does not apply to a local authority that comprises solely of multiple member wards due to the need to maintain political balance on the committee.

- 6.4 Members will be aware that the current membership of the Planning Committee is 20 which is within the requirements set out in paragraph 6.3 above and as such it is proposed that the membership remains at this level.
- 6.5 Council is advised that failure to adhere to the requirements of the aforementioned Regulations will affect the validity of decisions taken by the Planning Committee. It is therefore necessary for the relevant parts of the Council's Constitution to be amended in accordance with the Regulations and, following the May 2017 local government elections, the Planning Committee must be appointed in accordance with these requirements prior to making decisions.
- 6.6 In addition the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 ("the Amendment Regulations") have been laid before the National Assembly for Wales and also come into force on 5th May. The Amendment Regulations require the following:-
- **Each meeting of the planning committee must have a quorum of 50% to make decisions.** Based on the proposed membership set out in paragraph 6.4 above the quorum for the Planning Committee will be 10 members; **and**
 - **The use of substitute members is prohibited.**
- 6.7 Members are therefore asked to note the changes to the existing Terms of Reference for the Planning Committee endorse the proposal that the current membership remains at 20 members, with a quorum of 10 members and note the composition of the Committee. Council is also asked to delegate authority to Interim Head of Legal Services & Monitoring Officer to make necessary changes to the Constitution.

Taxi & General Committee

- 6.8 Part 2 of the Mobile Homes (Wales) Act 2013 ("the 2013 Act") introduced new site licensing provisions for residential mobile home sites. Prior to the 2013 Act being implemented, residential mobile home sites were regulated and licensed under the Caravan Sites and Control of Development Act 1960 ("the 1960 Act") and the Caravan Sites Act 1968 ("the 1968 Act"). The functions under the 2013 Act have been exercised as a Cabinet function and a report was presented regarding the provisions in 2015.
- 6.9 However as a result of Mobile Homes (Wales) Act 2013 (Consequential Provisions) Order 2016 consequential amendments to three pieces of secondary legislation have been made one of which relates to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/339 W. 45). This amendment makes the functions exercised under the Mobile Homes (Wales) Act 2013 a Council function in that it is not to be the responsibility of an Authority's executive.
- 6.10 In view of the changes set out above, it is recommended that the functions under the Mobile Homes Wales Act 2013 are added to Schedule 1 Heading B of the Scheme of Delegation and also included within the Terms of Reference of the Taxi and General Committee. In addition to delegate authority to the Interim Head of Legal Services and Monitoring Officer to amend the Constitution as necessary.

7. ADOPTION OF MONITORING OFFICER PROTOCOL

- 7.1 At its meeting on 23rd February 2017 the Standards Committee considered the report attached at Appendix 1 which sought member's views on a proposed revised Monitoring Officer Protocol, prior to its presentation to the Annual Meeting of Council for adoption.
- 7.2 Members noted that Section 5 of the Local Government and Housing Act 1989 requires every principal authority to designate one of its Officers as the Monitoring Officer and the report provided details of the main functions of the Monitoring Officer which are set out in Part 2 Article 12, paragraph 12.03 of the Council's Constitution.
- 7.3 The Standards Committee was advised that the Lawyers in Local Government have a Sub Group consisting of all the Monitoring Officers of the principal councils in Wales, as well as the Fire and Rescue Authorities and National Parks. That Sub Group has developed a Monitoring Officer Protocol which is recommended for adoption by Councils across Wales. The Protocol, as attached to the report, incorporates changes to reflect local arrangements and is intended to replace the existing Monitoring Officer Protocol which is currently in the Council's Constitution.
- 7.4 In noting that the Protocol will provide clear guidance and understanding to Members and Officers as to the role of the Monitoring Officer, the Standards Committee unanimously agreed and resolved that the content of the Monitoring Officer Protocol as set out at Appendix 1 of the report be approved and a report be presented to the Annual Meeting of Council seeking adoption of the Protocol and for the Interim Head of Legal Services and Monitoring Officer to be authorised to amend the Council's Constitution to include the revised Protocol.
- 7.5 Council is therefore asked to endorse the Protocol as set out in the Appendix to the Report presented to the Standards Committee attached at Appendix 1 and delegate authority to Interim Head of Legal Services & Monitoring Officer to amend the Constitution to as necessary to include the revised Protocol.

8. SCHEME OF DELEGATION

- 8.1 Following consultation with all Heads of Service, minor changes are proposed to the Scheme of Delegation set out in Part 3 of the Constitution and which for ease of reference is attached to this report at Appendix. The changes represent changes and updates regarding legislation, together with job titles and inclusion of relevant functions.
- 8.2 Council is therefore asked to note and endorse the track changes identified in bold and italics in Appendix 2 to this report and to delegate authority to the Interim Head of Legal Services and Monitoring Officer to amend the Constitution as necessary.

9. WELL-BEING OF FUTURE GENERATIONS

- 9.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the Constitution sets out a clear framework for how the Council operates in particular the decision making responsibilities, which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

10. EQUALITIES IMPLICATIONS

- 10.1 There are none arising from the contents of the Report.

11. FINANCIAL IMPLICATIONS

11.1 There are none arising from the contents of the Report.

12. PERSONNEL IMPLICATIONS

12.1 None arising from the content of this Report.

13. RECOMMENDATIONS

13.1 Members are asked to note the information contained in this Report.

13.2 Members are asked to approve the recommendations that are set out at paragraphs 5.2, 5.5.7, 6.7, 6.10, 7.5, and 8.2.

14. REASONS FOR THE RECOMMENDATIONS

14.1 To comply with the relevant legislation and the Council's Constitution.

15. STATUTORY POWERS

Local Government Measure 2011

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017

The Local Authorities (Standing Orders) (Wales) Amendment Regulations 2017

Mobile Homes (Wales) Act 2013

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Consultees:
Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Corporate Director
Christina HARRY, Corporate Director – Education and Communities
Lisa Lane, Corporate Solicitor

Appendices:

Appendix 1 Report to Standards Committee – 23rd February 2017 Adoption of Monitoring Officer Protocol

Appendix 2 Part 3 of the Council's Constitution

Background papers:

Report to Special Council – 26th September 2012 Appointment of Lay Member – Audit Committee

Report to Cabinet – 4th March 2015 – Adoption of Policies in relation to the Mobile Homes Wales Act 2013.

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017

The Local Authorities (Standing Orders) (Wales) Amendment Regulations 2017

The Council's Constitution is available on the website



STANDARDS COMMITTEE - 23RD FEBRUARY 2017

SUBJECT: ADOPTION OF MONITORING OFFICER PROTOCOL

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To ask the Standards Committee to comment and endorse the revised Monitoring Officer protocol as set out in Appendix 1 to this report prior to the presentation of the Protocol to Council for adoption.

2. SUMMARY

- 2.1 To endorse the revised Monitoring Officer Protocol as set out in Appendix 1.

3. LINKS TO STRATEGY

- 3.1 The designation of one of the Council's officers as the Monitoring Officer is a statutory requirement under the Local Government and Housing Act 1989.

The proposed Monitoring Officer Protocol will contribute to the Wellbeing goals within the Well-being of Future Generations Act (Wales) 2015 by ensuring that when undertaking its functions, the Council, acts in a matter which meets the present needs but without compromising the ability of future generations to meet their own needs and that when making decisions it take into account the impact those decisions against the following goals.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

4. THE REPORT

- 4.1 Section 5 of the Local Government and Housing Act 1989 requires every principal authority to designate one of its officers as the Monitoring Officer.
- 4.2 The main functions of the Monitoring Officer are set out in Part 2 Article 12, paragraph 12.03 of the Council's Constitution which are reproduced below.

(a) **Maintaining the Constitution.** The monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff

and the public.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council [or to the executive in relation to an executive function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Receiving reports.** The monitoring officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.

(e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper officer for access to information.** The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising whether decisions of the executive are within the budget and policy framework.** The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(h) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

- 4.3 The Lawyers in Local Government (LLG) have a sub group consisting of all the Monitoring officers of the principal councils in Wales, as well as the Fire and Rescue Authorities and National Parks. That sub group has developed a Monitoring Officer Protocol which is recommended for adoption by Council's across Wales. The Protocol is attached at Appendix 1, which incorporates changes to reflect local arrangements and will replace the existing Monitoring Officer Protocol which is currently in the Council's Constitution.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The proposed draft Monitoring Officer Protocol contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act to ensure the highest standards of conduct and lawfulness and fairness in decision making which in turn will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications arising as a result of this report.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising as a result of this report.

8. PERSONNEL IMPLICATIONS

8.1 There are no financial implications arising as a result of this report.

9. CONSULTATIONS

9.1 The Report reflects the views of the consultees.

10. RECOMMENDATIONS

10.1 The Standards Committee is asked to endorse the Monitoring Officer Protocol set out at Appendix 1 which will be presented to Council at the AGM for endorsement and authorisation for the Interim Head of Legal Services and Monitoring Officer to amend the Council's Constitution to include the revised Protocol.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To provide clear guidance and understanding to members and officers as to the role of the Monitoring Officer.

12. STATUTORY POWER

12.1 Local Government and Housing Act 1989.

Author: Lisa Lane, Corporate Solicitor
Consultees: Gail Williams, Interim Head of Legal Services and Monitoring Officer
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer
Cllr Christine Forehead, Cabinet Member HR & Governance/Business Manager

Appendices:
Appendix 1 - Revised Monitoring Officer Protocol

Gadewir y dudalen hon yn wag yn fwriadol

Protocol describing the principal functions of the Monitoring Officer and the manner in which the authority expects him/her to discharge those functions

1 Functions

The principal functions of the Monitoring Officer shall be:

- 1.1 To report to the Council and to the Executive in any case where he/she is of the opinion that any proposal, decision or proposal of the authority in respect of any “reportable incident” (being any matter which, in his/her opinion, has given rise to or is likely to or would give rise to any illegality, or breach of statutory code or which has given rise to any maladministration under Sections 5 and 5A of the Local Government and Housing Act 1989);
- 1.2 To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident or a failure to observe the authority’s Code of Conduct for Members;
- 1.3 To act as the principal adviser to the authority’s Standards Committee;
- 1.4 To maintain the register of members’ interests;
- 1.5 Where so appointed by the Council, to act as the proper officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- 1.6 Responsibility as set out in Council policies or regulations for Complaints, the Public Services Ombudsman for Wales and Whistle-Blowing functions of the authority;
- 1.7 To consult regularly with the Chief Executive, the Chief Finance Officer, Head of Human Resources and the Chief Internal Auditor to identify areas where the probity of the authority can be improved or better protected, and to take appropriate actions;
- 1.8 To respond to the Public Services Ombudsman for Wales in respect of any complaint of a breach of the authority’s Code which is referred to him/her for local investigation and/or determination;
- 1.9 A power to investigate any application for a dispensation and to report and recommend to the Standards Committee;
- 1.10 To secure that members and officers of the authority are fully aware of their obligations in relation to probity;
- 1.11 To report to the Executive and to the Council on the resources which he/she requires for the discharge of his functions;
- 1.12 To report regularly to the Standards Committee on the performance of his/her functions and to make any recommendations, which would better enable those functions to be performed;
- 1.13 To undertake all statutory Monitoring Officer functions, including:

- 1.13.1 advice on the requirement to adopt a Local Code within 6 months of the publication of the relevant Model Code;
- 1.13.2 advice on the requirement upon members to sign an undertaking to observe their authority's Local Code within two months of the authority adopting its Local Code and within one month of election to the Council;
- 1.13.3 advice on the requirement for members to notify the Proper Officer of the Council of any personal interests where such interests will form part of a public register, and means of gaining access to that register.
- 1.13.4 advice on the need to apply to the Standards Committee for any dispensations and of the arrangements agreed by the Standards Committee for receiving and determining any such applications, and for maintaining a register of such dispensations and advising the applicant and the Council of any dispensations which are granted;
- 1.13.5 advice on any provisions under which individual complaints of misconduct by members may be referred or delegated to the Monitoring Officer and the Standards Committee for investigation and determination, and any arrangements agreed by the Monitoring Officer and the Standards Committee for dealing with such complaints; and
- 1.13.6 advice and action under the terms of the Council's Local Resolution Protocol and Procedure for complaints against members of the authority under that Protocol and/or the obligation of any member to report a potential breach of the Code of Conduct.
- 1.13.7 advice to individual members on enquiries as to their obligations to declare or notify particular interests, on the need to apply for a dispensation, and on any consequent restrictions on the member's participation in consideration of the matter.
- 1.13.8 the provision of support and advice to Community and Town Councils within the area of the authority in maintaining probity, including advice on the requirement for members to notify the Proper Officer of that Council of any personal interests where such interests will form part of a public register, means of gaining access to that register, and of any arrangements to ensure that the Proper Officer of Community and Town Council are kept informed of any such declarations.

2 Resources

For the purpose of carrying out these functions, the Monitoring Officer shall be provided with the following resources:

- 2.1 The right of access to all documents and information held by or on behalf of the authority, including documents and information held by any officer or member of the authority. For the purpose of clarification, this right does not extend to documents and information held by or on behalf of any political party or group represented on the Council;
- 2.2 The right of access to any meetings of officers or members (or both) of the authority, whether or not such meetings include any other persons. For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party or group represented on the Council;

- 2.3 The right to require any officer or member of the authority, or any contractor of the authority, to provide an explanation of any matter under investigation;
- 2.4 A right to report to the Council, the Standards Committee, and to the Executive, including a right to present a written report and to attend at meetings and to advise verbally;
- 2.5 The right to require the assistance of any officer of the authority in carrying out an investigation and to delegate to that officer any of the powers of the post of Monitoring Officer in relation to the investigation;
- 2.6 The right of access to the Head of the Paid Service and to the Section 151 Officer and the Corporate Management Team;
- 2.7 The consent of the authority to disclose information and documents to the Public Services Ombudsman for Wales, even where such disclosure would otherwise be in breach of the Monitoring Officer's duty of confidentiality to the authority;
- 2.8 The right, after consultation with the Head of the Paid Service and the Section 151 Officer, to notify the Police, the authority's auditors and other regulatory agencies of his/her concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions;
- 2.9 The right to obtain at the authority's expense legal advice, either internally or from an independent external solicitor or barrister, on any matter which he/she believes may be a reportable incident, and sufficient financial resource to enable him/her to do so.

3 Discharge of Functions

- 3.1 It is recognised that the Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, officers and members of the authority should routinely inform and consult the Monitoring Officer in respect of new policy proposals and action programmes;
- 3.2 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality, etc, or by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, officers and members of the authority may consult the Monitoring Officer in confidence in respect of any proposal, and the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer;
- 3.3 Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.
- 3.4 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue;
- 3.5 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the authority;

- 3.6 Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Chief Executive and the Section 151 Officer, he/she is of the opinion that such is necessary in order to respond properly to a reportable incident.
- 3.7 Where the Monitoring Officer becomes aware of facts which, if substantiated, would indicate a failure by one or more members of the authority to observe the Code of Conduct for Members, the Monitoring Officer may:
- 3.7.1 advise any member or complainant to report the facts to the Public Services Ombudsman for Wales (PSOW) ; or
 - 3.7.2 conduct, or arrange for the conduct of, a preliminary investigation (see below); or
 - 3.7.3 Report the matter to the PSOW without any investigation
- 3.8 Where, upon preliminary investigation, the Monitoring Officer is of the opinion that there is substantive evidence to suggest that a member of the authority has failed to observe the Code of Conduct, he/she shall consider whether the matter is capable of local resolution and, if so, take such action as is necessary to seek to resolve the matter in accordance with the Council's local resolution procedure.
- 3.9 Where the Monitoring Officer is of the opinion that such a matter is not capable of local resolution, is so serious that local resolution is not appropriate or where such efforts have failed, the Monitoring Officer may report the matter to the Public services Ombudsman for Wales. Before so reporting, the Monitoring Officer shall where practicable consult the Chief Executive (or in his/her absence the Section 151 Officer).

4 Conflicts

Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the authority, he/she shall consult the Chief Executive who may request an independent person or a neighbouring authority to make their Monitoring Officer available to the authority to investigate the matter and report to the Chief Executive and/or the authority as appropriate.

PART 3

RESPONSIBILITY FOR FUNCTIONS

References:

Chapter 3, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2006

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (SI2007 No. 399) (W.45)
Section 13, Local Government Act 2000

This Part of the Constitution sets out: -

- (1) Those functions which the law says only the Council can exercise ("the Council functions").
- (2) The functions which the law says may be dealt with in a way which is chosen by the Council ("local choice functions").
- (3) Functions not to be the sole responsibility of an Authority's Executive.
- (4) The functions which the law says are functions of the Executive ("Executive functions").
- (5) Other general delegations of functions.
- (6) Joint arrangements.

1. NOT RESPONSIBILITY OF THE EXECUTIVE - COUNCIL FUNCTIONS

Schedule 1 The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 - SI2007 No. 399

Note that for each delegation set out in this part, the delegation includes the power to take any steps in relation to the delegated function, including the authorisation of, or defence of, any proceedings in any court, tribunal, board or panel.

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
Section A paras. 1 to 39 42 incl.	Planning Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 1 to 5, 12 to 17, 19 to 20, 26 to 30, 32, 35, 35A, 39 to 41	Taxi & General Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 6 to 7	Licensing & Gambling Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 22, 23, 24, 31, 33, 34, 36, 37, 42, 43	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service. In relation to paras. 33 & 34 any Principal Solicitor.
Section C	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service or any of the following: - *Trading Standards, Licensing & Registrars Manager * Licensing <i>Officer-Manager</i> * Assistant Licensing <i>ManagerOfficer</i> * Senior Licensing Administrator * Licensing Administrator *Environmental Health Manager *Senior Trading Standards Officer *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer * Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer (Officers marked * are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory amendment thereto)
Sections D, E, F, G and H.	The Council	The Council, or the Chief

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
		Executive or any Director or the relevant Head of Service. In relation to Section D, the Electoral Services Manager.
Section I paras. 1, 2, 5, 7, 9, 11, 12, 13, 14, 15, 16	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service.
Section I para 17	The Council	The Council
Section I para. 6	<p>(a) In relation to the appointment of Head of Paid Service, the Council <u>but note</u> the provisions in I paras. 11-13 below, which must be exercised by the Council.</p> <p>(b) A Committee of 9 Members (the Appointments Committee) shall discharge on behalf of the Council the appointment of a Chief Officer, deputy Chief Officers and Head of Democratic Services and to determine any details relating to such appointments (except remuneration of Chief Officers which must be determined by Council)</p> <p>(c) In relation to applications for voluntary early retirement/ redundancy, a committee ("the Pensions/ Compensation Committee") of 7 members to determine such applications and to approve the early release of pension benefits exercising the Council's discretionary powers under the Local Government Pensions Scheme Regulations</p> <p>(d) In relation to all other staff the Head of Paid</p>	<p>(b) All those matters within the Committee's Terms of Reference are delegated to that Committee.</p> <p>(c) All those matters within the Committee's Terms of Reference are delegated to that Committee.</p> <p>(d) The Chief Executive and any person nominated by the</p>

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
	Service or his/her nominee.	Chief Executive.
Section I paras, 3 & 4.	The Planning Committee as described in Article 8.	As set out in Article 8.
Section I para. 8	The Standards Committee as described in Article 9.	As set out in Article 9.
Section I para. 10	Licensing Committee (as set out in Article 8)	As set out in Article 8.
Those functions specified by law as being the responsibility of the Council including: (a) the setting of the Budget; (b) the setting of the policy framework; (c) any housing land transfers.	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
The functions of - (a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted — (i) in the exercise of a function specified in column (1) of Schedule 1; or (ii) otherwise than by an executive of the authority, in the exercise of any function under a local Act; or (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject, are not to be the responsibility of an executive of the authority.	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
The functions of determining whether, and in what manner, to enforce - (a) any failure to comply with an approval, consent, licence, permission or registration granted in the exercise of a function	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
specified in column (1) of Schedule 1. (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject, or (c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority is not to be the responsibility of the executive of the authority.		
The function of - (a) amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term as mentioned in paragraph (2) to which it is subject; or (b) revoking any such approval, consent, licence, permission or registration, is not to be the responsibility of an executive of the authority.	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
The function of making any scheme authorised or required by regulations under section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme, is not to be the responsibility	The Council (receiving recommendations from the Executive)	

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
of an executive of the authority. <ul style="list-style-type: none"> • Section 101 of the Local Government Act 1972 (Powers to Delegate Functions) does not apply in relation to this provision. 		
The functions of determining <p>(a) the amount of any allowance payable under —</p> <ul style="list-style-type: none"> (i) subsection (5) of section 22 of the 1972 Act (chairman's expenses); (ii) subsection (4) of section 24 of that Act (vice-chairman's expenses); (iii) subsection (4) of section 173 (financial loss allowance) of that Act(1); (iv) section 175 of that Act (allowances for attending conferences and meetings); <p>(b) the rates at which payments are to be made under section 174 of that Act (travelling and subsistence allowances);</p> <p>(c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989 or regulations made under section 100 of the 2000 Act, or the rates at which payments by way of any such allowance are to be made;</p> <p>(d) whether a charge should be made for any</p>	The Council (receiving recommendations from the Executive)	

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
<p>approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and</p> <p>(e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge; are not to be the responsibility of an executive of the authority.</p> <p>* Section 101 of the Local Government Act 1972 (Powers to Delegate) does not apply in relation to (a) to (c) above.</p>		
<p>Subject to any provision of regulations under section 20 (joint exercise of functions) of the 2000 Act the function of making arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act is not to be the responsibility of an executive of the authority.</p>	The Council	The Chief Executive or any Director or the relevant Head of Service.
<p>The function of making appointments under section 102 (appointment of committees) of the 1972 Act is not to be the responsibility of an executive of the authority.</p>	The Council	The Chief Executive or any Director or the relevant Head of Service.

The detail of the functions set out above is as follows:-

(1)	(2)
Function	Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).

2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission & overlapping applications.	Sections S70A & S70B of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Sections 69, 74, 76, 91 and 92 of the Town and Country Planning Act 1990 and supporting regulations
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (as amended).
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to control the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13. Power to require the discontinuance of a use of land or alteration or renewal of buildings or works .	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.

16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17, 19 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9).
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
22. Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. Power to execute urgent works and	Section 54 & 55 of the Planning (Listed

recovery of expenses.	Buildings and Buildings in Conservation Areas) Act 1990.
28. Power related to discontinuance of mineral workings.	Schedule 9 of the Town and Country Planning Act 1990.
29. Power related to footpaths and bridleways.	Section 257 & 258 of the Town and Country Planning Act 1990.
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33).
31. Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.
32. Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.
33. Local development orders	Sections 61A to D of the Town and Country Planning Act 1990 as amended
34. Simplified planning zones	Sections 82 to 87 and Schedule 7 of the Town and Country Planning Act 1990 as amended
35. Powers to revoke or modify a planning permission	Sections 97 to 99 of the Town and Country Planning Act 1990 as amended
36. Duty of mineral planning authority to review mineral workings	Section 105 of the Town and Country Planning Act 1990 as amended
37. Screening and scoping of Environmental Impact Assessment applications and other duties in respect of EIAs	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended
38. The determination of applications submitted under the Building Regulations	The Building Act 1984 as amended and associated Building Regulations
39. Duties as specified under the Building Act 1984 including the service of notice on dangerous structures.	The Building Act 1984 as amended and associated Building Regulations
<u>40. Power to deal with non-material amendments</u>	<u>Section 96A of the Town & Country Planning Act 1990</u>
<u>41. Power to declare an application invalid</u>	<u>Section 62 of the Town & Country Planning Act 1990</u>
<u>42. Power to deal with statutory pre-application enquiries</u>	<u>The Town & Country Planning (Pre-Application Services) (Wales) (Regulations) 2016</u>

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). <u>And Section 7(1) of the Mobile Homes (Wales) Act 2013</u>
2. Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).
3. Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to licence operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to issue licences, certificates and permits in accordance with the Licensing Act 2003	Licensing Act 2003
7. Power to issues licences and permits in accordance with the Gambling Act 2005	Gambling Act 2005
There is no paragraph 8 duties are incorporated into the Gambling Act 2005	
There is no paragraph 9 duties are incorporated into the Gambling Act 2005	
There is no paragraph 10 duties are incorporated into the Gambling Act 2005	
There is no paragraph 11 duties are incorporated into the Gambling Act 2005	

12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12)
13. Power to licence sex shops and sex cinemas & Sexual Entertainment Venues.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 and S27 the Policing & Crime Act 2009.
14. Power to licence performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
15. Power to licence premises for acupuncture, tattooing, cosmetic piercing, semi permanent skin colouring, and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003.
16. Power to licence pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
17. Power to licence market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
<u>18. Duty to keep list of persons entitled to sell non-medicinal poisons.</u> <u>Blank</u>	<u>Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66).</u>
19. Power to issue registrations or licences for the manufacture and storage of explosives	<u>Manufacture and Storage of Explosives Regulations 2005</u> <u>The Explosive Regulations 2014</u>
19A. Power to issues licences for the supply of fireworks	Explosives Act 1875 and the Fireworks Regulations 2004
19B. Power to issues licences for the keeping of petroleum spirit	<u>Petroleum (Regulations) Act 1928 and 1936. The Petroleum (Consolidation) Regulations 2014</u> Health & Safety at Work etc Act 1974
20. Power of register and licence premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
21. BLANK	
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).

24. Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004 (c.21)
25. BLANK	
26. Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963 (c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
28. Power to licence zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).
29. Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
29A. Power to licence riding establishments	Riding Establishments Act 1964 & 1970
30. Power to enforce regulations in relation to animal by-products.	Animal By-products Enforcement No. 2 (Wales) Regulations 2011
31. Power to licence the employment of children.	Part II of the Children and Young Persons Act 1933 (c.12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
32. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Marriages & Civil Partnerships (Approved Premises) Regulations 2005 & 2011
33. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).

34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).
35. Power to issue a permit to conduct a street collection.	Police, Factories etc (Miscellaneous Provisions Act) 1916
35A. Power to issue a licence to conduct a house to house collection.	Section 2 of the House to House Collections Act 1939 as amended by the Local Government Act 1972 and the House to House Collections Regulations 1947
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
38. BLANK	
39. Power to enforce regulations in relation to the movement of pigs.	Section 25 Pigs (Records, Identification and Movement (Wales) Order 2011.
40. Power to issue a licence to move cattle from a market.	Schedule 1 Para 3(3) of the Cattle Identification (Wales) Regulations 2007.
41. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.
43. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c.17).
C. Functions relating to health and safety at work	
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).

D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c. 2).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
4. Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and

extracts from, elections documents.	rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).
18. Miscellaneous electoral functions under Part II, S.I. 2003/284.	The National Assembly for Wales (Representation of the People) Order 2003, S.I. (2003/284).
19. Duty to assign officers to assist at the elections of the Police & Crime Commissioner	Section 54(4) Police Reform & Social Responsibility Act 2011
E. Functions relating to name and status of areas and individuals	
1. Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.
F. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 300).
G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
H. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)
2. Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c.42).
3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 of the Fire and Rescue Services Act 2004.

I. Miscellaneous functions	
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005 .
2. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).
3. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892).
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
5. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
6. Appointment and dismissal of staff.	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.
7. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
8. Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c.10).
9. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c.16).
10. Powers in respect of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c.3).
11. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c.42).
12. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c.42).
13(a) Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
13(b) Duty to designate an officer as Head of Democratic Services to provide staff etc	Section 8 of the Local Government Wales Measure 2011
14. Duty to determine affordable borrowing	Section 3 of the Local Government Act

limit.	2003 (c.22).
15. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.
16. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c.11).
17. Determination of level and any change in the level of remuneration to be paid to a Chief Officer	Regulation 7 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the 2014 amendment regulations.

The Constitution establishes the following Committees to discharge some of the Council's functions. Their Terms of Reference and delegated powers are set out in detail in the parts of this Constitution as follows:

Committee	In this Constitution at:
Audit Committee	Article 8
Planning Committee	Article 8
Rights of Way Cabinet Committee	Part 3 Responsibility for Executive Functions
Licensing & Gambling Committee	Article 8 and Part 3 Table 1
Taxi & General Committee	Article 8 and Part 3 Table 1
Standards Committee	Article 9
Appointments Committee	Part 3 Table 1
Appeals Panel Committee	Part 3 Table 2
Pensions/Compensation Committee	Part 3 Table 1
Democratic Services Committee	Article 8
Investigating and Disciplinary Committee	Officer Employment Procedure Rules Part 4

OTHER DELEGATED POWERS

Power	Delegation
1. The power to fix criteria by which the qualifications for authorisation to allow individual staff are measured and applied, and to issue and certify authorisations of officers.	The Director or any Head of Service in that Directorate in relation to any staff in that Directorate.
2. All other functions including emergency action where this is necessary to protect the Council's interests.	The Council, or the Chief Executive or any Director or the relevant Head of Service.

The statutory functions referred to in the above table are as follows:-

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Agricultural Produce (Grading & Marking) Acts 1928, 1931
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Acts 1967 - 1970

Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Anti Social Behaviour Crime & Policing Act 2014
Banking Act 1987

Breeding of Dogs Acts 1973 - 1991

British Telecommunications Act 1981
Building Act 1984
Cancer Act 1939
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Charities Acts 1992 and 2006
Children and Families Act 2014
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Acts 1933 - 1963
Children Act 1989 – 2004
Children Leaving Care Act 2000
Clean Air Acts 1956 - 1993
Clean Neighbourhood and Environment Act 2005
Climate Change Act 2005
Commons Registration Act 1965/2006
Companies Act 1985 and 2006
Consumer Credit Act 1974 & 2006
Consumer Protection Act 1987
Consumer Rights Act 2015
Control of Horses (Wales) Act 2014
Control of Pollution Acts 1974 – 1989
Copyright Designs and Patents Act 1988
Courts and Legal Services Act 1990
Countryside and Rights of Way Act 2000
Criminal Justice Act 1982, 1988, 1991
Criminal Justice and Police Act 2001
Dangerous Wild Animals Act 1976

Data Protection Act 1998

Development of Tourism Act 1969
Dogs (Fouling of Land) Act 1996
Dogs Act 1906
Education Act 1996
Education Act 1997
Education Act 2002 & 2005
Education (Fees & Awards) Act 1983 (Discretionary Award)
Education Reform Act 1988
Education & Inspections Act 2006
Electricity at Work Act 1989
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environment Act 1995
Environmental Protection Act 1990

Environment (Wales) Act 2016

Estate Agents Act 1979
* European Communities Act 1972
Explosives Act 1875

Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fire Precautions Act 1971
Fire Safety and Safety of Places of Sports Act 1987
Fireworks Act 1951
Fireworks Act 2003
Flood Management Act 2010
Food and Environment Protection Act 1985
Food Hygiene Rating Wales Act 2013
* Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006

Freedom of Information Act 2000

Gambling Act 2005
Hallmarking Act 1973
Hazardous Substances Act 1990
Health Act 2006
Health and Safety at Work etc Act 1974
Highways Act 1980
Home Safety Act 1961
House to House Collections Act 1939
Housing Act 1985
Housing Act 1996
Housing Act 2004

Housing (Wales) Act 2014

Housing Grants, Construction and Regeneration Act 1996
The Hypnotism Act 1952
Insurance Brokers (Registration) Act 1977
Insurance Companies Act 1982
Intoxicating Substances (Supply) Act 1985
Land Drainage Act 1991
Law of Property Act 1925
Learning & Skills Act 2000
Licensing Act 2003
Local Government Byelaws (Wales) Act 2012
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Local Government Acts 1972 – 2003
Local Government and Housing Act 1989
Malicious Communications Act 1988
Medicines Act 1968
Mines & Quarries (Tips) Act 1969
Mobile Homes (Wales) Act 2013
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Lotteries etc. Act 1993
Natural Environment and Rural
Communities Act 2006
New Roads and Street Works Act 1991
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offensive Weapons Act 1996
Offices, Shops and Railway Premises Act 1963
Olympic Symbol etc., (Protection) Act 1995

Performance of Animals (Regs) Act 1925
Pet Animals Act 1951

Petroleum (Consolidation)

Act 1928

Petroleum (Transfer of Licenses)

Act 1936

Planning Act 2008

Planning & Compensation Act 1991

Planning and Compulsory Purchase Act 2004

Planning Listed Buildings and Conservation Areas Act 1990

Planning (Wales) Act 2015

Poisons Act 1972

Police Reform and Social Responsibility Act 2011

Pollution Prevention and Control Act 1999

Powers of the Criminal Courts (Sentencing) Act 2000

Prevention of Damage by Pests Act 1949

Prices Acts 1974 and 1975

Proceeds of Crime Act 2002

Property Misdescriptions Act 1991

Psychoactive Substances Act 2016

Public Health (Control of Disease) Act 1984

Public Health (Recurring Nuisances) Act 1969

Public Health Acts 1936 to 1961

Refuse Disposal (Amenity) Act 1978

Registration Service Act 1953

Regulation and Inspection of Social Care (Wales) Act 2016

Reservoirs Act 1975

Riding Establishments Acts 1964 to 1970

Road Traffic (Foreign Vehicles) Act 1972

Road Traffic Acts 1974 - 1988

Safety of Sports Grounds Act 1975

School Standards & Framework Act 1998

School Standards and Organisation Wales Act 2013

Scrap Metal Dealers Act 2013

Scotch Whisky Act 1988

Slaughter of Poultry Act 1967

Slaughterhouses Act 1974

Social Services & Wellbeing (Wales) Act 2014

Solicitors Act 1974

Special Educational Needs & Disability Act 2001

Sunbeds (Regulation) Act 2010

Sunday Trading Act 1994

Tattooing of Minors Act 1969

Teaching & Higher Education Act 1998

Telecommunications Act 1984

Theft Acts 1968 and 1978

Timeshare Act 1992

Town and Country Planning Act 1990

Tobacco Advertising & Promotion Act 2002

Town Police Clauses Act 1847

Trade Descriptions Act 1968

Trade Marks Act 1994

Trading Representations (Disabled Persons) Acts 1958 and 1972

Trading Schemes Act 1996

Trading Stamps Act 1964

Traffic Management Act 2004
Transport Act 1985, 2000 & 2006
Unsolicited Goods and Services Acts 1971 and 1975
Vehicles (Crime) Act 2001
Vehicles (Excise) and Registration Act 1994
Video Recordings Acts – 2010
Water Industry Act 1991
Water Act 1989
Weights and Measures Act 1985
Wellbeing of Future Generations Act 2015
Wildlife and Countryside Act 1981

- * The Food Hygiene (Wales) Regulations which enact in regulations the provisions under the Food Safety Act and European Communities Act regulations.

2. **FUNCTIONS WHICH MAY BE (BUT NEED NOT BE) THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE - "LOCAL CHOICE FUNCTIONS"**

Function	Decision making body	Membership	Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
2. The determination of an appeal against any decision made by or on behalf of the authority.	(a) The Council in relation to matters of disciplinary appeals a committee designated "the Appeals <u>Panel Committee</u> " whose terms of reference are to hear and determine appeals from decisions connected with officer dismissal; (b) In relation to other appeals or applications as may fall to be considered by the Council in a quasi judicial manner, the Licensing Committee described in Article 8;	(a) 3 members (b) 15 members	(a) All those matters within the <u>Panels Committee's</u> Terms of Reference. (b) All those matters within the Committee's Terms of Reference.
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.

Function	Decision making body	Membership	Delegation of Functions
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
5. The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
6. The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
7. Any function relating to contaminated land.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer <u>(Directorate of the Environment)</u> after consultation with the Leader or the appropriate Cabinet member.
8. The discharge of any function relating to the control of pollution or the management of air	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:-

Function	Decision making body	Membership	Delegation of Functions
quality			Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer <u>(Directorate of the Environment)</u> after consultation with the Leader or the appropriate Cabinet member.
9. The service of an abatement notice in respect of a statutory nuisance	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer <u>(Directorate of the Environment)</u> after consultation with the Leader or the appropriate Cabinet member.
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
11. The inspection of the authority's area to detect any statutory nuisance.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer;

Function	Decision making body	Membership	Delegation of Functions
			Enforcement Officer <u>(Directorate of the Environment)</u> after consultation with the Leader or the appropriate Cabinet member.
12. The investigation of any complaint as to the existence of a statutory nuisance.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer <u>(Directorate of the Environment)</u> after consultation with the Leader or the appropriate Cabinet member.
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or the Development Control Manager after consultation with the Leader or the appropriate Cabinet member.
14. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
15. The making of agreements for the execution of highways works	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or the Transportation

Function	Decision making body	Membership	Delegation of Functions
			Engineering Group Manager or the Highways Operations Group Manager after consultation with the Leader or the appropriate Cabinet member.
<p>16. The appointment of any individual:-</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:-</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities;</p> <p>or</p> <p>(c) to any committee or sub-committee of such a body,</p> <p>and the revocation of any such appointment.</p>	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.</p>
<p>17. Power to make payments or provide other benefits in cases of maladministration etc.</p>	The Council acting through the Standards Committee (Standards Committee may approve payments of up to £10,000 total in any one case.	Standards Committee as defined in Article 9 of Part 2 of this Constitution.	As set out in the terms of reference of the Standards Committee.
<p>18. Functions in respect of the calculation of council tax base in accordance with any of the following-</p> <p>(a) the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992;</p> <p>(b) the determination of an amount for item TP in sections</p>	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.</p>

Function	Decision making body	Membership	Delegation of Functions
34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.			
19. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Council (through the Licensing & Gambling Committee)	As in Article 8.	Licensing & Gambling Committee. As set out in Article 8.
20. Functions in respect of gambling in accordance with any of the following- (a) a resolution not to issue casino licenses in accordance with section 166 of the Gambling Act 2005 (c.19); (b) prescribing of fees in accordance with section 212 of the Gambling Act 2005; (c) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005; (d) authorised persons in accordance with section 304 of the Gambling Act 2005; (e) prosecutions by a licensing authority in accordance with section 346 of the Gambling Act 2005; (f) three-year licensing policy in accordance with	The Council in respect of (a) and (f). The Council through the Licensing & Gambling Committee in respect of (b), (c), (d), (e)	As in Article 8.	None in relation to (a) and (f) The Licensing & Gambling Committee as set out in Article 8 in respect of (b), (c), (d), (e)

Function	Decision making body	Membership	Delegation of Functions
Gambling Act 2005.			
21. The approval and/or determination of school organisation proposals (including those which receive objections (except for those that are required to be considered by Welsh Ministers).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution	The Cabinet

3. **FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE**

These relate to the approval of specified plans which the law, or separate decision of the Council, requires that the Executive will consider those plans but pass them by way of a recommendation to the Council to finally determine.

(1)	(2)
Plans, schemes and strategies	Reference
The Caerphilly Delivers Single Integrated Plan 2013 to 2017	Shared Purpose - Shared Delivery Guidance on Integrating Partnerships and Plans Welsh Government 19th June 2012
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37).
Local Transport Plan	Section 108 of the Transport Act 2000 (c.38).
Plans and alterations which together comprise the Local Development Plan	Section 10A of the Town and Country Planning Act 1990 (c.8).
Welsh Language Scheme	Section 5 of the Welsh Language Act 1993 (c.38).
Blaenau Gwent & Caerphilly Youth Offending Service Youth Justice Plan 2012-2014	Section 40 of the Crime and Disorder Act 1998 (c.37).
Local Housing Strategy	Section 87 of the Local Government Act 2003 (c.26).
Local Wellbeing Plan	As required under the Wellbeing of Future Generations Act 2015

Note: the provisions of regulation 5 of the 2007 regulations in relation to the above table.

CIRCUMSTANCES IN WHICH THE FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

These provisions limit the right of the Executive to take a decision under certain circumstances (e.g. not in accordance with approved budget or policy framework). In these circumstances the Executive will refer the matter by way of a recommendation to the Council, for final determination.

(1)	(2)
Function	Circumstances
<p>1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or referred to in Article 4.</p>	<p>The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
<p>2. The determination of any matter in the discharge of a function which —</p> <ul style="list-style-type: none"> (a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure. 	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made —</p> <ul style="list-style-type: none"> (a) is minded to determine the matter contrary to, or not wholly in accordance with — <ul style="list-style-type: none"> (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.

Note: the provisions of regs 6(2) to (5) of the 2007 regulations in relation to the above table.

4. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

"Executive functions" are all the functions of the Council except:-

- (a) those which the law says are functions of the Council alone (Section 1 of this part of the Constitution);
- (b) the "local choice functions" (Section 2 of this part of the Constitution) which have been allocated to the Council rather than to the Executive. Note that Section 2 lists specific functions which have been allocated to the Executive;
- (c) functions which are not to be the sole responsibility of an authority's Executive. These are set out in the table below;
- (d) Circumstances in which functions are not to be the responsibility of an authority's Executive. These are set out in a table below and generally relate to circumstances where the decision would conflict with the Council's budget or its overall strategy policy framework.

EXECUTIVE FUNCTIONS

NOTE THAT the Executive powers delegated to any officer is subject to the right of the appropriate Cabinet member, or the Leader in any matter, to require that the proposed decision be taken by the Cabinet.

NOTE THAT each delegation includes the power to take any steps in relation to the delegated function, including the authorisation of or defence of any proceedings in any court, tribunal, board or panel.

Function	Responsible	Delegation
(a) The Finance and Resources function <ul style="list-style-type: none"> • The proper financial planning budgeting and control • Control of the Authority's resources • Information Technology Services • Personnel Services • Financial Services • Electoral Registration • Legal Services • Audit Services • Procurement Services • Democratic Services • Corporate Policy (including Equalities & Welsh Language see paragraph (f)) • Property Services • Corporate Asset Management • Corporate Health & Safety including liaison with the Health & Safety Executive • <u>Information Governance including Data Protection/Freedom of Information</u> 	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service and in relation to Financial Services any of the following: Council Tax & NNDR Manager Finance Managers (Corporate Services, Education, Environment & Social Services) Housing Benefits Manager _____Internal Audit Manager <u>and in relation to Information Governance the Senior Information Risk Owner</u>

Function	Responsible	Delegation
<p>(b) The Personnel function All aspects of the Council's functions as an employer including the oversight of recruitment, terms and conditions of employment, conduct and discipline, structural review and the consequences thereof.</p>	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
<p>(c) The Housing function</p> <ul style="list-style-type: none"> • Private Housing Enforcement (including the HMO's, clearance, compulsory purchase orders, renewal areas and all types of housing grants) • Housing Agency Service • <u>Homelessness & Housing Advice</u> • Landlord Services • Housing Strategy • <u>Older Persons</u> Accommodation Services • Housing Repair Operations • Delivery of Welsh Housing Quality Standards 	The Cabinet	<p>The Cabinet, or the Chief Executive, or any Director or the relevant Head of Service or any of the following:</p> <p><u>Head of Programmes</u> <u>Building Maintenance</u> <u>Manager Housing Repair</u> <u>Operations Manager</u> (in relation to Housing Repair Operations) Chief Housing Officer Private Sector Housing Manager Principal Housing Officer (Private Sector) Public Sector Housing Manager <u>Homelessness & Housing Advice Manager</u></p>
<p>(d) The Social Services function</p> <ul style="list-style-type: none"> • Strategic issues in relation to the provision of Children's & Adult Social Services other than those functions imposed by Section 2 and Schedule 1 of the Local Authority Social Services Act 1970 which fall to be specifically discharged by the Health & Social Care Scrutiny Committee • Provision of advice, guidance and support • The assessment, care planning and reviewing of all support packages for service users meeting the defined eligibility thresholds in line with current legislation, regulation and statutory guidance • Commissioning and contracting for Social Services 	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
<p>(e) The Education & Lifelong Learning function</p> <ul style="list-style-type: none"> • The discharge of the Council's obligations as Local Education Authority under statute 	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.

Function	Responsible	Delegation
<ul style="list-style-type: none"> • The implementation of the School Standards and Framework Act 1998 and associated legislation • The preparation and scrutiny of education and lifelong learning strategic plans and best value performance plans • Raising standards in schools, monitoring of schools' performance, curriculum advice and support and other activities set out in the LEA-Schools Code of Conduct • Local Management of Schools and Fair Funding • Forward planning re. school places, school admissions, student awards • Learning Support Services including educational psychology, education welfare, behavioural support and managing pupil exclusions • Governor support and training • Welsh Language Education • Agreed RE Syllabus • Partnerships • Lifelong learning, and <u>community Adult</u> education • Public libraries Library Service • Music Service • Securing grants • Youth Service • <u>Community Centres</u> 		
<p>(f) The Environment function</p> <ul style="list-style-type: none"> • Emergency Planning • Community & Leisure Services including waste collection, waste disposal, street cleansing, , public conveniences, Cemeteries and Bereavement Services, Parks_& Outdoor Sports Facilities, Fleet Management & Maintenance, Sport & Leisure Services, <u>Community Centres</u>, Building Cleaning • Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land) • Public Health (including infectious diseases, statutory nuisance, sewer/drains, health promotion/education) 	<p>The Cabinet</p> <p>The Cabinet</p>	<p>The Cabinet or the Chief Executive or any Director or relevant Head of Service</p> <p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service or any of the following:</p> <p>Waste Strategy & Operations Manager</p> <p>Parks & Outdoor Facilities Manager, <u>Fleet Manager</u></p> <p><u>Principal Officer</u></p> <p><u>Bereavement & Outdoor Facilities-Acting Parks Manager</u></p> <p>Sports and Leisure <u>Services Facilities</u> Manager, <u>Sports & Leisure Development Manager</u> Trading Standards</p>

Function	Responsible	Delegation
<ul style="list-style-type: none"> • Trading Standards Enforcement • Food Safety Enforcement • Community Safety • Pest Control, Dog Warden, Animal Trespassing Services • Animal Health and Welfare Enforcement • Power to issue Scrap Metal Dealers Licences (including enforcement action) • Licensing (other than those functions set out in the 'Council functions' and the 'Local Choice functions' sections of this Part of the Constitution, when the functions are Council functions. • Catering 		<p>Licensing & Registrars Manager</p> <p>Community Safety</p> <p><u>Manager</u></p> <p>Community Safety Warden Community Safety Officer Assistant Community Safety Officer Environmental Health Manager Senior Trading Standards Officer Senior Environmental Health Officer</p> <p>with delegated powers to the Head of Public Protection and the Head of Community & Leisure Services and the Head of Regeneration & Planning to any authorised officer to take appropriate steps (including the service of any notices and taking of any proceedings) under the provisions of the Clean Neighbourhood and Environment Act 2005 and the Anti-Social Behaviour Act 2003. The Head of Public Protection is authorised to fix the level of fine for fixed penalty notices following consultation with relevant officers and Cabinet members.</p> <p>Trading Standards Officer Environmental Health Officer Licensing Officer<u>Manager</u></p> <p>Special Projects</p> <p><u>Officer</u></p> <p>Assistant Licensing Officer<u>Manager</u></p> <p>Senior Fair Trading Officer Fair Trading Officer Senior Commercial Safety Officer Commercial Safety Officer Enforcement Officer Technical Assistant Senior Pest Control/Straying Animals Officer Pest Control/Animal Trespass/Dog Warden</p> <p>The above are authorised to take any action in relation to the functions in this section of the table including the authorising</p>

Function	Responsible	Delegation
<p>The power to grant, refuse, renew, vary, impose conditions and/or suspend a licence for dog breeding establishments</p> <p>The power to determine disputed decisions to suspend or vary and to reinstate or revoke a licence for dog breeding establishments</p> <p>Corporate Policy including Equalities and Welsh Language</p> <p>To approve or refuse applications for funding under the Technical Assistance Fund Greener Caerphilly Small Grants Fund</p> <p>Proper Officer for the Administration of Registration of Births, Deaths and Marriages under Section 13 of the Registration Service Act 1953 and Section 270 of the Local Government Act 1972</p>		<p>or defence of legal proceedings of any nature and in any court, tribunal, board or panel and without prejudice to the generality of this authorisation to exercise functions from the list of statutes appearing at the end of this table, so far as those functions are Executive functions.</p> <p>Licensing Officers</p> <p>Trading Standards, Licensing & Registrar Manager</p> <p>The Cabinet or the Chief Executive or any Director or the Head of Public Protection</p> <p>The Cabinet or the Chief Executive or any Director or the Head of Public Protection</p> <p>Trading Standards, Licensing and Registrars Manager</p>
<p>(g) The Planning function</p> <ul style="list-style-type: none"> • Planning - Development and Building Control • Planning - Strategic Planning and Urban Renewal • Planning - Countryside and Landscape Services • Planning - Land Management • Planning – public rights of way • Planning Economic Development & Rural functions • Planning Economic Development including European & Rural Development Programme functions • Planning – Tourism including inward investment and Arts Development • Planning Business Development • Planning maximisation of funding 	<p>The Cabinet</p>	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service <u>or the Development Control Manager.</u></p>

Function	Responsible	Delegation
<p>opportunities from external funding sources including funding from Europe</p> <ul style="list-style-type: none"> • Planning Sustainable Development • Planning & Bio-diversity duties • Planning control of non-native species • <u>Regeneration including Communities First</u> • Rights of Way matters including Local Access Forum 	Rights of Way Cabinet Committee	See entry later in this section
<p>(h) Highways and Transportation Functions</p> <ul style="list-style-type: none"> • Highways Maintenance • Street Lighting • Functions under the highways legislation • Construction • Civil Engineering Design and Procurement • Structures • Transportation Planning and Improvements • Engineering Services • Public Transport • Education and Social Services Transport Operations • Highway Development Control • Land Reclamation and Tips • Land Drainage • Road Safety Education and Training • Traffic Management including Traffic Regulation Orders and Notices • Car Parking 	Cabinet	The Cabinet, or the Chief Executive of any Director or the relevant Head of Service. In relation to approval and signing of emergency road closure orders the Transportation Engineering Group Manager or the Highways Operations Group Manager <u>or the Engineering Projects Group Manager.</u>
<p>(i) The development and implementation of the Council's Corporate Plan and corporate themes through a multi-agency approach of community planning of the delivery of services to achieve the Council's strategic objectives</p>	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
<p>(j) The power to enter into joint or delegated function arrangements with one or more other authorities or bodies as permitted by law from time to time and to delegate executive functions.</p>	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
<p>(k) Any executive functions not allocated</p>	The Leader	The Leader

Function	Responsible	Delegation
in accordance with the executive arrangements of the Council. Section 15(4) Local Government Act 2000	(NOTE: this reflects a delegated power given by S.15(4) Local Government Act 2000)	
(l) The power to set up committees of the Cabinet for any purpose and to delegate to that committee such power or powers as may be appropriate.	The Cabinet	The Cabinet
(m) Emergency action where this is necessary to protect the Council's interests.	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.

The statutory functions referred to in the above table are as follows:-

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Agricultural Produce (Grading & Marking) Acts 1928, 1931
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Acts 1967 - 1970
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Anti Social Behaviour Crime & Policing Act 2014
Banking Act 1987
Breeding of Dogs Acts 1973 - 1991
British Telecommunications Act 1981
Building Act 1984
Cancer Act 1939
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Charities Act 1992 and 2006
Children and Families Act 2014
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Acts 1933 - 1963
Children Act 1989 – 2004
Children Leaving Care Act 2000
Clean Air Acts 1956 - 1993
Clean Neighbourhoods and Environment Act 2005
Climate Change Act 2008
Commons Registration Act 1965/2006
Companies Act 1985 and 2006
Consumer Credit Act 1974 & 2006
Consumer Protection Act 1987
Consumer Rights Act 2015

Control of Horses (Wales) Act 2014
Control of Pollution Acts 1974 - 1989
Copyright Designs and Patents Act 1988
Courts and Legal Services Act 1990
Countryside & Rights of Way Act 2008
Criminal Justice Act 1982, 1988, 1991
Criminal Justice and Police Act 2001
Dangerous Wild Animals Act 1976

Data Protection Act 1998

Development of Tourism Act 1969
Dogs (Fouling of Land) Act 1996
Dogs Act 1906
Education Act 1996
Education Act 1997
Education Act 2002 & 2005
Education (Fees & Awards) Act 1983 (Discretionary Award)
Education Reform Act 1988
Education & Inspections Act 2006
Electricity at Work Act 1989
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environment Act 1995
Environmental Protection Act 1990

Environment (Wales) Act 2016

Estate Agents Act 1979
* European Communities Act 1972
Explosives Act 1875
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fire Precautions Act 1971
Fire Safety and Safety of Places of Sports Act 1987
Fireworks Act 1951
Fireworks Act 2003
Flood Management Act 2010
Food and Environment Protection Act 1985
Food Hygiene Rating (Wales) Act 2013
* Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006

Freedom of Information Act 2000

Gambling Act 2005
Hallmarking Act 1973
Hazardous Substances Act 1990
Health Act 2006
Health and Safety at Work etc Act 1974
Highways Act 1980
House to House Collections Act 1939
Home Safety Act 1961
Housing Act 1985
Housing Act 1996
Housing Act 2004

Housing (Wales) Act 2014

Housing Grants, Construction and Regeneration Act 1996

The Hypnotism Act 1952
 Insurance Brokers (Registration) Act 1977
 Insurance Companies Act 1982
 Intoxicating Substances (Supply) Act 1985
 Land Drainage Act 1991
 Law of Property Act 1925
 Learning & Skills Act 2000
 Licensing Act 2003
 Local Government Byelaws (Wales) Act 2012
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Local Government Acts 1972 – 2003
 Local Government and Housing Act 1989
 Malicious Communications Act 1988
 Medicines Act 1968
 Mines and Quarries (Tips) Act 1969
 Mobile Homes (Wales) Act 2013
 Mock Auctions Act 1961
 Motor Cycle Noise Act 1987
 Motor Vehicles (Safety Equipment for Children) Act 1991
 Natural Environment & Rural Communities Act 2006
 New Roads & Street Works Act 1991
 National Lotteries etc. Act 1993
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Offensive Weapons Act 1996
 Offices, Shops and Railway Premises Act 1963
 Olympic Symbol etc., (Protection) Act 1995
 Performance of Animals (Regs) Act 1925
 Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licenses) Act 1936
 Planning Act 2008
 Planning & Compulsory Purchase Act 2004
 Planning, Listed Buildings & Conservation Areas Act 1990
Planning & Compensation Act 1991
Poisons Act 1972
Planning (Wales) Act 2015
 Police Reform and Social Responsibility Act 2011
 Pollution Prevention and Control Act 1999
 Powers of the Criminal Courts (Sentencing) Act 2000
 Prevention of Damage by Pests Act 1949
 Prices Acts 1974 and 1975
 Proceeds of Crime Act 2002
Property Misdemeanors Act 1991
 Psychoactive Substances Act 2016
 Public Health (Control of Disease) Act 1984
 Public Health (Recurring Nuisances) Act 1969
 Public Health Acts 1936 to 1961
 Refuse Disposal (Amenity) Act 1978
 Registration Service Act 1953
Regulation & Inspection of Social Care (Wales) Act 2016
 Reservoirs Act 1975
 Riding Establishments Acts 1964 to 1970
 Road Traffic (Foreign Vehicles) Act 1972
 Road Traffic Acts 1974 - 1988

Safety of Sports Grounds Act 1975
School Standards & Framework Act 1998
School Standards and Organisation Wales Act 2013
Scotch Whisky Act 1988
Scrap Metal Dealers Act 2013
Slaughter of Poultry Act 1967
Slaughterhouses Act 1974
Social Services & Wellbeing (Wales) Act 2014

Solicitors Act 1974
Special Educational Needs & Disability Act 2001
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Tattooing of Minors Act 1969
Teaching & Higher Education Act 1998
Telecommunications Act 1984
Theft Acts 1968 and 1978
Timeshare Act 1992
Tobacco Advertising & Promotion Act 2002
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representations (Disabled Persons) Acts 1958 and 1972
Trading Schemes Act 1996
Trading Stamps Act 1964
Traffic Management Act 2004
Transport Act 1985, 2000 and 2006
Town & Country Planning Act 1990
Unsolicited Goods and Services Acts 1971 and 1975
Vehicles (Crime) Act 2001
Vehicles (Excise) and Registration Act 1994
Video Recordings Acts – 2010
Water Industry Act 1991
Water Act 1989
Weights and Measures Act 1985
Wellbeing of Future Generations Act 2015
Wildlife & Countryside Act 1981

- * The Food Hygiene (Wales) Regulations which enact in regulations the provisions under the Food Safety Act and European Communities Act regulations.

RIGHTS OF WAY

A Rights of Way Cabinet Committee whose terms of reference are to discharge on behalf of the Cabinet the following functions: -

- a) Generally to consider and determine the creation, diversion and extinguishment of public rights of way
- b) To consider evidence and determine matters relating to the reclassification of Roads Used as Public Paths as required by the Wildlife and Countryside Act 1981
- c) To consider errors in the Definitive Map or the Definitive Statement and how they can be corrected.
- d) To make where appropriate Stopping Up Orders on Rights of Way under the Highways Act 1980
- e) To make where appropriate Modification Orders to Rights of Way as permitted by the Wildlife and Countryside Act 1981
- f) To consider evidence on claimed rights of way and to determine those claims
- g) To consider other such matters relating to the management of rights of way as specified on the Definitive Map or Statement as required to discharge the Authority's duties to manage Rights of Way.

POWERS DELEGATED TO THE COMMITTEE

Those matters listed in the terms of reference above.

POWERS DELEGATED TO OFFICERS

Power	Delegated to
All matters arising from the exercise of the committee's terms of reference	The Chief Executive or a Director or the relevant Head of Service after consultation with the Chair or Vice Chair of the committee.

* Note that the decisions of this committee are excluded from the Executive call-in provisions of the Council's Constitution.

*Note in relation to quorum, Cabinet at its meeting on 8th May, 2007, agreed that the quorum for a Committee would not fall below three in number.

5. GENERAL DELEGATIONS OF POWERS: COUNCIL & EXECUTIVE POWERS

NOTE THAT each delegation includes the power to take any steps in relation to the delegated function, including the authorisation of or defence of any proceedings in any court, tribunal, board or panel.

POWER	DELEGATED TO
(a) Determination of all matters which are not required to be considered by the Council or Cabinet or which have not been referred to a committee or a sub-committee for determination.	The Chief Executive or any Director or the relevant Head of Service.
(b) Determination of any urgent matter in the purview of the Council, the Cabinet or any committee of these where it is impractical to convene a meeting of that body to consider the matter.	Chief Executive or in his absence any Director.
(c) To serve requisitions for information under Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation.	Any Director or the relevant Head of Service.
(d) The approval of tenders or award of contracts within the terms of the Council's Financial Standing Orders or Financial Regulations	As set out in the Council's Standing Orders for Contracts or Financial Regulations as set out in Part 4 of the Constitution
(e) In any legal proceedings to have authority to take all action in relation to those proceedings, to prosecute pursue defend appeal abandon or settle those proceedings, and to have the authority to instruct or brief Counsel where considered appropriate.	Head of Legal Services or the Monitoring Officer or any Principal Solicitor; or the appropriate Director or the relevant Head of Service in consultation with the Head of Legal Services or any Principal Solicitor
(f) To act as proper officer:- (i) for the issue of determinations consents licences or notices within the Terms of Reference of the Planning Committee (ii) for the issue of determinations consents licences or notices on behalf of the Council (iii) for all matters arising out of Part VA of the Local	The Director of the Environment or the Head of Regeneration & Planning or the Development Control Manager. Chief Executive or the appropriate Director or the relevant Head of Service. Chief Executive or Director of Corporate Services or Monitoring

POWER	DELEGATED TO
Government Act 1972 (Access to Information) or the Local Government Act 2000	Officer
(iv) for the signing of any documents on behalf of the Council relating to land	Chief Executive or Head of Legal Services or any Principal Solicitor
(v) for the attestation of the Council's Seal as the officer authorised under the Council's Standing Orders	Chief Executive or Head of Legal Services or any Principal Solicitor.
(vi) for the signing of any contractual documents on behalf of the Council relating to any other matter	Chief Executive or Director of Corporate Services or Head of Legal Services or any Principal Solicitor or the appropriate Director or the relevant Head of Service subject to that officer advising and obtaining the approval of the Head of Legal Services of the proposed signing of such document in advance of such signing.
(vii) to act as Registrar of Local Land Charges and Commons Registration Officer.	Head of Regeneration & Planning or Development Control Manager or relevant Director or Head of Legal Services
(viii) Power to incur expenditure or take any other step in the day to day running in accordance with approved budgets of any Service area.	Chief Executive or the appropriate Director or the relevant Head of Service.
(ix) Power to set all fees and charges in accordance with the Council's policies.	The Chief Executive or any Director or relevant Head of Service in consultation with the Head of Corporate Finance and the appropriate Cabinet member. S.151 Officer or Head of Corporate Finance.
(x) To provide a certificate under Local Government (Contracts) Act 1997	
(xi) To act as 'proper officer' in relation to any other function not named above and referred to in any requirement in law in force for the time being.	The Chief Executive or Director of Corporate Services or Monitoring Officer
(xii) Functions relating to Cardiff Capital Region City Deal	The Chief Executive and the Leader or his/her nominated Deputy

6. The following joint arrangements have been established with other Local Authorities.

Glamorgan Archives Joint Committee.

Greater Gwent Cremation Joint Committee.

Gwent Frailty Joint Committee.

Gwent Archives Joint Committee

Welsh Purchasing Consortium and associated joint arrangements.

Heads of the Valleys Organic Waste Procurement Joint Committee

Joint Supplies Service Joint Committee

Cardiff Capital Region City Deal

Gadewir y dudalen hon yn wag yn fwriadol



ANNUAL COUNCIL 18TH MAY 2017

SUBJECT: CO-OPTED SCRUTINY COMMITTEE MEMBERS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek decisions on a process to appoint and also formalise arrangements for non-statutory co-opted members on Scrutiny Committees, and approval to remove co-opted positions available to organisations that no longer attend.

2. SUMMARY

- 2.1 This report outlines the current non-statutory co-opted membership on Health Social Care and Wellbeing Scrutiny Committee, Education for Life Scrutiny Committee and Partnerships Scrutiny Committee.
- 2.2 The co-opted members that sit on Health Social Care and Wellbeing Scrutiny Committee have continued since 2001 without review and there is no process in place to provide guidance on appointing new members. There have now been two resignations from the Health Social Care and Wellbeing Scrutiny Committee and this report suggests a procedure for seeking new nominations.
- 2.3 The co-opted members of Partnerships Scrutiny Committee were agreed by Council on 11th October 2016, this report suggest that the Youth Forum co-opted representative be allowed to nominate the Vice Chair of the Youth Forum as substitute co-opted member.
- 2.4 The Education for Life Scrutiny Committee non-statutory co-opted members were agreed by Cabinet in January 2000. This report suggests reviewing the number of non-statutory co-opted members because of lack of attendance and remove the positions for National Association Head Teachers (NAHT) and National Association of School Masters Union of Women Teachers (NASUWT). It suggested that the positions afforded to National Union of Teacher (with formal arrangements for substitution) and Caerphilly Governors Association be allowed to continue along with a defined term of office.

3. LINKS TO STRATEGY

- 3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation. The co-option of scrutiny committee members contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 by ensuring that there is an effective scrutiny function and council policies are scrutinised against the following goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

4. THE REPORT

Health Social Care and Wellbeing Scrutiny Committee

- 4.1 In order to provide a diverse range of experience and expertise the council has co-opted members onto its scrutiny committees. At present there four non-statutory co-opted members that sit on Health Social Care and Wellbeing Scrutiny Committee. The individuals and/or organisations represented have continued on an ongoing basis for a number of years without review.
- 4.2 The four non-statutory co-opted members were appointed to represent the Users and Carers Forum on the Health Social Care and Wellbeing Scrutiny Committee. However this forum no longer exists. These arrangements have continued since Council agreed them in 2001 when the scrutiny committees were first established.
- 4.3 The Council has received resignations from both Miss Louise Price and Mrs Margaret Veater and in that the Users and Carers forum no longer exists arrangements for appointing replacements need to be agreed.
- 4.4 It is suggested therefore the Council contact the Gwent Association of Voluntary Organisations to ask them to facilitate contact with charitable organisations that currently represent users and carers in the county borough. These organisations will then be asked to provide nominations for a co-opted member of the scrutiny committee subject to there being no more than one nomination from each organisation.
- 4.5 It is suggested that a co-opted member Appointments Sub-Committee of the Health Social Care and Wellbeing Scrutiny Committee will be established. The Sub-Committee will consist of the Chair, Vice Chair and one nominated committee member. The Sub-Committee will consider all nominated persons and select a shortlist for interview where they will determine the nominees experience and skills. Following the interview the Sub-Committee will make a recommendation to the Scrutiny Committee. The interview panel will also be permitted to suggest unsuccessful interviewees as reserves, should future vacancies arise.
- 4.6 The position will be offered for a fixed term to run concurrently with the term of office for each respective administration. They may then seek re-nomination, subject to the agreed selection process outlined above, which will also be applied to for any future vacancies as and when they occur.
- 4.7 The two remaining co-opted members of the committee, Mr Cyril Luke and Mrs Joyce Morgan have not expressed any desire to step down from their role. Therefore it is suggested that they be allowed to continue but are also placed on the same terms and will need to seek re-nomination when the term of office for each respective administration ends. The Co-opted Member from Aneurin Bevan University Health Board, Mrs S Millar, joined the committee in March 2016, the previous representative was a Co-opted Member between September 2012 and February 2016. The co-opted representative from ABUHB has historically been more flexible to allow for changes in personnel. However Members may wish to allow this flexibility to continue or seek to apply more rigid terms of office, as with other co-opted members.
- 4.8 A role description will be developed for all co-opted members and full training made available, co-opted members will also be expected to sign up to the code of conduct.

Partnerships Scrutiny Committee

- 4.9 Council agreed at its meeting on the 11th October 2016 to offer Caerphilly Youth Forum Cabinet a co-opted member's position on the Partnerships Scrutiny Committee. The Caerphilly Youth Forum subsequently accepted this offer and the Chair of the Youth Forum is the designated co-opted member. However since this position was offered the Youth Forum have asked if the Vice-Chair could be designated as a substitute co-opted member when the Chair is unavailable. This would also assist with continuity as the Vice Chair will take over the Chair of the Youth Forum each subsequent year, thereby ensuring they have an understanding of the role and what is expected of them.

Education for Life Scrutiny Committee

- 4.10 Education for Life Scrutiny committee has three statutory co-opted members, which are set out in the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001. These statutory co-opted members have voting rights on education matters and are required to sign the code of conduct on appointment.

Parent Governor Co-opted Members

- 4.11 The regulations state that there should be no less than two and no more than five parent governor representatives. Caerphilly County Borough Council has determined that there will be two parent governor representatives on Education for Life Scrutiny Committee. All parent governors are eligible to vote in the elections for parent governor representatives and to be eligible to stand a parent governors must, at the date of the election be a parent of a child at one of the authority's schools or educated by the local education authority. There are some restrictions on who can stand; for example, employees of the LEA are ineligible. The regulations also state that the term of office can range from a minimum of two to a maximum of five years. The Council has determined that parent representatives who will serve for four years.

Church School Representatives

- 4.12 The regulations state that where a local authority has a church school, the education scrutiny committee must have at least one representative of the persons who appoint foundation governors for schools. Cardiff Archdiocesan was therefore asked to nominate a representative in respect of St Helen's RC School in Caerphilly and the current Co-opted Member is the Chair of Governors for the School.

Payments to Statutory Co-opted Members

- 4.13 Statutory Co-opted Members are entitled to receive a remuneration package set by the Independent Remuneration Panel for Wales. Statutory Co-opted Members receive a payment of £99 for a half day (up to 4 hours) and £198 for a full day (over 4 hours). The daily fees are capped at a maximum of 10 days per annum.

Non-Statutory Co-opted Members

- 4.14 There are four non-statutory co-opted members on Education for Life Scrutiny Committee, representing organisations agreed by Cabinet in January 2000. These co-opted members are representatives of the following organisations:

- Caerphilly Governors Association
- National Union Teachers (NUT) – 2 representatives
- National Association Head Teachers (NAHT)
- National Association of School Masters Union of Women Teachers (NASUWT)

- 4.15 The attendance of these co-opted members is variable and has been collated over twelve months (period May 2016 to March 2017). The following table illustrates their attendance:

Organisation	Attendance	Percentage
Caerphilly Governors Association	5/8	62.5%
National Union Teachers (NUT)	8/8	100%
National Association Head Teachers (NAHT)	0/8	0%
National Association of School Masters Union of Women Teachers (NASUWT)	0/8	0%

- 4.16 Members may wish to review the number of non-statutory co-opted members in light of the lack of attendance and remove the positions for NAHT and NASUWT. It suggested that the positions offered to NUT and Caerphilly Governors Association be allowed to continue but are need to be re-nominated when the term of office for the administration ends. The National Union of Teachers currently have two members who are invited to attend, it is also suggested that a formal substitution arrangement is put in place so that only one representative attends.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the well-being goals as set out in links to strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in that by ensuring the scrutiny function is effective when reviewing services and policies and ensures it considers the wellbeing goals.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment is not needed because the issues covered have previously been considered by the Council and an EIA was completed at that time.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications not contained in the report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications not contained in the report.

9. CONSULTATIONS

- 9.1 There are no consultation responses not contained in the report.

10. RECOMMENDATIONS

- 10.1 That Council agree the process to appoint Co-opted Members to Health Social Care and Wellbeing Scrutiny Committee outlined in 4.4, 4.5, 4.6, 4.7 and 4.8 above.
- 10.2 That Council agree that the ABUHB Co-opted Member position appointed to Health Social Care and Wellbeing Scrutiny Committee continue to be flexible to allow for personnel changes in the organisation.
- 10.3 That Council agree that the Vice-Chair of the Youth Forum will be substitute member for the Chair of the Youth Forum, as non-voting Co-opted Member of Partnerships Scrutiny Committee.

- 10.4 That Council agree to remove the positions for NAHT and NASUWT as outlined in 4.14, 4.15 and 4.16 on Education for Life Scrutiny Committee.
- 10.5 That Council agree to the non-voting Co-opted Member positions for National Union of Teachers and Caerphilly Governors Association on Education for Life Scrutiny Committee be allowed to continue but are to be re-nominated when the term of office for each respective administration ends.
- 10.6 That Council agree that the National Union of Teachers non-voting Co-opted Member position on Education for Life Scrutiny Committee is subject to a formal substitution arrangement as outlined in 4.16.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To ensure that scrutiny committees have Co-opted Members with skills and experience relevant to their terms of reference.

12. STATUTORY POWER

- 12.1 Section 21 of the Local Government Act 2000.

Author: Catherine Forbes-Thompson Interim Head of Democratic Services
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Nicole Scammell, Acting Director Corporate Services & Section 151 Officer
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Councillor Christine Forehead, Cabinet Member HR & Governance/Business Manager
Councillor Sean Morgan, Chair Partnerships Scrutiny Committee
Councillor Gez Kirby, Vice Chair Partnerships Scrutiny Committee
Councillor Lyn Ackerman, Chair Health Social Care & Wellbeing Scrutiny Committee
Councillor Pat Cook, Vice-Chair Health Social Care & Wellbeing Scrutiny Committee
Councillor Wynne David, Chair Education for Life Scrutiny Committee
Councillor James Pritchard, Vice Chair Education for Life Scrutiny Committee
Clare Jones, Youth Forum Co-ordinator

Background Papers: Co-option and Membership of Partnerships Scrutiny Committee - Council 11th October 2016.

Gadewir y dudalen hon yn wag yn fwriadol



ANNUAL COUNCIL – 18TH MAY 2017

SUBJECT: INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2017/18

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To report the Independent Remuneration Panel for Wales' (the Panel) final determinations relating to councillors and co-opted members for 2017/18.
- 1.2 To seek decisions on certain aspects of the Members remuneration scheme for 2017/18.

2. SUMMARY

- 2.1 The Panel is a statutory body established by Welsh Government in January 2008 to determine the scope and salaries, allowances and expenses payable to Councillors and Co-opted Members. The Local Government (Wales) Measure 2011 gave the Independent Remuneration Panel for Wales, additional powers to prescribe Members' remuneration. This was a significant change to the well-established practice of Members determining their own scheme of allowances within the maximum sums prescribed by the Panel. This report reflects the Panel's determinations for 2017/18. A copy of the Panel's Annual Report is attached as Appendix 1.
- 2.2 The Panel subsequently received further powers following the introduction of the Local Government (Democracy) (Wales) Act 2013, including the ability to make recommendations about the pay of heads of paid service for county and county borough councils and fire and rescue authorities.
- 2.3 The Panel determinations include a modest 0.75% increase in the basic salary for Councillors for 2017/18. This is the first increase for 3 years and represents a £100 increase in the basic salary for councillors to £13,400. The effective date will be will be the 8th May 2017 subject to the member having signed the declaration of acceptance. The exception to this applies to the Mayors Civic Salary who remains in post until a successor is appointed at the AGM following the election.
- 2.4 The Panel's determinations in relation to Senior Salaries for 2017/18 remain the same subject to the £100 increase in the basic salary. The salary for the Leader remains at £48,100 and Deputy Leader will be £33,600. However where local authorities decide to appoint two or more Deputy Leaders the senior salary is calculated by the difference between the Deputy Leader salary and the Cabinet Member Salary and divided by the number of Deputy Leader posts. This amount is then added to the cabinet member salary.
- 2.5 The Panel have determined that for 2017/18 there will again be a choice of two levels of salary for Cabinet Members and Committee Chairs, (subject to the increase in the Councillor basic salary of £100). Councils will have the option to appoint Cabinet Members at either Level 1 salary of £29,100 or Level 2 at £26,200. Committee Chairs at either Level 1 at

£22,100 or Level 2 at £20,100. The Leader of the largest opposition group is also increased to £22,100.

- 2.6 Council agreed at the meeting held on 8th March 2016 to apply level 2 salaries for 2016/17 and the IRP have stated that Councils will again have to determine this for 2017/18. The Panel state that it is matter for individual Councils to decide which level of pay Executive Members and Committee Chairs are entitled to and can determine these based upon the portfolios, level of responsibility and workload. The Panel's determinations will take effect from the date of the Council's Annual General Meeting in 2017. Members or Co-opted Members may forego any part of their remuneration entitlement by giving notice in writing to the Chief Executive.

3. LINKS TO STRATEGY

- 3.1 Elected Members establish strategic direction and decide upon all policies and strategies so that the Council can achieve all of its objectives, as well as monitoring performance against those objectives. Members are entitled to receive remuneration prescribed by the Independent Remuneration Panel for Wales ("the Panel").
- 3.2 The Independent Remuneration Panel for Wales' draft determinations relating to councillors and co-opted members for 2017/18 contributes to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 by ensuring that Members are remunerated and supported to carry out their role. The determinations include a basic allowance for all councillors, support for carers, and family absence arrangements with the aim to encourage a broader spectrum of people, and thereby contribute to the following goals:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities

4. REPORT

- 4.1 The Independent Remuneration Panel for Wales is suggesting a small increase in basic salary payments made to Councillors for 2017/18. There are no increases to senior salaries aside from the uplift in the basic salary entitlement as outlined below. In setting these salaries the Panel recognises that there is an unpaid public service contribution.

BASIC SALARY

- 4.2 All Members are entitled to receive the Basic Salary. The Panel originally determined in 2009 that the payment of the basic salary would be aligned to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings. They state in their draft report that although they are unable to maintain this alignment due to continued pressures on public sector funding, however the Panel consider that a modest increase in the basic salary is justified. Therefore the Basic Salary for 2017/18 will increase to £13,400, which represents an additional £100 per annum.

SENIOR SALARIES

- 4.3 Senior Salaries are payable to Members that hold certain prescribed roles and, for Caerphilly which is in Group B, these are limited to a maximum of 18 posts and are paid inclusive of the Basic Salary (page 12 of the IRP Annual Report). Senior Salaries of Council Leaders and Executive Members are based on the assumption that the roles are equivalent to full time. To underline this, the Panel have kept their determination that no Cabinet Member (including the Leader and Deputies) can receive a salary from any National Park Authority or Fire and

Rescue Authority to which they have been appointed in addition to their Senior Salary. In addition, a Member cannot receive more than one Senior Salary (there are certain exceptions for Chairs of Joint Scrutiny Committees and their sub committees) nor a Senior Salary and a Civic Salary.

4.4 The Panel's determinations in respect of Senior Salaries have remained the same as last year (subject to the £100 uplift in the basic salary). The Leader shall be paid £48,100 and Deputy Leader will be £33,600. There will be two senior salary levels within Group B for Cabinet Members and Committee Chairs. Cabinet Members shall be paid at Level 1 or 2 with a salary of £29,100 or £26,200 respectively and Committee Chairs shall be paid at Level 1 or Level 2 with a salary of is £22,100 or £20,100 respectively. The Panel has also determined that the Leader of the largest opposition group shall be £22,100.

4.5 The Panel confirm on pages 12 to 13 of their annual report that all Executive Members should be considered as working the equivalent of full time (up to 40 hours per week) but not necessarily nine to five, and note there are a number of different cabinet arrangements across different local authorities. The Panel note in their annual report that many councils operate, as Caerphilly does, with a cabinet of 10, the statutory maximum, but that there are differences in the individual cabinet portfolios of different cabinet members. The Panel state they have given further consideration to this issue and have concluded that this should be reflected in the remuneration framework but it is not the role of the Panel to determine the structure of cabinets of local authorities.

4.6 Where an authority has two or more remunerated Deputy Leaders the Panel has determined that the difference between the senior salary for Deputy Leader and Cabinet Member salary is divided and added to the basic Cabinet Member Senior Salary. Therefore the following would apply, should two deputy leaders be appointed:

- Two Deputy Leaders and a Level 1 Cabinet Member Salary - £31,350
- Two Deputy Leaders and a Level 2 Cabinet Member Salary - £29,900

4.7 The proposed Senior Salaries for 2017/18 are outlined below:

Role	Proposed Senior Salaries 2017/18 £
Leader	48,100
Deputy Leader	33,600
Cabinet Members Level 1 Level 2	29,100 26,200
Committee Chairs (if remunerated) Level 1 Level 2 (e.g. Scrutiny, Planning, Licensing, Audit, Democratic Services)	22,100 20,100
Leader of the Largest Opposition Group	22,100
Leaders of other Political Groups (not less than 10% of members). To date this has not been payable due to the political make up of members.	17,100

4.8 In 2016/17 Council decided to apply level 2 salaries to both Executive Members and Committee Chairs. The senior salaries for 2017/18 will take effect from the date of the Council's Annual General Meeting in 2017 and Council will again need to determine which salary levels to apply.

CIVIC SALARIES

- 4.9 Payments made to the Mayor and Deputy Mayor are also under the remit of the Panel but are not included as part of the Council's 18 Senior Salary posts. Civic Salaries are paid inclusive of the Basic Salary. The Panel are not proposing a change to their determination in respect of Civic Salaries which remain the same for 2017/18 (subject to the £100 Basic salary uplift):

Level	Mayor	Deputy Mayor
Level 1	£24,100	£18,100
Level 2	£21,600	£16,100
Level 3	£19,100	£14,100

- 4.10 Last year and the year before, the Council determined to pay Civic Office holders the Level 2 salary. The Panel has confirmed that it will continue to allow local determination for Civic Salaries, as activity and responsibilities of the Civic Office holders vary greatly across the country.
- 4.11 The Panel has determined that where appointed and if remunerated, a Presiding Member would be entitled to a band 3 level 1 senior salary of £22,100, this would however count towards the cap of 18 senior salaries. A post of deputy presiding member would not be remunerated.

PANEL'S OTHER DETERMINATIONS

- 4.12 The Panel are not making changes in respect of senior salaries for chairs of joint overview and scrutiny committees for 2017/18, in that Chairs will be paid £6,700. Chairs already in receipt of an allowance would be paid £3,350 and Chairs of sub-committees would be paid £1,675, Chairs of subcommittees already in receipt of a payment would be paid £837.
- 4.13 The Panel have reaffirmed the entitlement of elected members to join the Local Government Pension Scheme and entitlement to Family absence and are not proposing changes to their determinations in this respect.
- 4.14 The Panel is keen to encourage the promotion of the reimbursement of the costs of care (formerly care allowance). This relates to dependent children below the age of 15 where costs are incurred in providing care while members or co-opted members are engaged on Council business and, to a dependent over the age of 15 years who requires care while members or co-opted members are away from their home on Council business. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense and has therefore set out two options:-
- The details of the amounts reimbursed to named members; or
 - The total amount reimbursed by the authority during the year but not attributed to any named member.
- 4.15 It is determined that for 2017/18 the maximum reimbursement of care costs shall remain at £403 per month. The monthly maximum is considered a reimbursement of care expenses and cannot be annualised. Care expenses are only be payable for actual and receipted costs.
- 4.16 The Panel is not making changes in respect of payments to co-opted members. The Council must make payments to co-opted members with voting rights. Co-opted members can receive a payment for attending committee meetings, authorised training events, conferences, pre-meetings with officers, other formal meetings where co-opted members are requested to attend, travel time to and from a meeting and reasonable preparation time. Payments to co-opted members remain as a daily fee (with provision for a ½ day payment) and are set at the rates paid to members of Welsh Government Band 2 sponsored bodies. Fees for co-opted members (with voting rights) are, as follows:

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)

4.17 The Council must determine the maximum number of meetings co-opted members can be paid. To date the Council has determined that co-opted members can be paid for a maximum of 10 days per annum. There are co-opted members with voting rights on the following committees:

- Audit Committee - met on four occasions in 2016/17.
- Education for Life Scrutiny Committee - met on eight occasions in 2016/17.
- Standards Committee - met twice in 2016/17.

4.18 An 'appropriate officer' must determine the preparation time available to co-opted members in advance of a meeting. In addition, travel time to and from meetings can be included in the claims made by co-opted members. The 'appropriate officer' must decide in advance of the meeting if the meeting is programmed for a full day and the co-opted member fee will be paid on the basis of this decision even if the meeting finishes before four hours has elapsed.

4.19 It is suggested that the Monitoring Officer continues to act as the 'appropriate officer' for co-opted members serving on the Standards Committee. The Internal Audit Manager continues to act as the 'appropriate officer' for co-opted members serving on the Audit Committee and the Head of Democratic Services continues to act as the 'appropriate officer' for members serving on the Education for Life Scrutiny Committee.

SICKNESS ABSENCE

4.20 The Panel have considered concerns about long term sickness of senior salary holders and the perceived unfairness when compared with the arrangements for family absence. Councils are faced with the dilemma of either operating without the individual member but still paying the senior salary or replacing the member, who therefore loses the salary. The Panel is therefore providing a framework with specific arrangements for long term sickness.

4.21 Long term sickness is defined as certified absences in excess of 4 weeks, with a maximum length of 26 weeks, or until the term of office ends (whichever is sooner). Within these parameters a senior salary holder on long term sickness, can, if the authority decides, continue to receive their senior salary. The authority can appoint a substitute member who will also be eligible to receive the senior salary, and if the substitution exceeds the maximum number of senior salaries an addition will be permitted subject to the Panel being informed within 14 days of the decision and the Schedule of Remuneration must be amended. This does not apply to basic salary holders who can continue to receive their basic salary for 6 months irrespective of attendance with any extension beyond this a matter for the authority.

TRAVEL AND SUBSISTENCE ALLOWANCES

4.22 The Panel is not making changes to their determinations in respect of claims for travel and subsistence rates, which will remain the same as 2016/17 and are detailed on page 38 of the annual report. In 2012 the Panel introduced an additional definition of 'official business' to allow for the reimbursement of travel claims for Members undertaking constituency business (official business is defined as 'a duty undertaken by members of principal councils in connection with constituency or ward responsibilities which arise from the discharge of local authority functions). Allowing travel claims for journeys made within Members wards is a matter for local determination, to date the Council has made the decision not to allow such travel claims.

- 4.23 All other claims for travel such as bus/train/taxi fares must be accompanied by appropriate receipts showing the actual expense. Members should always be mindful of choosing the most cost effective method of travel. Members should also be aware that tickets for public transport can be organised by Democratic Services staff.

SUPPORT FOR MEMBERS

- 4.24 The Panel expects every Member 'to undertake such training and personal development opportunities as are required to properly discharge the duties for which they are remunerated'. Members will be aware of the extensive training programme, which was agreed by Council and of the renewal of the WLGA Charter for Member Development. This is in addition to the Annual training needs analysis and individual training requests, which are considered. The Council has committed valuable resources in this area to ensure that members receive suitable and appropriate training. A system of performance appraisals has also been introduced.
- 4.25 The Panel has repeated its determination that each Council, through its Democratic Services Committee, must ensure that all its members are given as much IT, telephone and other support as is necessary to enable them to fulfil their duties effectively. The Council has also committed resources to ensure that Members have options regarding IT support and adequate telephone/email facilities. The Council also provides Members with group rooms, meeting rooms and office equipment at Penallta House. Members will also be aware that the Council has invested in and implemented the Modern.Gov system to provide easier electronic access for Members and members of the public to all committee documents.
- 4.26 The Council has also made specific arrangements for any Members that have additional needs that may be linked to exceptional circumstances or for Members covered by the Equality Act 2010. This is in line with the Panel's recommendation that the support provided should take account of the specific needs of individual members. No deductions have been made from Member's salaries by the Council to fund this support. A specific budget is allocated to the Democratic Services functions and an annual report is presented to the Democratic Services Committee detailing the support provided.

FOREGOING PAYMENTS

- 4.27 The Panel's determinations and recommendations contained in this report will take effect on 8th May 2017. Individual Members or Co-opted Members may forego any part of their remuneration entitlement for the year ahead, by giving notice in writing to the Chief Executive.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This Panel report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act to encourage more diverse representation among Councillors and Co-opted Members. A more representative group should be better able to take into account the Wellbeing Goals when reviewing services and policies and consider the positive and negative impacts upon future generations, long term community resilience and economic, environmental and social capital.

6. EQUALITIES IMPLICATIONS

- 6.1 An EqIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out. In addition, the Panel consider equality implications as part of their determinations.

7. FINANCIAL IMPLICATIONS

- 7.1 Members' salaries and expenses will be funded from the Democratic Services budget for 2017/18. If it is proposed to appoint more than one Deputy Leader, Council must determine if it will apply a level 1 or 2 salary for calculating Deputy Leader(s) salary and whether to apply Level 1 or 2 salaries to Cabinet Members and Committee Chairs and also level 1, 2 or 3 to Mayor and Deputy Mayor.
- 7.2 There will be additional costs incurred due to the £100 uplift in basic salary for 2017/18, this will be an additional £7,300 per annum. Should Council determine that the lowest salary level as agreed by Council for 2016/17 is applied again for 2017/18 for executive members and committee chairs, there will be no other additional costs.
- 7.3 If however all senior salaries are set at the higher level, and Cabinet remained at 10 (including 2 deputy leaders), there would be the following increased costs:

Senior Salary	Number	2016/17 – Caerphilly	2017/18 Level 2 salary	Difference Per Post	Increased cost
Leader	1	£45,600 (5% voluntary reduction)	£48,100	£2,500	£2500
Deputy Leaders	2	£29,800	£31,350	£1,550	£3100
Cabinet Members	7	£26,100	£29,100	£3,000	£21,000
Committee Chairs	7	£20,000	£22,100	£2,100	£14,700
Leader of Opposition	1	£22,000	£22,100	£100	£100
Total	18				£41,400

- 7.4 For 2016/17 level 2 civic salaries were agreed by Council, at £21,500 and £16,000 for the Mayor and Deputy Mayor respectively. If Council should determine to apply the higher level 1 civic salaries for 2017/18, this would incur an additional cost of £4,700 per annum.
- 7.5 Therefore should the higher salaries be applied for 2017/18 the total increased costs, would be as follows:

Salaries	Increase
Basic Salary increase – 73 Members (less 20 included in senior & civic salaries below)	£5,300
18 Senior Salaries – level 1 (inclusive of basic salary increase)	£41,400
Civic Salaries – level 1	£4,700
Total	£51,400

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATION

- 9.1 There are no consultation responses that have not been reflected in the recommendations of this report.

10 RECOMMENDATIONS

10.1 It is recommended that:-

10.2 The Council note and agrees to implement the determinations of the Panel including, the basic salaries, Leader and Deputy Leader salaries, reimbursement of care costs, travel and subsistence allowances and fee payments to Co-opted Members.

10.3 The Council will determine which Cabinet Member salary level it will use to calculate the salaries for Deputy Leaders as stated at paragraph 4.6, option 1 or 2 as follows:

Option	Deputy Leader Senior Salary	Cabinet Member Salary	Caerphilly Deputy Leader Senior Salary
Option 1	33,600	29,100 (Level 1)	31,350
Option 2	33,600	26,200 (Level 2)	29,900

10.4 The Council will determine which salary level it will set for Cabinet Members for 2017/18 as stated at paragraph 4.7, option 1 or 2 as follows:

Option	Cabinet Member Salary
Option 1	29,100 (Level 1)
Option 2	26,200 (Level 2)

10.5 The Council will determine which salary levels it will set for Committee Chairs for 2017/18 as stated at paragraph 4.7, options 1 or 2 as follows:

Option	Committee Chairs Salary	
	Option 1 (Level 1 salary)	Option 2 (Level 2 salary)
Regulatory Committees	22,100	20,100
Scrutiny Committees	22,100	20,100

10.6 The Council will determine which salary levels it will set for Civic Salaries for 2017/18 as stated at paragraph 4.9.

Options	Mayor	Deputy Mayor
Option 1	£24,100 (Level 1 salary)	£18,100 (Level 1 salary)
Option 2	£21,600 (Level 2 salary)	£16,100 (Level 2 salary)
Option 3	£19,100 (Level 3 salary)	£14,100 (Level 3 salary)

10.7 The Council agree that the maximum number of days payable to Co-opted Members of the Education for Life Scrutiny Committee, Co-opted (lay) Members of the Standards and Audit Committees, remains at 10 days per year as stated at paragraph 4.17.

10.8 The Council agree that officers listed at paragraph 4.18 continue to act as the 'appropriate officer' for Co-opted Members as indicated.

10.9 The Council determine whether to continue to not allow travel claims for journeys made within Members' wards as stated at paragraph 4.22.

11. REASONS FOR THE RECOMMENDATIONS

11.1 In order for the Council to comply with the Local Government (Wales) Measure 2011.

12. STATUTORY POWERS

- 12.1 Local Government and Housing Act 1989, the Local Government Act 2000, Local Government Wales Measure 2011, Local Government (Democracy) (Wales) Act 2013 and Family Absence for Members of Local Authorities Wales Regulations 2013.

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Consultees: Cllr Colin Mann, Chair of Democratic Services,
Cllr Christine Forehead, Cabinet Member for HR, Business and Governance
Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer
Stephen Harris, Interim Head of Corporate Finance
Gail Williams, Interim Head of Legal Services and Monitoring Officer

Background papers:

Report to Council 8 March 2016 Independent Remuneration Panel for Wales Annual Report 2016/2017
Report to Democratic Services Committee 25 May 2016 Annual Report for Democratic Services
Report to Democratic Services Committee 21 September 2016 Update on Members Training and Support programme
Cabinet Member role descriptions (Available on Members Portal/ on request)
Chair of Scrutiny Committee role description (Available on Members Portal/ on request)

Appendices:

Appendix 1 Annual Report of the Independent Remuneration Panel for Wales 2017/18

Gadewir y dudalen hon yn wag yn fwriadol



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.

Page 85

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>

Contents

Introduction	3
Implementation of Determinations	7
1. The Panel's Framework: Principles of Members' Remuneration	8
2. Annual Report Summary Page	10
3. Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries	11
4. Joint Overview and Scrutiny Committees (JOSC)	21
5. Pension Provision for Elected Members of Principal Councils	23
6. Entitlement to Family Absence	24
7. Payments to Members of National Park Authorities	25
8. Payments to Members of Welsh Fire and Rescue Authorities	29
9. Payments to co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities	33
10. Reimbursement of Costs of Care	35
11. Sickness Absence for Senior Salary Holders	36
12. Reimbursement of Travel and Subsistence Costs when on Official Business	38
13. Payments to Members of Community and Town Councils	40
14. Compliance with Panel Requirements	44
15. Salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities and Chief Officers of Principal Councils	45
Annex 1: The Panel's Determinations for 2017/18	57
Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations:	62
Annex 3: Schedule of member remuneration	77
Annex 4: Publication of Remuneration – the Panel's Requirements	79
Annex 5: Ministerial Remit Letter to the Independent Remuneration Panel for Wales	81

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 (inclusive of basic salaries)		
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.
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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.
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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 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/jlg/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,



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:

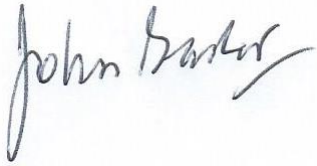
*There is sufficient opportunity for financial progression over 3 years
No officer is being financially disadvantaged.*

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 JOSOC 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 JOSOC, or a chair of a sub committee of a JOSOC, 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 JOSOC or sub committee is not eligible for payment.
16.	Co-optees to a JOSOC 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
Minister for Public Services

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

www.remunerationpanelwales.org.uk

Gadewir y dudalen hon yn wag yn fwriadol

SUB-COMMITTEES/WORKING PARTIES/PANELS/BOARDS

1. Advisory Panel for the Appointment and Removal of Local Authority Governors (7 Members)
2. Bargoed Town Centre Management Group (6 Members - Aberbargoed/Bargoed/Gilfach Wards plus Cabinet Member)
3. Blackwood Town Centre Management Group (5 Members - Blackwood/Cefn Forest Wards plus Cabinet Member)
4. Bryn Compost Liaison Group (adjoining ward Members - Hengoed, Gelligaer, Nelson, Ystrad Mynach and Cabinet Member)
5. Caerphilly Community Safety Delivery Group (1 Member)
6. Caerphilly Homes Task Group (Welsh Housing Quality Standard) (7 Members/7 tenant representatives)
7. Caerphilly Local Access Forum (Cabinet Member)
8. Caerphilly Town Centre Management Group (9 Members - Morgan Jones/St. Martins/St. James Wards plus Cabinet Member)
9. Community Council Liaison Sub-Committee (16 Members)
10. Corporate Health and Safety Committee (7 Members)
11. Corporate Joint Consultative Committee (all Cabinet Members)
12. Education Achievement Service Board (EAS) (1 Member 1 substitute)
13. Education Achievement Service Audit and Risk Assurance Committee (2 Members)
14. Future Generations Advisory Panel (11 members)
15. Grants to the Voluntary Sector Panel (15 Members)
16. Monmouthshire and Brecon Canal - Crumlin Arm Working Group (adjoining ward Members (Abercarn/Crosskeys/Crumlin/Newbridge/Risca East/Risca West) and Cabinet Member)
17. Pensions/Compensation Committee (8 Members -including relevant Cabinet Member)
18. Prosiect Gwyrdd Joint Scrutiny Panel (2 Members) 1 - 1
19. Risca Town Centre Management Group (5 Members - Risca East/Risca West Wards plus Cabinet Member)
20. River Rhymney Task Group (3 Members)
21. Scrutiny Leadership Group - Chairs and Vice Chairs of Scrutiny Committees, Democratic Services Committee and Audit Committee
22. Standing Advisory Council on Religious Education (6 Members)
23. View Point Panel - relevant Cabinet Members
24. Voluntary Sector Liaison Committee (15 Members)

25. Ystrad Mynach Town Centre Management Group (4 Members - Hengoed/Ystrad Mynach Wards plus Cabinet Member)

REPRESENTATION ON ASSOCIATIONS/OUTSIDE BODIES
1 YEAR UNLESS OTHERWISE INDICATED

1. **Aneurin Bevan Community Health Council**
3 Councillors (2 Labour, 1 Plaid)
2. **Anti-Poverty Champion**
Relevant Cabinet Member
3. **Army Benevolent Fund - Gwent**
1 Councillor
4. **Armed Forces Community Covenant Champion**
1 Councillor
5. **Association of Public Services Excellence (APSE) Welsh Regional Committee**
3 relevant Cabinet Members
6. **Caerphilly Foster Panel**
1 Councillor
7. **Carbon Reduction Group**
Relevant Cabinet Member
8. **Cardiff Capital Region Joint Committee (Regional Cabinet)**
Leader and nominated Deputy Leader
9. **Care and Repair - Caerphilly**
Relevant Cabinet Member and Mr K. Williams (Private Sector Housing Manager)
10. **Catalogue Supplies Joint Committee (Joint Supplies Service Joint Committee) - to be disbanded in due course**
2 Relevant Cabinet Members
11. **Child Poverty Champion**
Relevant Cabinet Member
12. **Citizens Advice Bureau Trustee Board**
Relevant Cabinet Member
13. **Coleg Gwent Further Education Corporation (Crosskeys Community Partnership)**
1 Councillor
14. **Coleg Harlech WEA North**
Cabinet Member for Education and Lifelong Learning
15. **Coleg Y Cymoedd Corporation (formerly Ystrad Mynach College Board of Governors)**
Sian Farquharson, Challenge Advisor EAS
16. **Consortium of Local Authorities Wales (CLAW)**
Leader of Council and 1 Cabinet Member
17. **Corporate Parenting Group**
2 Relevant Cabinet Members, Councillor nominated to Foster Panel and 2 Councillors

18. **Corporate Safeguarding Group**
2 Relevant Cabinet Members, 1 Plaid and 1 Independent Councillor
19. **Domestic Abuse Champions**
2 Relevant Cabinet Members
20. **Equalities Champion**
1 Councillor
21. **Fields in Trust (formerly National Playing Fields Association)**
Relevant Cabinet Member
22. **Future Generations Champion**
Relevant Cabinet Member
23. **Glamorgan Archives Joint Committee**
2 Councillors
24. **Greater Gwent Cremation Joint Committee**
2 Councillors
25. **Groundwork Wales**
1 Councillor
26. **Gwent Association of Voluntary Organisations**
Ms J Dix and 1 Councillor
27. **Gwent Frailty Joint Committee**
Relevant Cabinet Member
28. **Gwent Archives Joint Committee**
2 Councillors
29. **Gwent Police and Crime Panel - politically balanced across Gwent**
3 Councillors
30. **Homeless Person Champion**
Relevant Cabinet Member
31. **Industrial Communities Alliance (formerly Coalfield Communities Campaign)**
Relevant Cabinet Member and 1 Councillor
32. **Islwyn Indoor Bowls Club Management Board**
Relevant Cabinet Member and 1 Councillor
33. **Joint Council for Wales**
2 Relevant Cabinet Members
34. **The Learning Centre (Pupil Referral Unit)**
1 Councillor
35. **Local Authority Action for Southern Africa (LAACTSA)**
1 Councillor
36. **Local Government Association**
Leader and 3 relevant Cabinet Members
37. **Monmouthshire and Brecon Canal Regeneration Partnership**
2 relevant Cabinet Members

38. **Monmouthshire Farm School Endowment Trust**
Relevant Cabinet Member
39. **Older Persons Champion**
1 Councillor
40. **PFI Liaison Committee**
Relevant Cabinet Member
41. **Prosiect Gwyrdd Joint Committee**
2 Relevant Cabinet Members
42. **Regional Technical Statement (Aggregates)**
Relevant Cabinet Member
43. **Regional Transport Authority**
Relevant Cabinet Member
44. **Reserve Forces and Cadets Association for Wales**
1 Councillor
45. **Safer Caerphilly Community Safety Partnership**
Relevant Cabinet Member
46. **Schools Admission Forum**
Relevant Cabinet Member
47. **Schools Budget Forum**
2 relevant Cabinet Members
48. **Sight Cymru**
1 Councillor
49. **South East Area Environment Group**
Leader
50. **South East Wales Strategic Planning Group**
Relevant Cabinet Member
51. **South Wales Fire and Rescue Authority**
3 Councillors - 2 labour 1 Plaid
52. **South Wales Regional Aggregates Working Party**
Relevant Cabinet Member
53. **Sportlot Community Chest Panel**
3 Councillors
54. **St. Johns Cymru Wales**
1 Councillor
55. **Urban Commission (Local Government Association)**
1 Councillor
56. **Wales and National Nuclear Free Zone Forum**
1 Councillor
57. **Wales Council for Deaf People**
1 Councillor and 1 substitute

58. **Welsh Books Council (3 years) and Wales Book Council Executive Committee (1 year)**
1 Councillor
59. **Welsh Centre for International Affairs**
1 Councillor
60. **Welsh Church Fund**
Relevant Cabinet Member and substitute Member
61. **Welsh Local Government Association**
Leader and 3 Cabinet Members
62. **Welsh Local Government Association - Executive Board**
Leader
63. **Welsh Purchasing Consortium - to be disbanded in due course**
Relevant Cabinet Member
64. **White Ribbon Campaign**
1 Councillor
65. **Workers Education Association - South Wales District Committee**
1 Councillor
66. **Youth Champion (elected by Youth Forum)**
67. **Youth Forum**
Relevant Cabinet Member, Youth Champion and 2 Councillors