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Date: 2nd March 2016

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Dear Sir/Madam,

A meeting of **Council** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 8th March, 2016** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.
- 3 Presentation of Awards.

A greener place Man gwyrddach



- 4 Declarations of Interest.
Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

- 5 Council held on 26th January 2016 (minute nos. 1 - 13). 1 - 8
- 6 Special Council held on 3rd February 2016 (minute nos. 1 - 4). 9 - 22

To receive and consider the following reports from meetings of Cabinet:-

- 7 Animal Welfare (Breeding of Dogs)(Wales) Regulations 2014 - 17th February 2016. 23 - 28
- 8 Strategic Equality Plan and Objectives 2016 - 2020 - 2nd March 2016. 29 - 104
- 9 Proposed Supplementary Planning Guidance - Pontllanfraith House - 2nd March 2016. 105 - 110

To receive and consider the following reports: -

- 10 Designation of Interim Head of Democratic Services. 111 - 116
- 11 Independent Remuneration Panel for Wales Annual Report 2016/17. 117 - 210
- 12 Publication of Pay Policy Statement - Localism Act 2011. 211 - 232
- 13 Licensing/Registration/Permit Fees 2016-17. 233 - 250

To receive and to answer the following question received under Rule of Procedure 10(2).

- 14 Housing Benefits - to the Cabinet Member for Corporate Services from Councillor Mrs A. Blackman -

Can the Cabinet Member tell us the number of Housing and Council Tax Benefits claims there are in the financial year 2015/16?

How many of them are for Housing Benefit?

How many of them are for Council Tax Benefit?

For the financial year 15/16 how much will Council receive from the Department of Work and Pensions to cover the cost of these benefits?

At present, how many council tax payers are there across Caerphilly County Borough?

At present, what percentages of Council Tax payers are receiving Council Tax Benefit?

Circulation:

All Members And Appropriate Officers

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COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 26TH JANUARY 2016 AT 5.00 PM

PRESENT:

Councillor L. Gardiner - Mayor
Councillor Mrs D. Price - Deputy Mayor

Councillors:

L. Ackerman, M. Adams, Mrs E.M. Aldworth, A.P. Angel, J. Bevan, L. Binding, Mrs A. Blackman, D. Bolter, Mrs P. Cook, C.J. Cuss, H.W. David, W. David, D.T. Davies, H.R. Davies, K. Dawson, N. Dix, M. Evans, Mrs C. Forehead, Miss E. Forehead, Ms J. Gale, N. George, C.J. Gordon, R.W. Gough, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, Mrs B.A. Jones, Ms J.G. Jones, Miss L. Jones, S. Kent, G. Kirby, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs R. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew, J. Pritchard, J.A. Pritchard, A. Rees, D. Rees, K.V. Reynolds, Mrs M.E. Sargent, J. Simmonds, S. Skivens, E. Stenner, J. Taylor, T.J. Williams, L.G. Whittle, R. Woodyatt

Together with:

C. Burns (Interim Chief Executive), C. HARRY (Corporate Director – Communities), D. Street (Corporate Director of Social Services), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), G. Williams (Interim Head of Legal Services and Monitoring Officer) R. Kyte (Team Leader - Strategic and Development Planning), A. Wilcox (Senior Planning Officer) A. Price (Interim Deputy Monitoring Officer) and R. Barrett (Committee Services Officer)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publicly available in live and archive form via the Council's website. He advised that decisions would be made by a show of hands.

The Interim Chief Executive also explained that owing to a number of technical issues, the webcast for the meeting would be available in audio format only.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H.A. Andrews, Mrs K.R. Baker, P.J. Bevan, D.G. Carter, C. Elsbury, J.E. Fussell, Mrs P. Griffiths, M.P. James, G. Johnston, Ms P. Leonard, Mrs G. Oliver, J.E. Roberts, R. Saralis and Mrs J. Summers.

3. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting. He referenced the many carol services that he had attended during the Christmas period and paid tribute to the high quality of singing talent across the county borough.

The Mayor expressed his gratitude for the kindness and generosity shown to his charity appeal over the Christmas period. The nominated charities (Ty Hafan Children's Hospice and MacMillan Nurses) have benefitted from donations in lieu of sending Christmas cards, and Members were advised that the total for this year currently stood at approximately £11,000.

4. PRESENTATION OF AWARDS

Chartered Institute of Waste Management Sustainability and Resource Awards

Members were informed that the Council's Waste Management Team recently won a prestigious award at the Chartered Institute of Waste Management's Sustainability and Resource Awards. This is the second time the Team have won this award for its commitment to the Waste Hierarchy. The award recognises the achievements, innovations and contributions of the Council for its continuous hard work and recycling success. These awards are long-standing and well-respected and are only awarded for outstanding achievement in the sustainability, resource and waste industry.

Malcolm Smith, Tudor Lewis, Malcolm Kilby and Robert Lewis from the Waste Management Team came forward to receive the award from the Mayor. Members placed on record their congratulations to the staff in achieving this award.

RESOLVE National ASB Awards – Residents and Communities

Members were informed that Lisa Evans, a Council tenant from Gelligaer, has won a prestigious national award for the bravery she showed in helping to tackle anti-social behaviour in her community. Lisa was nominated in the Residents and Communities category of the RESOLVE National ASB (Anti-Social Behaviour) Awards by the Council's Tenancy Enforcement Team.

The Team nominated Lisa for her strength of character and determination when working with them to tackle neighbours who were causing anti-social behaviour in her community. The Safer Caerphilly Community Safety Partnership worked together and with Lisa to resolve the issues. The evidence Lisa gave resulted in a Closure Order being granted by the courts and the person causing the anti-social behaviour being removed from their property.

Lisa also won an award at the Council's Transforming Lives and Communities Awards in September 2015, which recognises people who have made a difference to the lives of Council tenants and the areas in which they live.

Lisa Evans came forward to receive the award from the Mayor and Members congratulated her on her achievement.

5. SHORT FILM PRESENTATION – "IT'S MY SHOUT"

Members were informed that Its My Shout Productions and Caerphilly County Borough Council Arts Development have partnered up to provide opportunities to young people within the film-making industry and create pathways into working in the industry.

It's My Shout recently worked in the county borough to create a ten-minute film entitled 'Russell and Jameela' that was subsequently broadcast on BBC2 Wales. It was filmed at Treceenydd in Caerphilly and is a modern-day adaptation of 'Romeo and Juliet', based on two feuding neighbouring families living within a South Wales estate.

Caerphilly resident and Trainee Bethan Brean won "Best Locations Trainee" at a recent high profile awards ceremony held at The Millennium Centre, Cardiff which celebrates the best trainees from around Wales.

It's My Shout partners with BBC, S4C, the Arts Council of Wales, and other organisations to produce 8 short dramas every year. The company offers opportunities to become a trainee in a number of specialised crew production areas. Over 10,000 trainees have been involved with the company in the last 15 years, with many having gone on to work in popular television programmes and box-office films.

Following the presentation of the film to Members, David Chamberlain and Kate Verity (CCBC Arts Development), Naomi Roberts (It's My Shout Productions), Bethan Brean (Best Locations Trainee winner), Richard Matthews (Set Runner and Script Supervisor Trainee) and actors Daniel Jeremiah and Abbie Jones (who play Russell and Jameela) came forward to have their photograph taken with the Mayor.

Members extended their congratulations to all those involved in the film's production and a short question and answer session took place regarding the making of the film. Officers outlined the partnership dynamic between BBC, S4C, the Arts Council of Wales and other organisations, together with the central role that local communities play in creating such productions, and also responded to general questions regarding casting requirements.

Mr Chamberlain and his colleagues were thanked for their entertaining film and Members were pleased to note the realm of talent evident in the film's production.

6. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

7. COUNCIL – 17TH NOVEMBER 2015

RESOLVED that the following minutes be approved as a correct record and signed by the Mayor.

Council held on 17th November 2015 (minute nos. 1-18).

REPORT REFERRED FROM CABINET

Consideration was given to the following report referred from Cabinet.

8. PLANNING GUIDANCE FOR SMALLER SCALE WIND TURBINE DEVELOPMENT / CAERPHILLY COUNTY BOROUGH LANDSCAPE SENSITIVITY AND CAPACITY STUDY

The report, which was presented to the Regeneration and Environment Scrutiny Committee on 8th December 2015 and thereafter Cabinet on 20th January 2016, provided an update on technical work undertaken in respect of supplementary planning guidance for wind turbines and outlined the results of public consultation and representations received in respect of the Supplementary Planning Guidance for Smaller Scale Wind Turbine Development and the Caerphilly County Borough Landscape Sensitivity and Capacity Study.

At those meetings, comments were sought on the representations received and the minor amendments proposed to the guidance in respect of wind turbine development as a result, prior to its presentation to Council for approval as formal Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan (LDP) up to 2021.

Members were advised that concerns have arisen over the significant number of applications for single and multiple wind turbines being received in the area, and the cumulative impact arising from this. Landscape Officers felt there was insufficient guidance for local authorities or developers to allow consistent assessment of the potential impacts of these smaller scale developments. In response to this, Blaenau Gwent Council (on behalf of the Heads of the Valleys Authorities, including Caerphilly County Borough Council) commissioned a specialist company to undertake a study on this matter.

This work informed the new guidance, which has been prepared in two parts (Supplementary Planning Guidance for Smaller Scale Wind Turbine Development and the Caerphilly County Borough Landscape Sensitivity and Capacity Study). Details of the consultation process and the representations received in respect of the guidance were summarised within the report, together with a copy of the consultation reports included within the appendices.

During the course of the ensuing debate, reference was made to the volume of supporting documentation included in the printed agenda papers and it was confirmed that such was required in order for Members to make an informed decision, although this would be taken into consideration when presenting reports of this nature in future.

Following consideration of the report, it was moved and seconded that the recommendations from Cabinet as outlined in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the report:-

- (i) the representations received as part of the consultations undertaken and the minor amendments proposed in Appendix 3 of the report with regards to the Supplementary Planning Guidance for Smaller Scale Wind Turbine Development and the Caerphilly County Borough Landscape Sensitivity and Capacity Study be noted;
- (ii) the guidance be approved as formal Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021.

REPORTS OF OFFICERS

Consideration was given to the following reports.

9. ESTABLISHMENT OF AUDIT AND RISK ASSURANCE COMMITTEE/PANEL FOR SOUTH EAST WALES EDUCATION ACHIEVEMENT SERVICE

Members were advised that the EAS was established as a limited company in July 2012, with its prime function being to raise education standards across the region. Newport, Caerphilly, Blaenau Gwent, Torfaen and Monmouthshire Councils commissioned the EAS to deliver school improvement service on behalf of each individual Authority and hence across the consortium. Since that time, the governance arrangements have been developed and reports presented to Members to approve and implement changes.

This report updated Members on changes to the Company arrangements/structure of the EAS and referred to the establishment of a new Audit and Risk Assurance Committee/Panel of the EAS (as approved by the EAS at its Board meeting held on 24th November 2015), comprising

of two non-executive Members from each of the five Authorities, and sought Member nominations to sit on the newly established Committee/Panel.

A copy of the report to the EAS Board, including the terms of reference of the new Committee/Panel, were appended to the report to Council, and set out the reasons for the establishment of the new Committee/Panel. The EAS Board considers that the new Committee/Panel will provide a crucial mechanism in ensuring adequate controls are in place to manage the risk obligations of the EAS Board. Further changes to the current governance structure of the EAS are under consideration and will be the subject of further reports to Members in the future.

Following consideration of the report, it was moved and seconded that the establishment of the new Audit and Risk Assurance Committee/Panel in relation to the EAS be noted. Nominations to the Committee/Panel were received for Councillors D. Havard, Mrs G.D. Oliver and C. Elsbury. As there were three nominations for two positions, a vote took place, and by a show of hands and the majority present, it was subsequently agreed that Councillors D. Havard and Mrs G.D. Oliver be nominated as the Caerphilly Council non-executive Members to the Committee/Panel. As such, it was

RESOLVED that for the reasons set out in the report:-

- (i) the establishment of the new Audit and Risk Assurance Committee/Panel in relation to the EAS be noted;
- (ii) the nominations of Councillors D. Havard and Mrs G.D. Oliver be submitted to the EAS as the two non-executive Caerphilly Members to sit on the Committee/Panel.

10. CAERPHILLY COUNTY BOROUGH COUNCIL RESPONSE TO THE DRAFT LOCAL GOVERNMENT (WALES) BILL

Chris Burns (Interim Chief Executive) presented the report, which sought the endorsement of Members on the proposed Caerphilly County Borough Council's response to the Welsh Government consultation on the Draft Local Government (Wales) Bill. The response is strongly based on the premise that the best outcome for local communities is that Caerphilly County Borough Council remains as a stand-alone Authority.

The objective of the Draft Bill is to complete the programme of Local Authority mergers and set out a new and reformed legislative framework for Local Authority democracy, accountability, performance, some elements of finance, and establish a statutory Public Services Staff Commission.

Discussion was held with the three Council political leaders on drafting the Caerphilly County Borough Council response to the consultation. It was emphasised that the starting basis of the response be that Caerphilly County Borough Council wishes to retain its position as a stand-alone Authority. Political Groups and individual Members are able to respond separately to the consultation, which closes on 15th February 2016.

The consultation document sets out the key aspects of the Draft Bill under eight parts and the report to Council outlined the corresponding responses to the consultation questions under the various parts.

The Interim Chief Executive summarised the key points of the proposed responses against each of these areas and the possible impact/issues identified against future local government arrangements as a result of local authority mergers. Particular reference was made to differentials in council tax between merger authorities; a need for Area Committees to be established within each merger authority and the impact of associated set up costs and issues

relating to regulatory/delegated powers; a need to broadcast all public council meetings and proposals surrounding performance duties of Members. Full details of the proposed responses were contained within the report presented to Council. It was noted that the Council's response corresponds very closely with that of the draft response from the Welsh Local Government Association.

During the course of the ensuing debate, Members emphasised the strong current position of Caerphilly County Borough Council and reiterated the need for it to be retained as a stand-alone Authority. Members also highlighted the key points contained with the proposed responses and supported the observations made by Officers. Particular reference was made to Part 4 of the Draft Bill, which questioned whether the Council had any comments on the proposal to give the Welsh Ministers a power to direct the Independent Review Panel for Wales to have regard to guidance when reviewing the remuneration framework for Councillors. Members emphasised that this particular proposal was not supported by local authorities across Wales in that it would undermine the independence aspect of the Review Panel.

Members expressed their thanks to Officers for their efforts in preparing the responses to the consultation questions, and also paid tribute to the work of staff within the county borough.

It was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the report, the proposed draft consultation response to the Draft Local Government (Wales) Bill be endorsed.

11. ELECTION OF CAERPHILLY YOUTH CHAMPION

Consideration was given to the report which sought the support of Council to extend the 2-year term (2014-2016) of the current Youth Champion and defer the election for the position of Youth Champion until after the Local Government Elections in May 2017.

The Youth Champion helps young people to understand the importance of engaging with the democratic process and promotes the priorities of the Youth Forum within the county borough. Full Details of the role and work of the Youth Champion were outlined in the report.

It was noted that at the borough-wide meeting of the Youth Forum on 21st January 2016, it was unanimously agreed that the role of the Youth Champion (which is currently held by Councillor Mike Prew) be extended for a further 12 months, until after the Local Government Elections in May 2017.

During the course of the ensuing debate, Members acknowledged the key role of the Youth Champion in promoting the right of young people to have their voices heard on issues that affect them and providing a link between elected Members and young people in the county borough. Members also expressed thanks to Councillor Prew for his continued efforts and hard work in his role as the current Youth Champion.

It was moved and seconded that the recommendation in the report be approved and as such, and in noting the contents of the report, it was

RESOLVED that for the reasons contained in the report, the term of the current Youth Champion be extended until May 2017, and that the work and development of the Youth Champion continue to be supported.

12. ANGHARAD PRICE – INTERIM HEAD OF DEMOCRATIC SERVICES AND DEPUTY MONITORING OFFICER

The Interim Chief Executive announced that Angharad Price (Interim Head of Democratic Services and Deputy Monitoring Officer) would shortly be leaving the Authority to take up a position within Cardiff Council. He paid tribute to the professional way in which Miss Price had carried out her duties during a difficult period for the Authority, and Members wished her well in her future endeavours.

13. QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10(2)

Consideration was given to the following question received under Rule of Procedure 10(2). In accordance with the revisions to the Council's Constitution, the answers are also provided.

WELSH MEDIUM EDUCATION - to the Cabinet Member for Education from Councillor P.J. Bevan.

The growth of Welsh Medium education is the result of parental demand, and to date authorities have merely responded to existing demand. In doing so, they have only made additional provision as and when existing schools have reached capacity.

The Schools Standards and Organisation (Wales) Act 2013 however, requires local authorities to "promote" Welsh medium education. But while there is sufficient short term capacity in most of our Welsh medium schools in Caerffili County, the authority is satisfied that it meets demand. The definition of "promote" however, is to "encourage further advance" and this requires the authority to create demand if it is to satisfy the requirements of the 2013 Act.

Will the Cabinet Member for Education say what steps the authority is taking to achieve the legal demands of the Act, which is to "promote" Welsh medium education i.e. opening new schools in areas where demand has been identified.

RESPONSE FROM THE CABINET MEMBER FOR EDUCATION AND LIFELONG LEARNING - COUNCILLOR R. PASSMORE

Shortly after Local Government Reorganisation in 1996, CCBC had 7 Welsh Medium Primary schools and 1 Welsh Medium Secondary with the following numbers of students attending those schools, as follows:

School	Capacity	Number on roll
Y.G.G. Cwm Gwyddon	188	146
Ysgol Gymraeg Trelyn	171	164
Y.G.G. Bargod	256	190
Y.G.G. Caerffili	360	324
Y.G.G. Y Castell	300	134
Ysgol Ifor Bach	314	291
Ysgol Y Lawnt	169	148
Primary Total	1758	1397
Ysgol Gyfun Cwm Rhymni	908	897

Since that time, CCBC has established 4 additional Welsh medium Primary schools and increased capacity at all bar one with improved teaching and learning facilities. Ysgol Gyfun Cwm Rhymni's capacity has significantly more than doubled and is now located on 2 sites with facilities of the very highest standard.

The current analysis is as follows:

School	Capacity	Number on Roll
Y.G. Bro Allta	303	268
Y.G. Cwm Derwen	210	191
Y.G. Cwm Gwyddon	222	216
Y.G. Gilfach Fargoed	210	172
Y.G.G. Caerffili	385	314
Y.G.G. Y Castell	456	378
Ysgol Bro Sannan	206	190
Ysgol Gymraeg Trelyn	195	168
Ysgol Ifor Bach	240	231
Ysgol Penalltau	210	157
Ysgol Y Lawnt	231	185
Primary Total	2868	2470
Ysgol Gyfun Cwm Rhymni	2348	1500

You will note from the above that the capacity exceeds the present number on roll at each school. Annual pupil projections are undertaken having regard to live birth data and projected demand. The projections to 2021 forecast an increase to 2622 Welsh medium Primary pupils which is still considerably below the overall capacity of 2868. Ysgol Gyfun Cwm Rhymni's capacity is forecast to be sufficient at least until 2023.

The School Standards and Organisation Act 2013 makes provision to carry out an assessment of the demand among parents in its area for Welsh medium education for their children. CCBC has done this annually in recent years and this information is used to forecast future demand.

The Council's Welsh in Education Strategic Plan summarises this information on current and future demand.

The above clearly evidences that the Council is fulfilling its duty to provide sufficient Welsh medium school places. To create additional schools/places would not be prudent and would increase further surplus school places at a time when the Welsh Government is understandably seeking reductions. Such proposals would also be unlikely to be supported in the context of the 21st Century Schools initiative.

The meeting closed at 6.05 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 8th March 2016, they were signed by the Mayor.

MAYOR



COUNCIL

MINUTES OF THE SPECIAL MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 3RD FEBRUARY 2016 AT 5.00 PM

PRESENT:

Councillor L. Gardiner - Mayor
Councillor Mrs D. Price - Deputy Mayor

Councillors:

M. Adams, Mrs E.M. Aldworth, A.P. Angel, J. Bevan, L. Binding, Mrs A. Blackman, D. Bolter, Mrs. P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, C. Elsbury, M. Evans, Mrs C. Forehead, J.E. Fussell, Mrs J. Gale, N. George, C.J. Gordon, R.W. Gough, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, M.P. James, Mrs B.A. Jones, Ms J.G. Jones, Miss L. Jones, S. Kent, G. Kirby, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, Mrs. G. Oliver, D.V. Poole, D.W.R. Preece, M.J. Prew, J. Pritchard, J.A. Pritchard, D. Rees, K.V. Reynolds, J.E. Roberts, J. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, L.G. Whittle, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), C. Harry (Corporate Director - Communities), G. Williams (Interim Head of Legal Services and Monitoring Officer), P. Elliott (Head of Regeneration and Planning), R. Kyte (Team Leader Strategic and Development Planning), C. Campbell (Transportation Engineering Manager), H. Morgan (Senior Committee Services Officer)

1. **WEB-CASTING FILMING AND VOTING ARRANGEMENTS**

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publicly available in live and archive form via the Council's website. He advised that decisions would be made by a show of hands.

2. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss L. Ackerman, H.A. Andrews, Mrs K.R. Baker, P.J. Bevan, D.G. Carter, K. Dawson, N. Dix, Miss E. Forehead, Mrs P. Griffiths, G. Johnston, S. Morgan, Mrs R. Passmore, R. Saralis, Mrs M.E. Sargent and Mrs J. Summers.

3. DECLARATIONS OF INTEREST

The Interim Chief Executive advised that with the subject matter, if a Member owns a property or a piece of land specifically mentioned in the plan or lives close to an area that may be allocated, or if a family member owns a property/lives close to an area that may be allocated then they should consider whether or not to declare a personal and/or prejudicial interest. It is a matter for the individual Member as to whether they wished to declare a personal and/or prejudicial.

Declarations of interest were received from Councillors L. Binding, H. David, W. David, D. Rees and L.G. Whittle in respect of Agenda Item 4 (Deposit Replacement Caerphilly County Borough Local Development Plan Up to 2031) and are minuted with the respective item.

A further declaration of interest was received from Councillor J. Taylor during the course of the meeting and is minuted with the respective report.

REPORT OF OFFICERS

Consideration was given to the following report.

4. DEPOSIT REPLACEMENT CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN UP TO 2031

Declarations of interest were recorded as follows. As they were personal and not prejudicial they were able to remain in the meeting and take part in the discussion and voting thereon.

Councillor W. David - as living opposite one of the reserve sites and having objected as a private individual at the pre-deposit stage and intending to continue that objection at the deposit stage.

Councillor L. Binding - as having a personal interest in H1.47 as his property backs onto Windsor Colliery site.

Councillor L.G. Whittle - as having a personal interest in H1.47 as his property backs onto Windsor Colliery site.

Councillor D. Rees - as having previously declared an interest at the Planning Committee in respect of land at Oakdale Golf Course.

Councillor H. David - as having a relative who lives opposite a reserve site.

Councillor J. Taylor - in relation to the site of interest for nature conservation Reference NH3.162 Senghenydd, in that a farm is owned by a relative.

The report outlined to Members the representations made to the public consultation exercise undertaken in February and March 2015 in respect of the Draft Preferred Strategy for the Replacement Caerphilly County Borough Local Development Plan up to 2031 (Deposit Replacement LDP). It provided an Officer response and recommendation in respect of those representations, outlined the next stage of the plan preparation process, sought approval of the revised timetable, consideration of the recommendations of the LDP Focus Group and approval of the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031 as a basis for a statutory six-week public consultation exercise commencing in February 2016.

Rhian Kyte (Team Leader - Strategic and Development Planning) presented the report and outlined the background in respect of the Deposit Replacement Caerphilly County Borough Local Development Plan (LDP) up to 2031.

She advised Members that an up-to-date LDP is a fundamental part of the plan-led system in Wales. Caerphilly County Borough Council is committed to a plan-led approach to the delivery of new development in its area and has a proven track record of delivering development plans in a timely manner through successive planning authorities and successive planning regimes. The LDP provides the planning policy to provide investors with confidence in terms of the location and type of development that will be permitted throughout the borough and also includes the land use requirements of partner organisations where they are known. Critically it provides a good indication in terms of where investment in new infrastructure should be targeted to support planned development and it also enables utility providers to plan for their forward investment programmes.

Members were reminded that the Caerphilly County Borough Council Local Development Plan up to 2021 was adopted in November 2010 and there is a statutory requirement to monitor the effectiveness of that plan. As a consequence of the Annual Monitoring of the LDP in 2013, Council resolved to move forward to the first review of the plan a year earlier than planned (there is a requirement to review the plan every four years). This review arose from the economic downturn and its resulting impact on housing development and affordable housing delivery (and thus the need to include and increase the housing land supply) and also from a need to facilitate the Council's ambitious school rationalisation process.

As part of the review process, the Council recognised a need to change the development strategy that underpins the LDP. Within the current adopted LDP there have been a number of successes, with the adoption of greenfield and brownfield boundaries in the mid-Valleys region and a brownfield-only strategy in the south of the county borough (the Southern Connections Corridor). For 20 years the Council has sought to prevent greenfield release in the south but there was recognition that the new LDP would need to revise its strategic approach. On 27th January 2015 the Council approved the Preferred Strategy for the Replacement Caerphilly County Borough LDP up to 2031 for the purposes of a formal six-week public consultation process, which took place between February-March 2015.

This consultation process examined the strategic concepts involved in preparing a Development Plan and looked at broad areas for growth in terms of the whole county borough. This process presented the first opportunity for the general public to be involved in the preparation of the Replacement LDP. Mrs Kyte explained that a high level of response was not anticipated at the Preferred Strategy stage of the process due to the lack of site-specific information available at that time. However, the publication of a Candidates Site Register in tandem with the consultation process generated a large number of responses in relation to individual sites and is believed to have increased the overall consultation response levels in respect of the Preferred Strategy.

In total, 6,840 representations were received to the Preferred Strategy and an Initial Consultation Report (Preferred Strategy), which details the individual responses received, was prepared and made available online for the public to view. Overall there was a general acceptance of the main thrust of the strategy, with comments concentrating on detailed matters and also significant comment in terms of the strategic direction of the area for growth. A summary of the representations received were outlined in the appendix to the report. It was reported that there were three notable petitions in terms of numbers, which raised concerns in respect of the Ness Tar Site and Nant y Calch Farm, Gwern y Doman and land west of Cefn Llwyna Farm. Members were asked to note that under the terms of the Council's Delivery Agreement, each petition is counted as one representation.

The publication of the Candidate Sites Register generated a large number of responses in relation to individual sites. Chief amongst these were sites in Maesycwmmmer, Ness Tar, Gwern Y Doman, Hendredenny, Pandy Road in Bedwas, land at west of Cefn Llwyna Farm,

Snowden Close in Risca and the Rise in Llanbradach. The Officer explained that the Replacement LDP proposes two significant areas of change incorporating two planned areas of growth over the planned period up to 2031. These involve a strategic site area in Maesycwmmmer (referred to as Parc Gwernau) which proposes in the region of 2,400 houses with 1,800 of those likely to come forward in the plan period, together with an area south-east of Caerphilly comprising of a number of sites but with one strategic site which is at Ness Tar.

Of the remaining responses, a significant number of representations were received from proposers of Candidate Sites, who were either disappointed by the poor scoring of their site in the Council's initial assessment, seeking to change the boundary of their Candidate Site or seeking to submit a new site. There were significant comments received from Welsh Government (WG), Statutory Bodies and Commercial Organisations on the Preferred Strategy itself and a small number of responses to the Strategic Environmental Assessment/Sustainability Appraisal.

An Officer response to each of the representations received was contained within the Initial Consultation Report, with these representations having informed the preparation of the Deposit Replacement LDP, which is the next stage of this process. It was explained that this Deposit Plan is a full draft of the new LDP and includes the detailed policies and land allocation to guide development up to 2031. The Plan comprises of a number of documents, incorporating the Written Statement, the Proposals Map (in atlas form at this stage because it is still at the deposit stage) and Appendices to the Written Statement which give more detail on the individual allocations. Available online is a constraints plan which covers areas such as flood plains, tree preservation orders and listed buildings and should be read in tandem with the Deposit LDP.

Since the completion of the Preferred Strategy process, a number of consultation events have been held with internal and external stakeholders and elected Members. Full details of these sessions were outlined in the Officer's report. Additionally, a number of Members regularly relay areas of concern to the Strategic and Development Plans Team, and wherever possible, Officers have sought to address these issues during the preparation of the Deposit LDP.

The contentious nature of land development and the controversial considerations entailed in the preparation of the Deposit LDP were acknowledged. Mrs Kyte explained that wherever possible, every effort has been made to include stakeholder views (including elected Members) and to take into account the comments and concerns raised by the public. Members were asked to note that the Deposit Replacement LDP must reconcile the development needs of the population in terms of employment, housing, education, leisure and infrastructure with the wider environmental concerns for the general conservation of the environment. Change is therefore inevitable and development is essential, in terms of meeting basic needs and also in terms of the economy and for the benefit of both present and future generations.

It was then explained that where development has been proposed, this has been subject to a robust planning assessment, with the relevant statutory consultees consulted in order to ensure that any environmental concerns can be addressed or mitigated. Members were asked to recognise that the land use allocations such as special landscape areas (which include important local landscapes), green wedges, sites of importance for nature conservation, settlement boundaries, employment, housing, leisure and education) combined with the proposals for infrastructure support plan development (such as railroads, cycle paths etc) all serve to deliver the further development strategy that was agreed by the Council in January 2015.

It was acknowledged that elected Members might still have outstanding concerns regarding an allocation(s) in their ward but were asked to consider the Deposit Plan as a whole when determining whether to approve the Deposit Plan for consultation purposes. It was explained that subject to approval by Council, the Deposit Plan would be subject to a statutory 6-week public consultation exercise during February and March 2016. The arising responses will be

reported to a future meeting of Council for information purposes. Ultimately every representation received will be submitted to the Planning Inspectorate and the Welsh Government for independent examination.

It was reiterated that this is a key stage in the Plan preparation process and is the first stage in the process where residents and stakeholders can have their say on the full Plan. Although comments had been received on the Candidate Sites, there was no certainty about which sites were going forward at that stage and hence the Deposit Plan represents the first occasion for interested parties to comment on the full proposals. It was confirmed that the consultation period commences on 11th February 2016 and concludes at midnight on 23rd March 2016. All representations need to be received within this timeframe in order to be considered.

Members' attention was directed to two replacement proposal maps tabled at the meeting relating to sites at Cwmgelli and Nelson. It was explained that these replacement maps had been prepared due to small drafting errors on the original documents in relation to green wedge considerations and that the amended versions would be placed online accordingly. Members were also advised that Officers are seeking delegated authority to make minor typographical changes to the LDP, should any be detected in the associated documentation.

In closing, Mrs Kyte asked Members to consider the recommendations contained in the Officer's report with a view to enabling full public consultation to progress with the Deposit Replacement Local Development Plan to facilitate the preparation of this Plan in a timely manner.

Pauline Elliott (Head of Regeneration and Planning) outlined the need for an LDP and the risks in not having an up to date Plan. Members were advised that planning is the regulatory means by which land use is ordered and regulated in an efficient way, and there is a need to make the best use of land resources by also increasing the benefits that they can produce. It was acknowledged that there are always difficult choices to make about land use but planning law requires that applications must be determined in accordance with the development plan unless material determinations dictate otherwise. Therefore there is a pressing need to have an up to date LDP when making decisions on planning applications. Members were advised that as the current LDP is not up to date it leaves the Council vulnerable when making decisions on planning applications, which had been demonstrated by the complex nature of a number of applications recently presented to the Planning Committee.

In closing she advised that the LDP is needed to progress development in the county borough and safeguard the best development in the best places for local residents and businesses.

Christina Harray (Corporate Director - Communities) reiterated the points made by her colleagues and outlined the aims of the LDP. She explained that the statutory document will set out the Council's land use policy for the next 15 years. It aims to ensure that the County Borough remains an attractive and vibrant place for residents to live, work and enjoy. It also provides a framework to enable the Council to maximise the benefits from any development that takes place to ensure that the necessary schools, roads, transport and leisure infrastructure are obtained, together with jobs that are needed. Members were advised that they were being asked to approve the Council's Deposit LDP in order for it to be released for consultation purposes, and to consider the Plan as a whole, rather than as a series of individual development sites. Mrs Harray explained that if Members wished for individual sites to be removed from the Plan, then they would need to be replaced by a site of equal value in order for the LDP to meet its remit of requirements. It was acknowledged that Members may wish to raise objections to individual sites but were reminded that they are being requested to approve the Deposit LDP for consultation purposes, Members and the public will be able to make their views known during the 6-week consultation process outlined at the meeting.

Members were advised that upon receipt of these consultations and responses, Officers will provide responses to those consultations and bring them back for consideration at a future

meeting of Council. Following this, the Planning Inspectorate will consider the consultation responses together with the Council's Deposit Replacement Local Development Plan. The Planning Inspectorate will then make recommendations, which will be presented to Council for approval. After this process is completed, if anyone is minded to object to individual planning applications, the public and elected Members will be afforded the usual opportunity to offer their objections on individual sites at the relevant Planning Committee meeting where these applications are considered.

It was moved and seconded that subject to the inclusion of the amended plans as they relate to Cwmgelli, Blackwood (SI1.7) and Nelson (SI1.9)(as tabled at the meeting) and the Team Leader Strategic and Development Planning being authorised to make minor modifications as necessary to the Deposit Replacement LDP, the recommendations contained in the report be approved.

Discussion then ensued on the report and a number of Members spoke on the item.

A Member queried whether an infrastructure study had been carried out within the Aber Valley, and raised concerns regarding the impact of new developments on local communities. Particular reference was made to a need for extra schools or a contingency plan regarding transport to surrounding schools in the event that the additional housing developments proposed in the area would come to fruition.

Mrs Kyte explained that there are a series of background papers that underpin the preparation of the Deposit LDP and form the basis of evidence in respect of the plan. In terms of infrastructure, Members were advised that each site named within the Plan has been subject to individual consultation with the relevant infrastructure providers (such as utility providers, the Highways Department and Natural Resources Wales) in the same way that the consultation process is carried out regarding planning applications. Therefore every single site has been assessed on its own merits in terms of whether there is capacity or not to accommodate that allocation in a given place.

The combination and the cumulative impact of the sites have also been assessed in terms of the impact on the infrastructure and it was explained that there are a series of background documents available (e.g. highway infrastructure assessment reports) which examine these areas, address natural growth in terms of the implications for this infrastructure, and identifies improvements needed to enable the development to be accommodated. Therefore each utility/infrastructure provider will highlight what is necessary to enable the site to come forward and this is then reflected in either the Plan as an allocation or in the appendices to the Plan where for example hydraulic modelling is required that is flagged up so a developer would know it needs to be undertaken and what the concerns are.

In terms of education, Planning Officers have worked very closely with colleagues in the Education department and have examined the population projections to determine the likely impact in terms of surplus places/school capacity. It was explained that there is a document which underpins the LDP which outlines the issues in this area. Where there is a need for a new school, there is an allocation in the Plan, where it can be dealt with through an extension to an existing school or in some cases there could be a need to reconfigure catchment areas in line with revised population figures this would not require a land use allocation in the plan.

Members were reminded that the LDP is the land use framework for the Council and is underpinned by a number of other strategies (such as housing, economic development, education and transport). In respect of the financial implications associated with these education matters, it was explained that some of this would be funded through the normal capital budgets, and Members were referred to Appendix 20 which outlines further details in respect of cost areas and funding sources. Reference was also made to Section 106 agreements where the developer would have responsibility for building schools in such cases where developments generate this particular education need. Other funding mechanisms

available include the Community Infrastructure Levy and the feasibility of partnership with the Welsh Government, where appropriate, in terms of 21st Century Schools.

The Member thanked the Officer for the response and explained that a number of issues remained unanswered in regards to the local infrastructure and referred to the impact that new housing developments within the Aber Valley would have on the volume of traffic and traffic congestion across the Caerphilly area.

Reference was then made to the inclusion of large areas of greenfield sites within the Deposit LDP, and in referring to the Wellbeing and Future Generations (Wales) Act 2015 there was a call for these sites to be preserved and replaced with brownfield and infill sites. The Member also expressed the need for sustainable development for the long-term wellbeing of present and future generations. In making reference to the Gwern y Domen site and land south of Rudry Road, reservations were expressed as to their future sustainability, explaining that there appears to be insufficient consideration of the effect that a large housing development will have on already compromised areas in respect of traffic considerations, schools and health and social care. Reference was also made to bio-diversity issues at Gwern y Domen, and a need to retain access to open spaces within this area for the public to use for exercise and leisure activities.

The Member stated that the proposed Deposit LDP identifies several sites that were not considered in the 2015 consultation process and for which no formal evaluation appears to have been provided. Reference was made to the change of use for land south of Rudry Road in the new LDP (to mixed use employment and school use) with the allocation of part of the site for leisure (as outlined in the current LDP) appearing to have been deleted. The Member relayed the concerns of local residents and summarised objections received regarding this proposed change of use. In closing, the Member referred to the duty of planners to take into account the protection of the environment, of Caerphilly's commitment as "a greener place to live" and of the irreplaceability of the land outlined within the Deposit LDP.

A Member then outlined examples of the volume of traffic congestion in and around the Caerphilly/A469/A470 area and the effect this is having on secondary roads in neighbouring communities (such as Llanbradach) in terms of congestion and pedestrian safety. He referred to the proposed housing developments as outlined in the Deposit LDP and expressed concern as to the level of additional vehicles that would be generated as a result and their impact on the existing transport infrastructure. In citing the reactive (rather than proactive) approach to the building of roads to accommodate new development, he called on the Welsh Government to provide funding for associated infrastructure improvements.

A Member then voiced his opposition to the proposals contained within the Deposit LDP and outlined the reasons for these views. He made reference to the complexity of the issues contained within the Plan, and acknowledged the risks and implications for land development if an up to date LDP is not endorsed and maintained. He also acknowledged the opposition from Members to proposed developments within specific wards and their subsequent difficulty in being able to endorse the proposed Deposit LDP as a whole as a result of these concerns, and added that he would support those Members who oppose greenfield developments within their wards.

Although acknowledging the shortcomings arising from not having a current LDP, the Member referred to issues surrounding LDPs in that they are developed separately by each local authority. He expressed a need to consult with other local authorities in Wales in order to understand their long term strategy and called for a wider strategic plan to be developed across South-East Wales that links transport and housing across local authority borders. He explained that until this happens, in his view LDPs are simply not fit for purpose and it was for this reason he was opposed to the Deposit Replacement LDP.

Reference was then made to the inclusion of Gwern y Domen and Plas Newydd within the Deposit LDP and the impact that proposed additional housing developments and the arising

subsequent increase in vehicles would have on rural country lanes in these areas. Concerns were also expressed as to the impact of an increased population in this area on local doctor surgery waiting times, together with capacity issues in local schools.

Concerns were expressed that the proposed removal of a green wedge area between Croespenmaen and Treowen (Ty Mawr) would lead to the merging of these two settlement areas. It was explained by Mrs Kyte that both settlement boundaries and green wedges form part of the review process, and that although green wedges are an anti-coalescence policy designed to prevent individual settlements merging, it is considered that a small incursion into the green wedge at this location would be considered acceptable to enable a small expansion of the village. It was acknowledged that this would erode the extent of the green wedge but that there will remain a green wedge between the two villages until such time as the LDP is reviewed once again. Members were advised of the anti-coalescence statement included within the LDP and of the opportunity to make their views known at the public consultation stage.

Further concern were raised in relation to the traffic gridlock that is experienced in the Caerphilly basin during rush hour periods and the effect that even small local events can have in exacerbating this problem. It was perceived that further housing developments would lead to Caerphilly becoming a 'ring road town' and the Member outlined the need to remove greenfield sites from the LDP and refuse developments in such areas. Reference was also made to traffic issues along the A469 at peak periods and the effect this was having on nearby Llanbradach. The Member referred to the funding available to improve highways infrastructure and cited a need for this to be in place prior to proposed housing developments being allowed to commence.

Reference was then made to the calculation of the 5-year land supply and to the existing land supply available to developers, including brownfield sites that already have planning permission for development. It was suggested that there is a need for development to commence in these areas rather than new developments to be proposed across greenfield sites in other areas.

A Member then raised objection to TR8.2, the proposed south eastern bypass. It was explained that previously the main reason for this proposed road was congestion and to complete the ring road around Caerphilly, but that the Deposit LDP now cites air quality in Caerphilly town centre as the main reason for this road. Reference was made to a recent Air Quality Monitoring report which states that this pollution will reduce to acceptable levels within 9 years due to improved technology of motor vehicles, cleaner fuels and the use of more hybrid cars, and explained that building a south eastern bypass will only reduce emissions by 4.5% at the present time. He explained that improving and widening the existing bypass around Caerphilly will reduce pollution by up to 16%, but that these improvements are only a long term aspiration in the Deposit LDP.

He stated that it was proposed to finance this bypass via the development of 685 homes on a nearby farm and explained that this development would exacerbate problems on local highways which are regularly congested, experience regular flooding and have a large number of accidents each year. Concerns were expressed that vehicle movements would increase arising from this proposed development, which could increase congestion and pollution levels and lead to environmental damage. He referred to previous Inquiries by the Planning Inspector which found against the proposed bypass, and requested that the proposed south-east bypass (TR8.2) be removed from the Deposit LDP.

Following an observation from another Member in that those present had been asked to consider the Deposit LDP in its entirety, the Member indicated that he would withdraw the request for an amendment and vote against the Deposit LDP as a whole.

A Member referred to traffic congestion issues across the county borough, and referring to a lack of sufficient highway structure around the new Ystrad Fawr hospital, expressed a need

for improvements to be made in respect of this matter. The Member made reference to regeneration projects in the north of the county borough and called for more affordable housing developments to be built in this area. Reference was also made to proposals within the Deposit LDP to reallocate certain portions of land within the county borough (currently used as school playing fields) for other purposes. The Member expressed a need to protect this land and indicated that for these reasons, he would be unable to support the LDP.

The need for issues such as planning design and investment in public transport to be addressed within the LDP in order to reverse the trend of a decline in town centres across the county borough was raised. The Member stated that there would be little or no economic benefit to Caerphilly town centre if Ness Tar and Nant y Calch Farm are included within the Deposit LDP. He added that the original proposed area i.e. the Ness Tar site, with well-thought out design can be achieved and deliver a large number of houses and would make the use of public transport a more attractive option for commuting rather than using vehicle transport to get out of Caerphilly.

The Member added that the creation of the south eastern bypass will exacerbate this problem in that it will ultimately transport workers/shoppers out of the county borough. He explained that Caerphilly has the third highest level of commuting to Cardiff with over 15,000 out commuting trips daily. The provision of 40,000 jobs and the potential for significant housing land release within the Caerphilly basin could potentially increase or will increase the level of out commuting trips. He expressed concerns that the Cardiff LDP contained no information addressing this issue or the effect transport policies had on the adjoining local authority areas. He explained that consequently there is a concern that with the potential for Cardiff to reach traffic gridlock through its own allocated development, the Caerphilly road network could become highly congested and cause critical implications for transport in the Caerphilly basin and beyond.

A Member expressed concerns that the Deposit LDP would become a document from which developers would select certain criteria to suit their applications. The Member made reference to the areas of Penyrheol, Trecenydd and Energlyn and explained that development proposals for 2000 new properties would lead to over 5000 new vehicles accessing the roads within these communities. He outlined the congestion problems currently experienced in these areas and the dangers arising in respect of pedestrian safety, which would be exacerbated by these new developments. He expressed a need to support the interests of his local community and indicated that he would not be supporting the Deposit LDP.

In referring to proposals for housing development in Nelson, the Member called for an independent survey of traffic movements across the county borough and referred to proposals for housing developments within the Nelson area. She explained that this equated to a 25% vehicle increase in the ward which would have a significant impact on traffic congestion in the area and also expressed a need for the reclamation of certain areas of land for community use.

Reference was then made to the need for a review of the strategy surrounding the Deposit LDP with a view to maximising the individual sites that are available for development, rather than stretching them over a number of areas. The Member summarised the strength of public feeling in respect of these proposals and suggested that these be taken on board in terms of how the strategy is developed. Reference was made to the City Region proposals and it was queried as to how the Deposit LDP fits into these proposals. A need was expressed to extend proposed developments across the north of the county borough to alleviate traffic congestion and school capacity issues within the Caerphilly basin.

The Member made specific reference to proposals relating to Ness Tar and the TR8 south eastern bypass and the arising implications of these proposals. He referred to the boundaries established within the Deposit LDP and a need to have regard for bio-diversity issues in respect of woodlands and the environment contained within these proposals. The Member asked if he could move an amendment to the report recommendations in that the extent of the

boundary that restricts the Ness Tar and Nant y Calch sites be removed and that access to these sites be restricted to the bridleway.

The Interim Chief Executive explained that whilst Members had the option to move specific amendments to the report, this was a very specific request in terms of the bridleway boundaries and that the full remit of documentation associated with this issue was not available for Members consideration.

The Member explained that he was reflecting comments from previous Planning Inspectorate reports and had referred specifically to the bridleway in that it takes care of the lower half of the site. He explained that this did not include the site of importance for nature conservation, which is the meadow and that would be in conjunction with the removal of the TR8.2 as well.

Clarification was sought on whether the Member wished to move a specific amendment. It was observed that Members had previously been asked to consider the Deposit LDP in its entirety and queried whether amendments regarding individual sites/proposals were permitted. The Interim Chief Executive confirmed that Members had the right to move specific amendments. However, he explained that this particular amendment was looking to confine a particular allocation in a certain way and that this would be difficult for Members to consider as they would need to be presented with detailed boundary maps in order to appreciate the implications of this request.

The Member asked that if it was not deemed appropriate to progress this motion, then should the Deposit LDP be approved for consultation, that Officers note the details of the request and determine whether it could be taken forward. Officers sought clarification on the requirements of the Members request and it was confirmed that the Member wished for proposals surrounding the Ness Tar site to revert to the current LDP (retain the brownfield element of the proposals with indicative for the bypass). The Interim Chief Executive confirmed that this request had been noted and that the Member would have the opportunity to make this representation again during the consultation process.

Reference was then made to the fact there is no provision within the Deposit LDP to improve the safe passage of traffic through the communities of Bedwas, Trethomas, Graig Y Rhacca and Machen and the Member referenced the heavy traffic congestion in these areas. He also outlined the need for existing brownfield sites to be developed prior to the development of new greenfield sites and reiterated the need for a traffic survey across the county borough and called for a robust road infrastructure to be established across the county borough in order to protect the wellbeing of local residents.

A Member supported a number of comments previously made at the meeting and expressed concerns that the lack of an LDP could have major implications for the Authority in terms of planning of matters. She asked for it to be placed on record that she is extremely concerned about the allocation of land at Pandy Road for 300 units and would continue to work alongside residents to try and prevent development, together with making the Planning Inspector fully aware of all concerns when the Plan is out for consultation.

A Member referred to the difficulties that would arise in terms of planning considerations should Members choose not to support the Deposit LDP for consultation purposes. He explained that the Authority is required to supply a certain amount of land capable of building a certain amount of developments and called for a sense of perspective on this matter in that if Members were minded not to support these proposals, an alternative would need to be suggested in its place in order to avoid serious planning implications in future years. He added that he would be raising objections to certain areas when the Deposit LDP is presented to the Planning Inspector and when future applications come to Planning Committee.

Concerns were then raised regarding the purpose of the LDP in that it guides Planning Committee when looking at future planning applications. She explained that Members had been advised that the LDP should be read in conjunction with Welsh Government's strategies,

policies and technical advice notes. However, the Member observed that the LDP and government strategies, although they should run in tandem, do not always do so. She referred to a recent planning application where a Welsh Government technical advice note (TAN 21) was disregarded in favour of general guidance within the LDP. She explained that the current LDP states that due consideration should be given to Welsh Government strategies and guidance and should also have regard to national planning policies. However, the Member explained that she felt this wording was too open ended and should be tightened up so that the Planning Authority cannot choose to disregard government planning policy, and indicated that although she was minded to support the Deposit LDP, she would be relaying these concerns to the Planning Inspector.

A Member then summarised the recommendations within the report and the arising consultation exercise in respect of the Deposit LDP. He acknowledged the strong views regarding the LDP and the concerns expressed in relation to particular sites. He reiterated that the purpose of the meeting was to support the Local Development Plan which would address a number of housing matters across the county borough (such as affordable housing for young people and suitable housing for elderly and vulnerable residents). He acknowledged the views of Members in that more developments should be planned for the northern end of the borough, but reiterated that developers could not be directed to build in specific areas of the county borough. Members were reminded of the essential need to have an LDP that identifies a five year housing land supply and of the pressing implications that would arise in finding suitable alternatives should Members not be minded to support the Deposit LDP.

Reference was made to the City Deal and its links to the LDP and the Member explained that the key to this scheme is collective and collaborative working across the whole of South East Wales. He explained that the purpose of a City Deal is to improve the economic prospects and opportunities for people living in the borough. He confirmed that the Council are working with Welsh Government and the UK government to adhere to this £1.2b scheme that will improve infrastructure and create jobs and opportunities for young people. He appealed to Members to support the Plan and reminded them of the opportunity to put their case to the Planning Inspector at a future date and for consideration of the whole Deposit LDP to not be blighted by the contentious sites contained within the document.

Clarification was then sought on the purpose of the report and the determination that was sought of Members. The Interim Chief Executive confirmed that if the Deposit LDP was approved at the meeting, it would go out to consultation over a 6-week period and the results would then be presented to Members for consideration before they are presented to the Planning Inspector. Members were advised that should they be minded to make significant changes following the consultation period, the process regarding the preparation of a Deposit Replacement LDP would have to begin again in its entirety.

In closing the debate, the mover of the Motion explained that this review was triggered arising from the lack of a five year housing land supply, and Members were reminded of the Council's duty to review the plan every four years. He explained that whilst the Plan is under review, the Council are vulnerable in terms of planning applications and so the only way to avoid this is to have a sound LDP which gives guidance and security to the Planning Committee. He acknowledged the sincerity of the representations made by a number of Members in objection to sections of the Deposit Replacement LDP and reminded them that they would have the opportunity to present these to the Planning Inspector during the review process. He also encouraged maximum participation in this process. He explained that at the moment the Council do not have a mechanism to develop their LDP strategy with that of other local authorities but that this was a matter that could be given consideration for the future. In closing, he asked Members to use the tools available to them to enable the review of the LDP and asked them to agree the recommendations in the report to enable the Deposit Replacement LDP to be submitted for public consultation.

During the course of the debate, Members wished to record their appreciation to all those staff involved in the producing the Deposit LDP and its associated documents.

It was moved and seconded that subject to the inclusion of the amended plans as they relate to Cwmgelli, Blackwood and Nelson (as tabled at the meeting) and the Team Leader - Strategic and Development Planning being authorised to make minor modifications, as necessary, to the Deposit Replacement LDP prior to publication if any errors are detected, the recommendations in the report be approved.

In accordance with Rule of Procedure 15.4 (1) a request was made for a recorded vote.

FOR THE MOTION

Councillors M. Adams, Mrs E.M. Aldworth, J. Bevan, Mrs P. Cook, C.J. Cuss, W. David, H.R. Davies, M. Evans, Mrs C. Forehead, Mrs J. Gale, L. Gardiner, N. George, C.J. Gordon, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, Mrs B.A. Jones, Ms J.G. Jones, Miss L. Jones, G. Kirby, Ms P. Leonard, A. Lewis, Mrs G. Oliver, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, D. Rees, K.V. Reynolds, J. Simmonds, Mrs E. Stenner, T.J. Williams, R. Woodyatt (36)

AGAINST THE MOTION

Councillors A. Angel, L. Binding, Mrs A. Blackman, H.W. David, C. Elsbury, J.E. Fussell, R.W. Gough, M.P. James, S. Kent, K. Lloyd, C.P. Mann, M.J. Prew, J.A. Pritchard, J.E. Roberts, S. Skivens, J. Taylor, L.G. Whittle (17)

The Motion was declared carried.

RESOLVED that subject to the inclusion of the amended plans as they relate to Cwmgelli, Blackwood and Nelson as tabled at the meeting) and Team Leader Strategic and Development Planning Officer being authorised to make minor modifications as necessary to the Deposit Replacement LDP prior to publication if any errors are detected:-

- (i) the representations made to the public consultation exercise undertaken in February and March 2015 in respect of the Draft Preferred Strategy for the Replacement Local Development Plan be noted;
- (ii) the Officer response and recommendation in respect of those representations contained in the Initial Consultation Report were considered and noted;
- (iii) the next stage of the plan preparation process be noted and the revised timetable (contained in Appendix 1 of the report) be approved;
- (iv) the recommendations of the LDP Focus Group (contained in Appendix 2 of the report) were considered and noted;
- (v) the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031 be approved as a basis for a statutory six-week public consultation exercise commencing in February 2016.

The meeting closed at 7.15pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 8th March 2016, they were signed by the Mayor.

MAYOR

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COUNCIL - 8TH MARCH 2016

SUBJECT: ANIMAL WELFARE (BREEDING OF DOGS) (WALES) REGULATIONS 2014

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

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- 1.1 The report, which was considered by Cabinet on 17th February 2016 outlines the new statutory legislation to licence Dog Breeding Establishments in Wales, proposals for determining the licence applications received by the Authority and seeks to set a licence fee under the above legislation.
 - 1.2 In addition, the report sought approval to recommend to Council that the Council's Monitoring Officer be authorised to make the necessary changes to the Constitution, to reflect the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.
 - 1.3 It was noted that the Breeding of Dogs Act 1973 has been replaced within Wales by the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 which came into force on the 30th April 2015. The Regulations were brought into force under the Animal Welfare Act 2006 ("the 2006 Act") and therefore, any person wishing to breed dogs in Wales must obtain a licence from their local authority in compliance with the new regulations and relevant licence conditions.
 - 1.4 The 2006 Act and Regulations are silent upon the issue of the responsibility for exercising the function under the Act. Consequently the provisions of Section 9 (D) of the Local Government Act 2000 and/or the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 are triggered giving responsibility for exercising the function to the Executive.
 - 1.5 Members thanked the Officer for the report and sought further information on illegal dog imports and interbreeding of dogs. It was noted that, checks are made on dog importations by Animal and Plant Health Agency (A.P.H.A) who then inform local authorities if there are any concerns regarding dog passports or illegal imports. With reference to interbreeding of dogs, it was noted that, the authority's Dog Breeding Conditions and the new Legislation requires licensees to keep detailed records of the Sire, Dam and puppies, which could be checked and investigated by Officers. In response to a question on Licensing Officers workload, Members were assured that, the impact would be low as licensed dog breeders were few in number. The monitoring of possible breeders by Enforcement Officers to assess compliance with the law and licensing requirement was however very time consuming.
 - 1.6 Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report: -

- (i) the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 be noted;
- (ii) Licensing Officers be given delegated authority to determine Licences under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 as set out in paragraph 4.3 of the report;
- (iii) the revocations and disputed decisions referred to in paragraph 4.3 of the report be determined by the Trading Standards, Licensing and Registrars Manager;
- (iv) the fee structure set out at paragraph 4.10 of the report be approved for implementation from 1st April 2016.

RECOMMENDED that the report be presented to Council to authorise the Council's Monitoring Officer to make the necessary amendments to the Constitution to reflect the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

1.7 Members are asked to consider the recommendation.

Author: C.A Evans, Committee Services Officer
Ext. 4210

Appendix: Report to Cabinet dated 17th February 2016.

CABINET - 17TH FEBRUARY 2016

SUBJECT: ANIMAL WELFARE (BREEDING OF DOGS) (WALES) REGULATIONS 2014

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of new statutory legislation to licence Dog Breeding Establishments in Wales
- 1.2 To note and agree the proposals for determining the licence applications received by the Authority and to set a licence fee under the above legislation.
- 1.3 That the report be presented to Council to authorise the Council's Monitoring Officer to make the necessary changes to the Constitution to reflect the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

2. SUMMARY

- 2.1 The Breeding of Dogs Act 1973 has been replaced within Wales by the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 which came into force on the 30 April 2015. The Regulations were brought into force under the Animal Welfare Act 2006 ("the 2006 Act"). Any person wishing to breed dogs in Wales must obtain a licence from their local authority in compliance with the new regulations and relevant licence conditions.
- 2.2 The 2006 Act and Regulations are silent upon the issue of the responsibility for exercising the function under the Act. Consequently the provisions of S 9 (D) of the Local Government Act 2000 and/or the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 are triggered giving responsibly for exercising the function to the Executive.

3. LINKS TO STRATEGY

- 3.1 Licensing of dog breeding establishments contributes to the Prosperous Caerphilly and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers, and Objective 1 of the Council's Strategic Equality Plan 2012.

4. THE REPORT

- 4.1 The Breeding of Dogs Act 1973 has been replaced within Wales by the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 which came into force on the 30 April 2015. The 2014 regulations were made under the Animal Welfare Act 2006 ("the 2006 Act"). Any person wishing to breed dogs in Wales must obtain a licence from their local authority in compliance with the new regulations and relevant licence conditions.

- 4.2 Prior to the introduction of the Regulations the licensing regime under the Breeding of Dogs Act 1973 was the responsibility of the Licensing Committee which included delegated powers to officers to exercise these functions. The 2006 Act and supporting Regulations are silent upon the issue of the responsibility for exercising the function. Consequently the provisions of S 9 (D) of the Local Government Act 2000 are triggered which provide if an Act is silent on this issue then by default the function will be exercised by the Executive
- 4.3 It is proposed that applications will be determined by Licensing officers under delegated powers. This will include the power to grant, refuse, renew, vary, impose conditions and or suspend a licence. Where a licence holder disputes a decision to suspend or vary a licence he/she may in the circumstances set out in the regulations make representations to the local authority in respect of such a suspension or variation of the licence. It is therefore proposed that such disputes are determined by the Trading Standards, Licensing and Registrars Manager together with the power to reinstate or revoke a licence. Any person who is aggrieved by the refusal to grant or renew or the decision to revoke a licence may appeal to the Magistrates Court.
- 4.4 The new regulations specify requirements that must be complied with before a licence can be issued by the authority. The legislation covers fee setting and circumstances under which a licence may be varied, suspended or revoked. There are rights of appeal to the Magistrates court against licensing decisions and a breach of licence condition is also an offence under the regulations. New powers also allow inspectors to gain entry and take samples for the purposes of DNA testing of dogs kept at the premises.
- 4.5 Under the regulations a person carries on the activity of dog breeding if they keep on the premises 3 or more breeding bitches and
- (a) breeds on those premises 3 or more litters of puppies in any 12 month period;
 - (b) advertises for sale from those premises a puppy or puppies born from 3 or more litters of puppies for sale in any 12 month period;
 - (c) supplies from those premises a puppy or puppies born from 3 or more litters of puppies in any 12 month period; or
 - (d) advertises a business of breeding or selling puppies from those premises.
- 4.6 Schedule 1 of the regulations establish a set of compulsory conditions which must be attached to each licence in addition to a local authority's standard conditions i.e:-
- Implementation of an enhancement and enrichment programme that has been approved by the local authority.
 - Implementation of a socialisation programme that has been approved by the local authority.
 - A requirement that the Licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.
 - Set limits in respect of age of mating, frequency and number of litters
 - Restrictions on change of ownership of puppies until at least 56 days (8 weeks old)
 - Requirement to maintain written records for each breeding bitch and birth of each puppy.
 - Requirement to maintain written records for each puppy at the licensed premises.

- 4.7 The enhancement and enrichment programme is a document that details how dogs will have the opportunity to express normal behaviour. The socialisation programme is a document detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam.
- 4.8 The All Wales Technical Panel for Animal Welfare has consulted local authorities in Wales on an appropriate suite of conditions to ensure compliance with these regulations. A further report will therefore be brought before Cabinet to adopt a new suite of conditions. In the meantime the compulsory conditions listed in 4.6 will be applied to each licence in addition to our existing licence conditions as set out in the background papers.
- 4.9 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 4.10 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. Officers have used the toolkit and the latest LGA guidance to establish a licence fee for Dog breeding establishments. The proposed fees are as follows with existing fees under the previous legislation shown in brackets:-
- Home Dog Breeders - £138 (£100)
 - Commercial Dog Breeders - £231 (£200).

5. EQUALITIES IMPLICATIONS

- 5.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 8 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 None, the number of licensed breeders are low.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications arising directly from this report.

8. CONSULTATIONS

- 8.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

9. RECOMMENDATIONS

- 9.1 That Cabinet consider the contents of this report and agree:
- a) to note the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

- b) that Licensing officers be given delegated authority to determine Licences under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 in accordance with paragraph 4.3 of the Report
- c) that revocations and disputed decisions referred to in paragraph 4.3 of the Report are determined by the Trading Standards, Licensing and Registrars Manager .
- d) that the fee structure set out at paragraph 4.9 of the Report is approved for implementation from 1/4/2016.
- e) That the report be presented to Council to authorise the Council's Monitoring Officer to make the necessary amendments to the Constitution to reflect the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to comply with statutory requirements and to ensure proper and effective enforcement of the legislation.

11. STATUTORY POWER

- 11.1 The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. Animal Welfare Act 2006.

Author: Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
 Consultees: Councillor Nigel George, Cabinet Member for Community and Leisure Services
 Rob Hartshorn, Head of Public Protection
 Dave Street, Corporate Director, Social Services
 Gail Williams, Interim Head of Legal Services/Monitoring Officer
 Mike Eedy, Finance Manager
 Shaun Watkins, Human Resources Manager
 David A. Thomas Senior Policy Officer (Equalities and Welsh Language)
 Myra McSherry , Licensing Manager
 Lisa Lane, Legal Services

Background Papers :
 Open for business LGA guidance on licensing fees Nov 15
 Guidance Document Dog Breeding (Wales) Regulations 2014
 CCBC Home Dog Breeding Conditions
 CCBC Commercial Dog Breeding Conditions



COUNCIL – 8TH MARCH 2016

SUBJECT: STRATEGIC EQUALITY PLAN AND OBJECTIVES 2016 - 2020

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

-
- 1.1 The attached report was considered by the Cabinet on 2nd March 2016. The recommendations of Cabinet will be reported verbally to Council on 8th March 2015.
 - 1.2 Members will be asked to consider the recommendations of Cabinet.

Author: Helen Morgan, Senior Committee Services Officer

Appendix Report to Cabinet - 2nd March 2016.

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CABINET – 2ND MARCH 2016

SUBJECT: STRATEGIC EQUALITY PLAN AND OBJECTIVES 2016-2020

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

-
- 1.1 The attached report was considered by the Policy and Resources Scrutiny Committee on 1st March 2016, prior to its referral to Cabinet.
 - 1.2 The views expressed at the Scrutiny Committee meeting will be reported verbally to Cabinet.

Author: C. Evans, Committee Services Officer, Ext. 4210

Appendices:

Appendix 1 Report to Policy and Resources Scrutiny Committee on 1st March 2016 – Agenda Item 7

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 1ST MARCH 2016

SUBJECT: STRATEGIC EQUALITY PLAN AND OBJECTIVES 2016-2020

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 The Report is seeking the views of Members on an updated Strategic Equality Plan and Objectives 2016-2020 prior to its presentation to Cabinet and Council to seek approval for adoption as Council policy.

2. SUMMARY

- 2.1 The Council has had a Strategic Equality Plan in place since 2012, and must now update this for the next 4-year cycle.
- 2.2 In addition, the Council's current Welsh Language Scheme comes to an end and will be removed from the policy framework and replaced with actions related to the new Welsh Language Standards.
- 2.3 As the operational requirements of both Equalities and Welsh Language statutory duties have converged steadily over the years, the unified action plan has reduced duplication and streamlined their implementation.
- 2.4 This has also ensured that the Council has a good foundation in place to meet three of the Well-being goals of the Well Being of Future Generations (Wales) Act 2015.

3. LINKS TO STRATEGY

- 3.1 Equalities and Welsh Language issues are crosscutting themes and impact on every other council policy, function and process.
- 3.2 These include:
- Ensuring that all Customer facing functions are robust in line with Equalities and Welsh Language statutory duties
 - Ensuring that all Human Resources functions are robust in line with Equalities and Welsh Language statutory duties
 - Equality Impact Assessments on all council reports, policies and proposals to ensure fairness in service provision and delivery
 - Welsh language translation requirements of every service area
 - Workforce development provision of Equalities and Welsh Language courses to staff
 - Corporate complaints issues where any have aspects of alleged discrimination or Welsh language issues

- Physical accessibility issues for all Council owned property and buildings

4. THE REPORT

- 4.1 Since April 2012, the Council has had in place a four-year Strategic Equality Plan alongside a Welsh Language Scheme in order to comply with statutory duties. These have been supported by a single operational document, the Equalities and Welsh Language Strategic Objectives and Action Plan.
- 4.2 This operational document was created as the requirements of both statutory duties have many similar requirements in terms of implementation, so this unified action plan reduces duplication of actions and streamlines the implementation of both sets of duties.
- 4.3 All local authority Welsh Language Schemes come to a formal end in March 2016 due to the introduction of the new legislation and so as part of this policy update, it will be removed from the policy framework, so that actions within the Strategic Equality Plan, related to the new Welsh Language Standards, can replace it.
- 4.4 The Strategic Equality Plan has undergone relatively minor updates for the most part on existing text, compared with the previous version, in order to reflect changes or to provide additional information only. The Objectives and Action Plan have been developed to take achievements and progress into account and to bring the document in line with the Welsh Language Standards.
- 4.5 The main additions are sections on the Armed Forces Covenant and links to the Well Being of Future Generations (Wales) Act 2015, as Equalities and Welsh Language issues, alongside Community Cohesion matters, form 3 of the 7 Well-being Goals within the Act.
- 4.6 The number of Strategic Equality Objectives has risen from 7 to 11, with the addition of the following:
- Compliance with the Welsh Language Standards
 - Supporting Age-friendly Communities
 - Supporting the Armed Forces Covenant
 - Working with Gypsy and Traveller Communities
- 4.7 The Strategic Equality Plan and the unified Objectives and Action Plan were the focus of consultation and engagement undertaken between December 2015 and January 2016 (see section 8).

5. EQUALITIES IMPLICATIONS

- 5.1 Given their nature, these documents demonstrate the Council's commitment to Equalities and Welsh Language work and by implementing the actions in the unified Plan under 11 Objectives, the Council will deliver many improvements to the lives of individuals and groups in Caerphilly county borough communities who are protected by current Equalities and Welsh Language legislation.

6. FINANCIAL IMPLICATIONS

- 6.1 The updated policy and action plan cover many commitments and actions already being implemented and the financial implications of the Welsh Language Standards have been the focus of a number of Cabinet papers over the last 2 years. The Equalities and Welsh Language team will continue to coordinate training and statutory translation requirements corporately.

7. PERSONNEL IMPLICATIONS

- 7.1 In light of the requirements of the Welsh Language Standards and the wider requirements of the Public Sector Equality Duty, any personnel implications will be dealt with as they arise by Human Resources and the Equalities and Welsh Language team, and reported on in the annual reports each summer. They are difficult to quantify at this time however any significant implications that may arise would be reported via the Corporate Management Team to Cabinet and relevant Scrutiny Committees.

8. CONSULTATIONS

- 8.1 The draft Strategic Equality Plan was consulted on as normal as it only required a few minor updates, however the updated draft Objectives and Action Plan was circulated extensively both internally and externally for comment as this is the operational side of the plan. The list of consultees is shown as Appendix 1 at the end of this report.
- 8.2 17 responses were received by the consultation period closing date of 29th January 2016, and where possible, the comments and additional information received have been reflected in the amended draft policy being presented here. No negative responses were received.
- 8.3 The key amendments resulting from the consultation were:
- A greater alignment of the new Ageing Well in Caerphilly objective with existing national programmes
 - Inclusion of further references to criminal legislation around Hate Crime and other relevant legislation and regulations.

9. RECOMMENDATIONS

- 9.1 Prior to presentation of this Report to Cabinet and Council the Committee are asked for their views on the following recommendations to Cabinet:
- i. That Cabinet recommend the Strategic Equality Plan and the Objectives and Action Plan to Council for approval.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The updated policy and unified action plan will ensure that the Council has a fit-for-purpose strategy in place to demonstrate compliance with the latest statutory Equalities and Welsh Language duties.

11. STATUTORY POWER

- 11.1 Local Government (Wales) Measure 2010, Human Rights Act 1998, the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, the Welsh Language (Wales) Measure 2011, the Welsh Language Standards (No.1) Regulations 2015, the Well Being of Future Generations (Wales) Act 2015.

Author - David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Ext 4353 thomada@caerffili.gov.uk
9th February 2016

- Appendix 1 - List of Consultees
- Appendix 2 - Strategic Equality Plan 2016-2020
- Appendix 3 - Equalities and Welsh Language Objectives and Action Plan 2016-2020

APPENDIX 1 - CONSULTATION AND ENGAGEMENT

List of Consultees

Chris Burns, Interim Chief Executive,
Dave Street, Corporate Director (Social Services)
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer,
Colin Jones, Head of Performance and Property
Cllr James Pritchard, Elected Members Equalities Champion,
Gail Williams, Interim Head of Legal and Democratic Services
Shaun Watkins, HR Manager
David Roberts, Principal Accountant
Rob Hartshorn, Head of Public Protection
Kathryn Peters, Community Safety Manager
Anwen Rees, Equalities Training and Promotion Officer
John Elliott, Research Officer (Performance)
Jackie Dix, Policy and Research Manager
Mark Jennings, Housing Strategy Officer
Mandy Sprague, Development Officer for Older People
Simon Dixon, Disability Access Officer

Equalities and Welsh Language Officers/Teams of:

Blaenau Gwent CBC, Torfaen CBC, Monmouthshire CC, Rhondda Cynon Taf CBC, Newport CBC, City and County of Cardiff, Swansea CBC, Merthyr Tydfil CBC, Bridgend CBC, Ceredigion CBC, Welsh Local Government Organisation.

Local, National and Regional Equalities and Welsh Language Organisations:

EHRC Wales, Stonewall Cymru, Umbrella Gwent, Age Cymru, Andrew Tuggey (High Sheriff of Gwent), Victim Support, Disability CanDo

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Strategic Equalities Plan 2016

FOREWORD

Caerphilly County Borough Council is committed to equality of opportunity for all within the county borough of Caerphilly. We want everyone to be treated equally and fairly and with respect in terms of education, employment and in all aspects of everyday life. This is our third Strategic Equality Plan, following a pilot version in 2011-2012 and 4 years of implementing a full plan from April 2012 to March 2016.

We remain committed to achieving equality within all aspects of our service delivery and in our employment practices, which is even more important during these challenging times and in such a difficult financial climate.

Respect for diversity is a key issue as our communities change and develop in the 21st century; respect for the old and the new and respect for every individual who lives or works here, who represents the county borough, or who visits here.

Council services must reflect these diverse needs and Caerphilly County Borough Council already has a strong background in delivering accessible services in a sensible, measured and cost-effective way. The cuts to council budgets being made at the time of publishing this plan have to take into account the impact on the most vulnerable in society through Equality Impact Assessments, that carry the full authority of this plan.

The plan will be monitored each year in order to review the impact of the progress we make and the annual reports will continue to be published. It will also be publicised and promoted widely both internally and externally in order to raise awareness of the work being done.

We hope that you agree that this updated Plan continues to develop the equality and diversity work we have undertaken to date and shows our ongoing commitment to ensuring respect and fairness for everyone in the county borough.

The Council's motto is "**Working together for the good of all**" and nowhere is this more appropriate than in terms of implementing the Strategic Equality Plan.

Keith Reynolds
Leader
Caerphilly County Borough Council

Chris Burns
Interim Chief Executive
Caerphilly County Borough Council

**Mae'r cynllun hwn ar gael yn Gymraeg, ac mewn ieithoedd neu fformatau eraill ar gais.
This plan is available in Welsh, and in other languages or formats on request.**

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1) INTRODUCTION

- 1.1 This Plan has been developed to primarily demonstrate the Council's commitment to meeting the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, which came into force on 6 April 2011. It also however demonstrates links to other legislation and regulations covering the Welsh Language Standards and Human Rights issues, and therefore also supports 3 of the 7 aims under the Welsh Government's Well-being of Future Generations (Wales) Act 2015.
- 1.2 It explains to members of the public, elected members, staff and partner organisations how Caerphilly County Borough Council intends to deliver its Equalities commitments and continue to be an inclusive organisation that does not tolerate discrimination of any kind.
- 1.3 It builds on our previous Equalities work, covering a wide commitment to many Equalities and Welsh Language issues and the protection and promotion of human rights. This updated plan also covers issues linked to the Armed Forces Covenant for the first time.
- 1.4 Updating this Plan during 2015 involved the participation of local people, service areas within the Council, the wider public sector, Equalities organisations and professionals, and the voluntary sector. The new Objectives and Action Plan can be found in summary in Chapter 8, but sit in a separate document in full for ease of reference.
- 1.5 To help to improve the annual actions, we also welcome any ongoing, general comments on the content, quality and accessibility of this document and on the impact of those actions on the people we serve and the people we employ. You can therefore send your comments to us at any time, in any of the following ways:

By letter to:- Equalities and Welsh Language Team,
Caerphilly County Borough Council,
Penallta House 1st Floor
Tredomen Park
Ystrad Mynach
CF82 7PG

By email to:- equalities@caerphilly.gov.uk

2) THE COUNCIL AND ITS EQUALITIES COMMITMENT

- 2.1 Caerphilly County Borough Council is the 5th largest local authority in Wales and is the largest employer in the area.
- 2.2 The Council delivers a wide range of services to its 178,000 residents including education, environmental services, highways, leisure facilities, planning, registration of births, deaths, marriages and civil partnerships, libraries and social services.
- 2.3 The Council operates a cabinet style of local government, led by a Leader of Council who is supported by eight cabinet members. The Council has 33 electoral wards which are represented by 73 elected councillors. A corporate management team, consisting of the Chief Executive and the Corporate Directors, oversees the strategic management of the Council's business.
- 2.4 The administrative offices of the Council are located at a number of sites, its main headquarters is at Penallta House, Tredomen Park, Ystrad Mynach.
- 2.5 The Council is committed to identifying and eradicating any form of discrimination, whether direct or indirect, institutional or other, in employment, training and in the procurement and delivery of its services.
- 2.6 The Council's equalities statement makes its commitment clear:

This Council recognises that people have different needs, requirements and goals and we will work actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We will also work to create equal access for everyone to our services, irrespective of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL and other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

2.7 This Plan therefore commits the Council to the following:

- To exercise its community leadership role in order to promote equality and good relations within and between all communities in the area so that all residents of, workers in and visitors to the area feel confident they are in an environment that is free of any prejudice and discrimination;
- To promote fair and equal bilingual access to services for all citizens on the basis of their need, in a manner that is sensitive to that individual need and in the language or format of their choice;
- To ensure that the consequences of all new and updated policies and initiatives on specific groups are considered during the Council's consultation and decision-making processes in order to ensure that all policies, processes, assumptions and practices that may lead to discrimination have been eliminated;
- To carry out comprehensive Equality Assessments on all corporate policies that form part of the Council's policy framework. (The policy framework list can be found on the Council's website at www.caerphilly.gov.uk/equalities or provided as hard copy on request);
- To ensure that for the Council to meet its legal duties, all service areas must develop and implement Equalities and Welsh Language Actions and targets in line with the agreed corporate objectives;
- To work in partnership with stakeholders and communities to ensure that all consultation exercises undertaken support the Council's equality objectives;
- To promote equality of opportunity and fair treatment in employment and training and to ensure equal pay for work of equal value;
- To have a workforce that reflects the diversity of its communities and to support staff members to be who they are in the workplace and provide them with working environment in which they can develop professionally;
- To help and support members of the public and staff who face harassment and to take appropriate action against perpetrators where possible;
- To publish a comprehensive annual report and supplementary information to allow the public, partner organisations and all stakeholders to be fully informed and updated on the Council's progress in terms of its Equalities Objectives and action plans.

3) DEFINITIONS OF DISCRIMINATION

3.1 This section contains definitions of the various types and degrees of discrimination that an individual or group might encounter; it is important to note however that not all protected characteristics have exactly the same level of protection and as some issues are covered by different legislation, they are not all protected characteristics under the Equality Act 2010 and so the protection may vary in other ways.

3.2 The grid below is intended as a quick reference guide to clarify what is covered by the Equality Act 2010 in terms of discrimination, harassment and victimisation. These are the indicators shown with a diamond (◊). Those indicated with a square (◻) would be covered in other ways under different legislation or regulations. Those marked with a circle (●) are not covered by existing legislation.

	DD	ID	MD	AD	H	V
Age	◊	◊	◊	◊	◊	◊
Disability	◊	◊	◊	◊	◊	◊
Gender Reassignment / Transgender	◊	◊	◊	◊	◊	◊
Gypsies and Travellers	◊	◊	◊	◊	◊	◊
Human Rights	◻	◻	◻	◻	◻	◻
Linguistic Skills	◻	◻	◻	◻	◻	◻
Marital Status	◊	◊	◊	●	●	◊
Nationality	◻	◻	◻	◻	◻	◻
Pregnancy and Maternity	◊	●	◊	●	●	◊
Race	◊	◊	◊	◊	◊	◊
Religion or Belief	◊	◊	◊	◊	◊	◊
Sex	◊	◊	◊	◊	◊	◊
Sexual Orientation	◊	◊	◊	◊	◊	◊
Welsh Language	◻	◻	◻	◻	◻	◻

Key -

DD - Direct Discrimination ID - Indirect Discrimination MD - Multiple Discrimination
 AD - Associative Discrimination H - Harassment V - Victimisation

3.3 In 2001, the European Union explicitly banned many forms of social discrimination in the Charter of Fundamental Rights of the European Union, with Article 21 of the charter prohibiting discrimination on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, disability, age or sexual orientation and also discrimination on the grounds of nationality.

- 3.4 The Equality Act 2010 brought together over 116 separate pieces of UK legislation in order to streamline UK law and this policy is intended to mirror that approach in the way that the Council tackles discrimination. In order to understand the scope of the policy however, in terms of the protected characteristics and wider Equalities and Human Rights issues, elected members, managers and all staff members need to be aware of what exactly constitutes discrimination, victimisation and harassment.

i) Direct Discrimination

- 3.5 Direct discrimination, whether deliberate or accidental, covers instances where for example a staff member is dismissed or disciplined, or a job applicant is not employed, or a member of the public requesting a particular Council service has been refused that service, because they are, or are perceived to be, from a particular specific group. **Direct discrimination is unlawful whether it is intentional or not.**

ii) Indirect Discrimination

- 3.6 Indirect discrimination means that an organisation must not have selection criteria, policies, employment rules or any other practices which have the effect of disadvantaging individuals of a specific group, which cannot be sufficiently justified. **Indirect discrimination is unlawful whether it is intentional or not.** In contrast to direct discrimination, indirect discrimination will not be unlawful if it can be sufficiently justified by the need to meet a proper business requirement which cannot be achieved by some other means.

iii) Multiple Discrimination

- 3.7 Multiple discrimination occurs when a person is subjected to discrimination on more than one characteristic and can be experienced in different ways. For example, it could occur in the workplace when someone experiences discrimination due to their ethnic origin and then on their sexual orientation, but each type of discrimination occurs on separate occasions. Or it can occur when the discrimination involves more than one characteristic and the grounds that they interact with each other in such a way that they are completely inseparable. This is often called 'intersectional discrimination'.
- 3.8 Women from certain ethnic minority backgrounds may be disadvantaged due their sex and their cultural background, for example being denied a vote in the UK by a husband or father.
- 3.9 Cultural norms and taboos within some communities might make it seemingly impossible to be out and accepted as an LGBT person (Lesbian, Gay, Bisexual or Transgendered person) so an LGBT person of ethnic background may see themselves as a 'minority within a minority' and the thought of rejection by family and social group with the difficulties this would bring may lead a person to choose to live with secrecy and loneliness.

- 3.10 A disabled person who is LGBT, or from an ethnic minority background may find that social isolation and accessibility to services are even more difficult due their being in more than one protected characteristic.

iv) Associative Discrimination

- 3.11 Associative Discrimination is where someone has been subjected to less favourable treatment by reason of their association with a person against whom it would be unlawful to discriminate - a "one step removed" situation whereby a person who is not protected under Equality legislation is discriminated against if they are closely associated to a person who is protected under the legislation, for example an employee who is a carer for a disabled person.

v) Harassment

- 3.12 Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional or be subtle and insidious. It may involve nicknames, teasing, name calling, office banter such as emails and text jokes or other behaviour which is not meant with malicious intent but which is nevertheless upsetting to the individual. Further, employees are now able to complain of harassment even if it is not directed at them, if they can demonstrate that it creates an offensive environment for them.
- 3.13 Organisations are responsible for the actions of their staff in addition to staff members being individually responsible for their own actions. If harassment takes place in the workplace the organisation may be liable and may be ordered to pay compensation unless it can be shown that it took reasonable steps to prevent harassment. Individuals responsible for harassment may also be ordered to pay compensation.
- 3.14 Employers investigating claims of harassment should consider all the circumstances before reaching a conclusion, including the perception of the complainant. Having gathered all the evidence employers should ask themselves "could what has taken place be reasonably considered to have caused offence?"

vi) Victimisation

- 3.15 Victimisation is when an individual is treated detrimentally because they have made a complaint about discrimination or harassment or have given evidence relating to a complaint about discrimination or harassment. They may be labelled as a troublemaker by managers and colleagues or be isolated by their colleagues at work. If this happens or if the organisation fails to take reasonable steps to prevent it from happening, they will be liable and may be ordered to pay compensation. The individuals who have been the cause of the victimisation may also be ordered to pay compensation.

vii) Vicarious Liability

- 3.16 This occurs when one person is liable for the actions of another person, even though the first person was not directly responsible or even present at the time of the incident. For example, an employer would be liable for the discriminatory acts of employees, where those employees were acting in the course of their employment outside their own workplace (at a training session or conference for example).
- 3.17 Employers can defend a complaint in such cases if they can prove that they took all reasonably practical steps to prevent such discrimination (although it is rare for this defence to succeed). Furthermore, even if the employer should succeed in this defence, claimants can still pursue their discrimination claim against the individual employee.

viii) Positive Action / Positive Discrimination

- 3.18 Though these sound as if they may be the same thing, there is an important difference between the two. Positive action means that for example, an employer targets certain publications with job advertisements *in addition* to the usual methods, in order to encourage people from under-represented groups to apply for posts. Positive discrimination would be where the employer did not use the usual methods and *only* targeted certain under-represented groups, thus excluding many others from applying.
- 3.19 Section 159 of the Equality Act 2010 came into force on 6th April 2011. This allows employers the opportunity to achieve a more diverse workforce by giving them the option, **when faced with candidates of equal merit**, to choose a candidate from an under-represented group.

ix) Hate Crime / Hate Incidents

- 3.20 There is a subtle but significant difference between a hate crime and a hate incident and the definition used by the Council in partnership with Gwent Police comes from the Association of Chief Police Officers.
- 3.21 A hate crime is 'a criminal offence which is perceived, by the victim or any other person to be motivated by a hostility or prejudice based on a person's actual or perceived disability, race, religion and belief, sexual orientation and transgender' whereas a hate incident are those that are equally based on prejudice but are non-crime related.
- 3.22 Gwent Police record both hate crimes and hate incidents on their crime recording systems but there are also other methods of reporting hate crime and incidents within Caerphilly county borough. There are 3rd party reporting centres which are specifically aimed at providing easy access to groups that have historically not reported hate crime due to disability, language difficulties etc. as well as other reporting mechanisms such as through Safer Wales.

4) EQUALITIES IN PRACTICE WITHIN THE COUNCIL

i) Strategic Responsibility

- 4.1 The management and co-ordination of Equalities across the authority is the responsibility of the Equalities staff, currently within the Performance and Property Division. Annual reports and ad hoc information reports are presented to the Policy and Resources Scrutiny Committee.
- 4.2 These staff members act as a central point for Equalities issues on a day-to-day basis in terms of policy advice, complaints advice, consultation (internal and external), training provision and translation.

ii) Performance

- 4.3 The Local Government (Wales) Measure 2010 places a duty on local authorities to secure continuous improvement in the exercise of their functions. The Measure notes seven areas under its definition of improvement and two of these are Service Availability and Fairness, linking clearly to the Equalities agenda.
- 4.4 The Council already plans and monitors Equalities work on a service area level using a dedicated section in the annual Service Delivery Plan template.

iii) Employment Data

- 4.5 The Council's iTRENT payroll system was brought online from June 2011 and reports on the full range of Equalities employment data and quarterly monitoring data is produced, so that trends or exceptions can be noted and actions recommended to resolve any issues.
- 4.6 Individual staff members learning and development data to individual records also. Future quarterly reports produced will then reflect this additional information.

iv) Consultation

- 4.7 All new and updated policies must proceed through the Council's internal approval process before being adopted and in the report template, Equalities issues must be considered in section 5 of all reports. The Equalities and Welsh Language team are also used as consultees during the policy's drafting stages to ensure that Equalities issues are properly considered.
- 4.8 In terms of consultations with the public or specific groups on Council actions and decisions, both the duty to actively involve people (from the Disability equality duty) and the requirement simply to consult (from the Race equality duty) are both already part of the Council's approach.

- 4.9 The Council's **Equalities Consultation and Monitoring Guidance** booklet contains a number of sections explaining to staff members and elected members how various specific groups can be consulted with, in order to make the consultation exercise more robust, but it also provides a few practical examples of how it can be done. The guidance booklet also contains model Equalities monitoring forms for inclusion with consultations and surveys in order that the results can be analysed fully in case there are any underlying trends in the results based on any protected characteristics. This document is firmly linked to the Council's **Public Engagement Strategy**.

v) Complaints

- 4.10 A complaint can be defined as a situation where a member of the public, or a group, is not satisfied with the standard of a service, or the action or lack of action by the Council or a member of staff.
- 4.11 All complaints will be dealt with in accordance with the corporate Complaints policy, but with the added need for translation of all incoming and outgoing correspondence on the matter, in line with the **Welsh Language Standards Translation Guide** and any other relevant translation or format issue.
- 4.12 Complaints will be fully monitored by Equalities category and in which language or format they were initially made.
- 4.13 Complaints can be made in writing, by telephone or via email to the Council's dedicated email address **complaints@caerphilly.gov.uk**.
- 4.14 Further guidance can be found in the **Equalities and Welsh Language Complaints Guidance** document.

vi) Reporting and Publishing Information

- 4.15 All Equalities policies, annual reports and action plans are reported to the Executive Equalities Group in the first instance at the beginning of any consultation, but are then subject to a thorough scrutiny and approval process before being submitted to any relevant regulatory body and published.
- 4.16 This involves progressing through the Corporate Management Team, Policy and Resources Scrutiny Committee, Cabinet and in the case of new or updated policies, approval by full Council.
- 4.17 The Council currently maintains a comprehensive Equalities section on its internet site which is accessed at **www.caerphilly.gov.uk/equalities**.
- 4.18 For staff, there is an intranet site – the Equalities Portal - that offers help and guidance on specific issues ranging from details on training courses available to staff to translation services that are available, which contains information on how to arrange written, face-to-face or over-the-phone translations in Welsh and other spoken languages, how to arrange for Braille printing and how to book British Sign Language/English Interpreters.

vi) Personnel Policies

- 4.19 All personnel policies and recruitment practices are subject to Equalities Impact Assessments. In addition, many personnel policies are directly linked to Equalities issues and are updated regularly to reflect changes in both Equalities legislation and Employment regulations.
- 4.20 Pre-employment issues in terms of application forms and post employment issues in terms of references are covered along with recruitment and selection issues ranging from the suitability of interview venues to the full interview process itself in order to ensure fairness at every stage.
- 4.21 Job applicants are asked to complete the recruitment monitoring section of the application form but all information received via this section is used solely for monitoring purposes and for the compilation of performance indicators, survey returns, and monitoring of this Plan. Managers do not see this part of the form when short-listing or interviewing.
- 4.22 As part of the implementation of this policy, all members, managers and employees involved in recruitment and selection process will undertake appropriate recruitment and selection training to ensure procedures are followed properly and all Equalities issues are covered.

viii) Procurement

- 4.23 Where services to the public are not provided directly by the Council, but are provided by agencies or bodies contracted to the Council, those services are required to be delivered in accordance with the Council's commitment to the principles of Equalities and fully monitored by the Council as part of the overall contract monitoring process.
- 4.24 Full details of how this is done can be found in the Council's **Equality in Procurement Policy** and the **Equalities Pre-Tender Questionnaire**, which are available from procurement@caerphilly.gov.uk.
- 4.25 Further guidance can be found in the **Procurement and Commissioning Guidance 2016 - Equalities and Welsh Language** document.

ix) Licensing

- 4.26 The Council's **Licensing Policy** was updated during 2010 and now contains a section covering Equalities, which replaced the previous specific sections on Disability, Race and Human Rights. The Equalities section can be found at clauses 129-133 and a copy of the full policy can be obtained from the Council's Licensing section - licensing@caerphilly.gov.uk.

x) Partnerships, Grants and Sponsorship

- 4.27 The Council works in partnership on many levels with a wide range of public bodies, organisations from the voluntary sector and other agencies and its contribution to each will embody and proactively evidence the commitments, actions and principles of the CCBC Strategic Equality Plan :-
- (i) When the Council is the strategic and financial leader of a partnership, it will ensure that the public service provision is compliant with the principles of its Strategic Equality Plan.
 - (ii) When the Council joins a partnership in which another body is leading, the Council input to the partnership will comply with the principles of its Strategic Equality Plan and the Council will encourage all other parties to comply.
 - (iii) When the Council is a partner in a consortium, it will encourage the consortium to adopt a Strategic Equality Plan equal to its own. When acting publicly in the name of the consortium, the Council will act in accordance with the principles of the Strategic Equality Plan.
 - (iv) When the Council joins or forms a partnership, it will ask prospective partners about their Strategic Equality Plan or similar. Within any partnership, the Council will offer advice and support to the other partner organisations on such matters.
 - (v) The Council will inform organisations, voluntary bodies and individuals that receive financial sponsorship, grants or subscription fees from the Council of the need to provide equally accessible services to the public.

xi) Links to Other Strategies

- 4.28 In addition to its own policies, Caerphilly County Borough Council operates in partnership with other bodies to deliver actions under a number of joint policies and strategies, both locally and regionally, and undertakes to ensure that its contribution to each will be done in accordance with the principles of the Strategic Equality Plan.

5) EQUALITIES TRAINING AND DEVELOPMENT

- 5.1 Fairness at work and good job performance go hand in hand. Tackling discrimination helps to attract, motivate and retain staff and enhances an organisation's reputation as an employer. Eliminating discrimination helps everyone to have an equal opportunity to work and to develop their skills.
- 5.2 Equalities training also helps staff with situations where they may have to engage with customers who have specific needs. In some cases, staff members may have no experience of dealing with such specific needs and it is in such instances that misunderstandings can happen.
- 5.3 The Equalities and Welsh Language team are responsible corporately for co-ordinating Equalities training provision and liaising with staff, tutors, training providers and examination bodies in order to provide a quality and cost-effective programme.
- 5.4 The courses offered to staff include, but are not limited to the following:
- Conversational Welsh classes (ranging from taster courses and 2 day courses to full 30 week qualifications, up to 'A' level);
 - Conversational British Sign Language courses (from taster courses and 10 week Introduction level up to the different NVQ level year courses);
 - Deaf Awareness;
 - General Equalities Awareness sessions;
 - Equality in Policy Development;
 - Gender Awareness;
 - Typetalk Awareness;
 - Age Awareness - The Future;
 - Involving Older People;
 - Maximising Income for the 50+;
 - Intergenerational Working;
 - Age Proofing Services;
 - Dyslexia Awareness;
 - LGBT Awareness;
 - Religious Awareness;
 - Understanding Sight Loss;
 - Disability Awareness;
 - Deafblind Awareness
 - Race Equality;
 - Basic Skills Awareness;
 - Bespoke courses, tailored to the needs of the service area or team.

- 5.5 The training courses are advertised to staff and elected members on the **Equalities and Welsh Language Portal** intranet site which is accessible to over half of the Council staff. A range of other distribution methods are used in order to reach the remainder of the staff to ensure that everyone is able to access training opportunities.
- 5.6 Training is provided in a flexible way, with a mix of provision that includes morning, afternoon and evening classes, together with 1 or 2 day courses, weekend, and intensive week-long courses where requested and agreed.
- 5.7 The Council works with many partner organisations and so the training programme is also open to these partners at a minimal cost and can be arranged either by an annual Service Level Agreement or on an ad hoc basis.
- 5.8 Each course participant completes a training agreement form outlining the terms and conditions that are required from them in return for the Council providing and paying for the courses. They and their manager/supervisor will have to sign the letter as an agreement and commitment to the training.
- 5.9 By signing the agreement, the individual and/or manager/supervisor will also be committing to repay the Council the training fee, in whole or in part, if he or she should withdraw from the class without a valid reason; the repayment details are included with the training agreement form.
- 5.10 People attending from partner organisations would also be required to complete a modified training agreement form.
- 5.11 The terms and conditions will be amended and updated as necessary in accordance with the Council's approved Organisational Development Policies and Procedures, which cover training areas such as time-in-lieu, paying back of course fees and study and examination leave.
- 5.12 A monitoring report on **Equalities Training** is prepared and published annually on the Council's website and is distributed to all relevant partners.
- 5.13 The report covers academic years as opposed to financial years and is published on the Council's website during September / October each year, once the report has been sent for information to the Policy and Resources Scrutiny Committee.
- 5.14 Both the report and the programme itself are clear demonstrations of the Council's commitment to raising awareness amongst its staff and partners of the range of Equalities issues in existence and the many forms of discrimination that can be encountered.

6) SPECIFIC EQUALITIES INFORMATION

This section contains information on each of the Equality issues covered by this Plan, however it is important to note that different issues are covered by different legislation and not all of the 14 sub-sections that follow are protected characteristics under the Equality Act 2010.

The table shown below is intended as a quick reference guide to this section.

<u>Subject</u>	<u>Legislation</u>
• Age	Equality Act 2010
• Disability	Equality Act 2010
• Gender Reassignment / Transgender	Equality Act 2010
• Gypsies and Travellers	Equality Act 2010
• Human Rights	Human Rights Act 1998
• Linguistic Skills	Equality Act 2010 / Welsh Language (Wales) Measure 2011 / European Charter for Regional and Minority Languages 1992
• Marital Status	Equality Act 2010
• Nationality	Immigration, Asylum & Nationality Act 2006
• Pregnancy and Maternity	Equality Act 2010
• Race	Equality Act 2010
• Religion or Belief	Equality Act 2010
• Sex	Equality Act 2010
• Sexual Orientation	Equality Act 2010
• Welsh Language	Welsh Language (Wales) Measure 2011

i) AGE

The Equality Act 2010 brought Age issues broadly into line with the other protected characteristics initially, with additional provisions coming into force from April 2012. The Act places a legal duty on public bodies to consider the needs of people of all ages when designing and delivering services and in the provision of goods and facilities. This will ensure that public bodies consider the needs of children, teenagers and younger and older adults.

Age issues impact directly on service planning not only in terms of those receiving the service, but in terms of those delivering it also. For example, the official retirement age is set to increase to 67 (and possibly 70) years of age yet in Caerphilly county borough 44% of the 50-64 age group (those who might traditionally be considering retirement) have limiting long term illness - this could potentially have an effect on the Council's workforce if more people work longer yet are more likely to be ill.

ii) DISABILITY

The Equality Act 2010 protects the rights of people with a disability to ensure that they have the same rights as a person without a disability. The Act applies in many situations, from employment to transport, from property to education. The Act also means that education providers (including schools, colleges and universities) must not discriminate against someone with a disability, and must support people with disabilities within education. It also means that education providers must give appropriate help and support to students and potential students with disabilities.

Being disabled can often be seen as very negative as it focuses on what someone 'can't do' rather than on what they 'can do'. Some people feel it is a label that defines who they are: a 'disabled person' rather than a person who happens to have a disability and so they may feel reluctant to consider themselves as having a disability.

In addition, some people may not feel that their particular circumstances constitute a disability or that they are disabled by it. Many Deaf people who use BSL do not regard themselves as disabled for example, but rather as users of a minority language.

Rather than including a list of conditions and disabilities that are covered, the Equality Act 2010 looks at the impact of a condition to determine whether it is a disability for any particular individual. A person is considered to have a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Substantial means not trivial or minor, and long-term normally means for at least 12 months. Day-to-day activities include things like getting around your home or workplace without any great difficulty, being able to remember and concentrate on your work, and to get on with being a member of the family, a friend, a colleague or a commuter just like anyone else.

Discriminating against a person who has, or is perceived to have, a physical or mental impairment of some kind is illegal, but could happen at any stage of a person's contact with the Council even inadvertently. This could be as a service user, job interviewee, current employee, elected member or visitor from a partner organisation and so the Council must ensure that access to its buildings and services, both physical and communications-wise is as broad as possible.

The Council has a **DDA Access Strategy** that covers these issues in greater detail but it is important to remember that where reasonable adjustments have to be made to a service, this does not necessarily mean a huge or costly change and can sometimes be much easier than expected. Contact the Equalities staff or the DDA Access Officer for advice.

iii) **GENDER REASSIGNMENT / TRANSGENDER**

Gender reassignment is a personal, social, and sometimes medical, process by which a person's gender presentation (the way they appear to others by changing physiological or other attributes of sex) is changed. Anyone who proposes to, starts or has completed a process to change his or her gender is protected from discrimination under the Equality Act 2010.

An individual does not need to be undergoing medical supervision to be protected. So, for example, a female employee who decides to live as a man without undergoing any medical procedures would be covered. The Council will have to ensure that there are policies in place which are designed to prevent gender reassignment discrimination in all aspects of recruitment and selection, determining pay, training and development, selection for promotion, discipline and grievances, countering bullying and harassment, taking time off work and customer care.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because of illness or personal injury, or if they were absent for some other reason.

iv) **GYPSIES AND TRAVELLERS**

There are four main Gypsy and Traveller groups in existence, namely Romany Gypsies, traditional Irish Travellers, Eastern European Roma and New Travellers (collectively referred to as Gypsies and Travellers). The first three groupings are accepted as ethnic minorities for the purposes of race relations legislation. These groups have different economic, social, cultural and lifestyle characteristics.

Caerphilly county borough currently has no permanent traveller site located within its boundaries and therefore only experiences unauthorised

encampments, which can cause disruption and conflict locally, can be expensive and time-consuming to clear, and requires a range of solutions, including swift and effective enforcement.

The Council has a policy in place for working with such encampments; the policy is the responsibility of the Directorate of the Environment, but there are other issues affecting the Gypsy and Traveller groups who pass through the county borough.

The Council actively supports the process of inclusion that enables all children and young people to have their needs and aspirations met within their local communities. This means the Council will aim to ensure that Gypsy and Traveller children and young people are given access to equal educational opportunities.

The Directorate of Social Services has a duty under section 17 of the Children Act 1989 to safeguard and promote the welfare of all children in their area who are in need - this also covers children from Gypsy and Traveller groups.

Under the Housing Act 2004 local authorities have a duty to provide appropriate accommodation for Gypsy and Travellers. This duty means that authorities must assess the accommodation needs of Gypsy and Travellers and include a strategy to meet those needs within their wider housing strategies. A Gypsy and Traveller Housing Needs Assessment was undertaken by the Council in 2015-2016.

Under Section 175(2) of the Housing Act 1996, a Gypsy or Traveller is homeless if "their accommodation consists of a moveable structure and there is nowhere that they can legally place it to reside in it". If needed, assistance will be given to complete housing application forms, for both the Council and Registered Social Landlords, to access permanent accommodation.

The Clean Neighbourhoods and Environment Act 2005 also influences this policy. The Act has placed an increasing emphasis on liveability, giving more powers to, and placing a strategic responsibility on, local authorities to keep areas clean, green and safe.

v) HUMAN RIGHTS

The Human Rights Act 1998 details how the UK complies with and implements the rights and freedoms guaranteed under the European Convention on Human Rights. All public authorities have a positive obligation to ensure that respect for human rights is at the core of their work as the Act makes it unlawful for a public authority to act in a way that is incompatible with a Convention Right.

Human Rights are a complex and broad issue, however the most important aspects of the legislation are summarised in the table overleaf.

Main Articles	
Article 2	Right to life
Article 3	Prohibition of torture
Article 4	Prohibition of slavery and forced labour
Article 5	Right to liberty and security (subject to a UK derogation relating to the situation in Northern Ireland)
Article 6	Right to a fair trial
Article 7	No punishment without law
Article 8	Right to respect for private and family life
Article 9	Freedom of thought, conscience and religion
Article 10	Freedom of expression
Article 11	Freedom of assembly and association
Article 12	Right to marry
Article 14	Prohibition of discrimination
Article 16	Restrictions on political activity of aliens
Article 17	Prohibition of abuse of rights
Article 18	Limitation on use of restrictions on rights
The First Protocol	
Article 1	Protection of property
Article 2	Right to education
Article 3	Right to free elections
The Thirteenth Protocol	
Article 1	Abolition of the death penalty

The most direct, obvious link between Human Rights legislation and the commitments of the Council in its Strategic Equality Plan comes in Article 14:-

- **Article 14: Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in the European Convention on Human Rights and the Human Rights Act shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In the application of the Convention rights, you have the right not to be treated differently because of your race, religion, sex, political views or any other status, unless this can be justified objectively. Everyone must have equal access to Convention rights, whatever their status.

The Articles within the Human Rights legislation can be divided into categories depending on whether they have been accepted totally and without reservation, or if they are restricted or qualified in some specific way. These are referred to as absolute, limited or qualified rights.

Absolute rights

These are rights of the European Convention on Human Rights that have been adopted fully. These rights are not limited and they cannot be infringed no matter how necessary it might seem to do so. The absolute rights are Articles 2, 3, 4 and 7.

Limited rights

Certain rights of the European Convention on Human Rights are limited in the UK for specific reasons. There is a right to liberty for instance, however this is not absolute as it must be limited by the powers of the police to arrest someone. The limited rights are Articles 5, 6 and 12.

Qualified rights

These are rights that could be infringed upon if there is a specific legitimate aim - in interests of national security, public safety etc. The infringement must be properly regulated by the law and must be necessary in a democratic society. This latter concept means the interference with the right must be a proportionate response to the legitimate aim. If the aim can be achieved by a less intrusive method then that method must be used instead. The qualified rights are Articles 8, 9, 10, 11, 14 and Protocol 1 Article 1

vi) LINGUISTIC SKILLS

The UK Government ratified the European Charter for Regional and Minority Languages on the 27th March 2001, covering mainland Britain and Northern Ireland and as part of this, adopted a number of the paragraphs and sub-paragraphs in Part III of the Charter, in terms of Welsh, Scottish Gaelic, Irish, Scots and Ulster Scots. In March 2003 the Cornish language was added to the list and in April 2003, the remit of the Charter was extended to the Isle of Man to include Manx Gaelic.

Article 15 of the Charter requires detailed reports to be submitted from each country on a three-year cycle, to an appointed Committee of Experts, on progress against the adopted paragraphs and sub-paragraphs. The Committee's recommendations include matters in terms of the legal framework, policy and procedural matters.

The Council monitors the linguistic skills of its staff as this is not only a possible indication of the languages used in the community but could also be of great benefit in terms of customer care. The figures collated by Personnel are published in the Annual report and as a fact sheet of its own on the Council's Equalities website at www.caerphilly.gov.uk/equalities.

Since 2004, the Council has adopted a bilingual Equalities statement for use on publications that demonstrated its commitment to legislation covering Welsh Language, Race and Disability issues. It can be adapted to suit the type of publication but in general it follows one format for bilingual documents and a slightly different one for separate English and Welsh documents:-

Bilingual -

Mae'r cyhoeddiad hwn ar gael mewn ieithoedd a fformatau eraill ar gais.
This publication is available in other languages and formats on request.

Separate English and Welsh documents - English version

This publication is available in Welsh, and in other languages and formats on request.

Mae'r cyhoeddiad hwn ar gael yn Gymraeg, ac mewn ieithoedd a fformatau eraill ar gais.

Separate English and Welsh documents - Welsh version

Mae'r cyhoeddiad hwn ar gael yn Saesneg, ac mewn ieithoedd a fformatau eraill ar gais.

This publication is available in English, and in other languages and formats on request.

Welsh Language matters are outlined separately, later in this section, but what follows is information regarding British Sign Language and Other Languages.

The [Translation Services](#) intranet site contains information for staff on how to arrange written, face-to-face or over-the-phone translations in Welsh and other spoken languages, how to arrange for Braille printing and how to book British Sign Language/English Interpreters.

British Sign Language

On the 18th March 2003, British Sign Language was recognised as an official minority language in the UK by the UK Government.

The Disability Discrimination (Amendment) Act 2005 placed an obligation on the Council to provide services in the medium of BSL and so the Council began working towards providing, for example, public information in the format of DVDs in BSL or DVDs with in-vision signers and subtitles.

It cannot be assumed that Deaf customers can communicate in English, so that unlike for Welsh speakers, **BSL may be a Deaf person's only language.** Through the education system, Deaf BSL users may not have learnt to speak or lip-read English as a useful medium of communication.

Research has shown that many adult Deaf BSL users can read and write at the equivalent age of an 8½ year old and therefore may be in a similar position to those ethnic minority customers who cannot speak English.

Research has also shown that lip reading is only 33% accurate, which means if lip reading arrangements are the only adjustment made in service provision, then potentially nearly 70% of the information can be lost. Lip reading can be useful, however for very basic situations and there are tactics and strategies that can be implemented to make lip reading more effective, but **lip reading should not be relied upon as the sole means of communication.**

The British Deaf Association developed a BSL Charter for local authorities, which contains 5 pledges -

- **Charter Pledge 1**
Improve access for Deaf people to local services and information
- **Charter Pledge 2**
Promote learning and high quality teaching of British Sign Language
- **Charter Pledge 3**
Give all Deaf children and young people the option of a bilingual education (BSL/English)
- **Charter Pledge 4**
Ensure key staff working with Deaf people meet minimum standards of BSL skills
- **Charter Pledge 5**
Consult with the local Deaf community on a regular basis

Other Spoken Languages

The Council is part of the Caerphilly Community Cohesion Forum, in order to help determine the needs of people living and working locally who speak other languages. The 2011 Census included a question relating to language ability and therefore data will become available on community languages that may be spoken within the county borough.

The duty regarding other languages arose originally from the Race Relations (Amendment) Act 2000 and means that anyone can request information or a service in any other spoken language.

The needs of anyone who speaks other languages are similar to the needs of Welsh speakers, but with the additional issue that in such cases, many people from ethnic minorities cannot speak English at all, or certainly not to a level where they can speak, read and write English well enough to complete, for example, an Electoral Registration form.

With more people moving to the area to live and work from for example, the enlarged European Union, the ability of the Council to provide greater language choice, both in terms of service delivery and in terms of economic development, will continue to grow in importance.

A survey of the county borough in 2008, done via Newline and in conjunction with Communications and Customer First, provided some information about the different languages used in the county borough and the 2011 Census will provide a greater level of information.

vii) MARITAL STATUS

Marriage is defined as a "union between a man and a woman". Same-sex couples can have their relationships legally recognised as "civil partnerships". Civil partners must be treated the same as married couples on a wide range of legal matters. "Marital status" may also be referred to as "marital condition" or simply "condition". In the Marriage Act 1949 part of the definition of "marriage" is that for it to be legal it must be for "one man" and "one woman". A "civil partnership" is a legal union between two people of the same sex which is registered under the Civil Partnership Act 2004.

Marriage and civil partnership are one of the protected characteristics under the Equality Act 2010 and it is unlawful for employers and others to discriminate against employees who fall into one or other of the categories.

Employers must treat civil partners in the same way as married people in a wide range of matters, including employment and vocational training. Any benefits given to married employees must also be offered to civil partners, including flexible working, statutory paternity pay, paternity and adoption leave, health insurance and survivor pensions.

viii) NATIONALITY

Nationality issues and ethnicity issues are often regarded as the same thing but in terms of legislation and practice there are distinct differences. It is important when undertaking consultation and monitoring for example, that the two are kept as separate matters.

In simple terms, ethnicity cannot be changed but nationality can be, if for instance a person becomes a citizen of another country.

ix) PREGNANCY AND MATERNITY

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled, except under certain aspects of Health & Safety Legislation. During this period, pregnancy and maternity discrimination is not treated as sex discrimination. Please refer to the Council's Personnel Policies for specific information on pregnancy and maternity entitlements.

x) RACE

Racism is the belief that the genetic factors which constitute race are a primary determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race. Racism's effects are called race discrimination. Racism usually covers all forms of race-based prejudice, violence, dislike, discrimination, oppression and is a belief or ideology that all members of each racial group possess characteristics or abilities specific to that race, especially to distinguish it as being either superior or inferior to another racial group.

The United Nations uses the definition of racial discrimination laid out in the International Convention on the Elimination of All Forms of Racial Discrimination adopted in 1966, which is: "...any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.(Part 1 of Article 1 of the U.N. International Convention on the Elimination of All Forms of Racial Discrimination)".

This definition does not make any distinction between discrimination based on ethnicity and race and similarly, in British law the phrase racial group means "any group of people who are defined by reference to their race, colour, nationality (including citizenship) or ethnic or national origin".

Institutional racism (sometimes called structural or systemic racism) is the existence of institutional policies and practices occurring specifically within for example, government bodies, the public sector, the voluntary sector, private business corporations, and universities (public and private). The term institutional racism was coined by Stokely Carmichael of the Black Panther Party, who, in the late 1960s, defined institutional racism as "the collective failure of an organization to provide an appropriate and professional service to people because of their color, culture, or ethnic origin".

Institutional racism is the differential access to the goods, services, and opportunities of society. When that differential access becomes integral to institutions, it becomes common practice, making it difficult to rectify. Eventually, this racism dominates the underlying ethos of the organisation and is reinforced by the actions of conformists and newcomers.

Another difficulty in reducing institutional racism is that there is no single perpetrator that can be identified - when racism is built into the institution, it appears as the collective action of the entire workforce or executive board, or Cabinet for example.

Forms of institutional racism can be varied and can be for example race-based barriers to gainful employment and professional advancement, toleration by managers of differential practices when working with customers from different ethnic groups, racial profiling by the police in terms of community safety, by housing officers when allocating housing, the use of stereotyped racial caricatures in marketing and the under- and mis-representation of certain racial groups in the media.

Caerphilly County Borough has a population 178,806 according to the 2011 Census figures. The ethnicity mix of the county borough shows there to be 98.4 white population (from 99.1% in 2001) compared to the national figure for Wales, which is 95.6%.

The proportion of people who are Asian or Asian British in Caerphilly county borough is 0.5% compared to 1.8% in Wales as a whole. The proportion of black or black British people in Caerphilly county borough is 0.1% compared to 0.6% in Wales as a whole. The proportion of people with a mixed ethnicity is 0.6% compared to 1.0% in Wales and the proportion of Chinese people is 0.3%, compared to 0.5% in Wales.

Caerphilly county borough therefore has an overall minority ethnic population of 1.6% compared to 4.4% in Wales and 12.9% in the U.K. This equates to approximately 2,861 people from the BME (Black & Minority Ethnic) community, and this figure does not include BME people who travel into the county borough to work. This is compared with 1,713 people recorded in the Census in 2001.

The low figure does not mean however that the Council should relax its attitude towards racist incidents and graffiti for example and the Council has been and remains fully committed to promoting good relations and understanding between people of different ethnic and cultural backgrounds.

In very limited circumstances, there are some jobs which can require that the job-holder is of a particular racial group. This is known as an 'occupational requirement'. One example is where the job-holder provides personal welfare services to a limited number of people and those services can most effectively be provided by a person of a particular racial group because of cultural needs and sensitivities.

xi) RELIGION OR BELIEF

Caerphilly County Borough Council as an organisation does not require or promote religious belief in general or any religious belief in particular. It is however committed to protecting and promoting the rights of everyone in its communities, people with or without formal religious affiliation, of all faiths and none, and provide for the principle of respecting other people's freedom to express their beliefs and convictions.

This must be a balanced approach however; any expression of belief has to take into account the rights and reasonable sensitivities of others and what is appropriate will depend on the circumstances.

Healthy debate is perfectly acceptable, however any attempt to bully or coerce others to comply with a particular philosophical belief system or religion is not, nor conversely is any attempt to bully or coerce others to reject any philosophical belief system or religion.

xii) SEX (GENDER)

Sex discrimination can be direct - treating somebody less favourably on the grounds of their sex - or indirect - applying an apparently general rule which in practice disadvantages one sex and which cannot be justified. It includes the way you recruit, train, promote and dismiss people. Women and men are also entitled to equal pay and conditions for work of equal value.

Preventing discrimination on the basis of sex (often referred to as gender) improves the chances of an organisation recruiting the best person for the job and getting the best performance from all those who are employed there. All terms and conditions of employment are covered including any practice that involves applying a 'provision, criterion or practice' which, although it applies to men and women equally, puts one gender at a disadvantage and which the employer cannot show is a proportionate means of achieving a legitimate aim.

Such an example could be a requirement to work full time, or changing fixed working hours, which may appear to benefit the organisation but could have a consequence of significantly disadvantaging working mothers, thus having a disproportionate effect on women more than men.

Equal pay and equal access to recruitment and promotion opportunities are other obvious areas where such discrimination could occur and the Council has undertaken many years of work in order to ensure that any ongoing equal pay issues are resolved and that all recruitment and selection practices, personal development and training issues etc. are developed and implemented in a manner that does not disadvantage anyone, whatever their sex.

xiii) SEXUAL ORIENTATION

Under the Equality Act 2010 it is illegal for public bodies to discriminate against a person due to them being LGB, that is lesbian (female attracted to other females), gay (male attracted to other males) or bisexual (male or female attracted to both sexes). This covers all areas of recruitment and selection, promotion and training and the provision of goods and services.

Negative attitudes towards LGB people or groups have for many years led to a large number of people hiding their sexuality from family, friends and colleagues. In the workplace, homophobia can lead to underperforming staff, in the community it can lead to social isolation and to homophobic bullying in schools.

Homophobia is also compounded by the fact that it can occur due to the perpetrator's perception of the victim's sexuality or the victim's association with a person who is LGB, and so can therefore be a serious problem for the wider community.

xiv) WELSH LANGUAGE

Welsh language issues are not covered by the Equality Act but rather have a set of Standards under the Welsh Language (Wales) Measure 2011, detailed in the regulations approved by Welsh Government in March 2015 as the Welsh Language Standards. (No.1) Regulations 2015.

Many of the Standards however are very similar to actions required by implementing a **Strategic Equality Plan**, so for example when undertaking Equality Impact Assessments or when policy consultation is being done, Welsh language issues are considered part of the Equalities agenda and are dealt with alongside the protected characteristics and other equality strands.

Internal working practices continue to evolve to ensure that the principle of language equality is respected in every aspect of service provision. In many areas of work, the Council is seen as developing good or best practice.

Since 2012, the **Strategic Equality Plan** and the **Welsh Language Scheme** have had a unified set of Objectives and Action Plan in order to take forward both agendas and further reduce duplication of effort. The **Welsh Language Scheme** will no longer exist after March 2016, however the requirement to implement actions remains, and sits perfectly within this integrated approach.

The Council continues to work closely with partner organisations such as the Welsh Language Board, the WLGA, Menter Iaith Caerffili (the local Language Initiative), Coleg Gwent and Grŵp Deddf (a South East Wales regional network) to ensure that targets are met, and more importantly, the needs of its Welsh speaking population are met.

Welsh Medium Education is covered by a separate **Welsh in Education Strategic Plan** that is published, outlining developments in that area.

Welsh Language developments will be made corporately in line with the aims of the Measure, which :-

- confirmed the official status of the Welsh language;
- created a new system of placing duties on bodies to provide services through the medium of Welsh;
- created a Welsh Language Commissioner with strong enforcement powers to protect the rights of Welsh speakers to access services through the medium of Welsh;
- established a Welsh Language Tribunal;
- gives individuals and bodies the right to appeal decisions made in relation to the provision of services through the medium of Welsh;
- created a Welsh Language Partnership Council to advise Government on its strategy in relation to the Welsh language;
- allowed for an official investigation by the Welsh Language Commissioner of instances where there is an attempt to interfere with the freedom of Welsh speakers to use the language with one another.

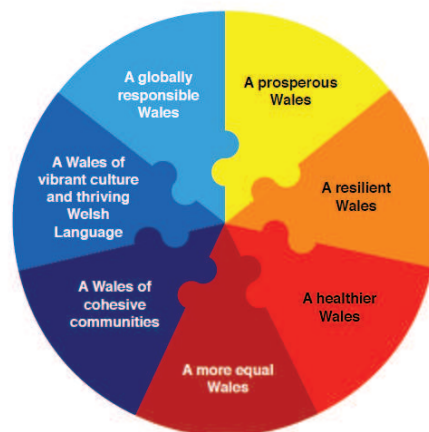
It is for these reasons that Welsh Language has been integrated into the **Equality and Welsh Language Objectives and Action Plan**, and has been given a corporate equality objective of its own.

7) THE ARMED FORCES COVENANT

- 7.1 The Caerphilly Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its Armed Forces community at the local level. It is intended to complement the national Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces.
- 7.2 The purpose of the Community Covenant is to encourage support for the Armed Forces community working and residing in the County Borough of Caerphilly and to recognise and remember the sacrifices made by members of this Armed Forces community, particularly those who have given the most. This includes in-Service and ex-Service personnel, their families and widow(er)s throughout the County Borough of Caerphilly.
- 7.3 For Caerphilly Local Service Board and partner organisations, the Community Covenant presents an opportunity to bring their knowledge, experience and expertise to bear on the provision of help and advice to members of the Armed Forces community. It also presents an opportunity to build upon existing good work on other initiatives such as the Welfare Pathway.
- 7.4 For the Armed Forces community, the Community Covenant encourages the integration of Service life into civilian life and encourages members of the Armed Forces community to help their local community.
- 7.5 Though not a protected characteristic group in their own right, Armed Forces personnel (both current and former) and their families, can fall under the duties of the Equality Act in a number of ways. Physical disability due to injury, or emotional or mental health issues due to post-traumatic stress can affect armed forces personnel; there could also be links to domestic abuse within families for example.
- 7.6 When providing services and treating our residents fairly and equally according to their needs, these Armed Forces issues clearly do intersect with the more mainstream Equalities issues and this is why the Covenant has been included in this policy to ensure that the Armed Forces context is taken into account at the proper stages.

8) OBJECTIVES AND ACTION PLAN

- 8.1 These can be found in a separate document, the **Equalities and Welsh Language Objectives and Action Plan**. It covers what overall Objectives the Council will prioritise as part of implementing its **Strategic Equality Plan** and complying with the **Welsh Language Standards**. The objectives and actions are integrated across both duties so that their common aims are implemented together, thus removing duplication.
- 8.2 In developing the Equalities Objectives and the Action Plan, the Council has demonstrated compliance with the requirements of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the requirements of complying with the agreed Welsh Language Standards under the Welsh Language (Wales) Measure 2011.
- 8.3 The plan covers Corporate actions dealing with processes common to the range of Equalities issues listed in Section 6, but also includes specific actions and outcome-based targets in order to demonstrate that the Council gives equal consideration and importance to each of the Equalities issues individually.
- 8.4 The plan therefore also supports 3 of the 7 aims under the Welsh Government's Well-being of Future Generations (Wales) Act 2015 – namely a Wales of vibrant culture and thriving Welsh language, a Wales of Cohesive Communities and a more equal Wales.



- 8.5 Individual Directorates, service areas and divisions are responsible for ensuring that their own service delivery plans include relevant Equalities and Welsh Language actions, however advice and guidance can be sought from the Equalities and Welsh Language team.

EQUALITY IMPACT ASSESSMENT FORM

April 2016

THE COUNCIL'S EQUALITIES STATEMENT

This Council recognises that people have different needs, requirements and goals and we will work actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We will also work to create equal access for everyone to our services, irrespective of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

NAME OF NEW OR REVISED PROPOSAL*	
DIRECTORATE	
SERVICE AREA	
CONTACT OFFICER	
DATE FOR NEXT REVIEW OR REVISION	

***Throughout this Equalities Impact Assessment Form, 'proposal' is used to refer to what is being assessed, and therefore includes policies, strategies, functions, procedures, practices, initiatives, projects and savings proposals.**

INTRODUCTION

The aim of an Equality Impact Assessment (EIA) is to ensure that Equalities issues have been consciously considered throughout the decision making processes of the work undertaken by every service area in the Council and work done at a corporate level.

The form should be used if you have identified a need for a full EIA following the screening process covered in the Equalities Implications in Committee Reports Guidance document (available on the Equalities and Welsh Language Portal on the intranet).

The EIA should highlight any areas of risk and maximise the benefits of proposals in terms of Equalities. It therefore helps to ensure that the Council has considered everyone who might be affected by the proposal.

It also helps the Council to meet its legal responsibilities under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, the Welsh Language (Wales) Measure 2011 and supports the wider aims of the Well-being of Future Generations (Wales) Act 2015. There is also a requirement under Human Rights legislation for Local Authorities to consider Human Rights in developing proposals.

The Council's work across Equalities, Welsh Language and Human Rights is covered in more detail through the Strategic Equalities Objectives and Action Plan 2012.

This approach strengthens work to promote Equalities by helping to identify and address any potential discriminatory effects before introducing something new or changing working practices, and reduces the risk of potential legal challenges.

When carrying out an EIA you should consider both the positive and negative consequences of your proposals. If a project is designed for a specific group e.g. disabled people, you also need to think about what potential effects it could have on other areas e.g. young people with a disability, BME people with a disability.

There are a number of supporting guidance documents available on the Equalities and Welsh Language Portal (the Committee report guidance mentioned above, the Consultation and Monitoring guidance) and the Council's Equalities and Welsh Language team can offer support as the EIA is being developed - the contact email is equalities@caerphilly.gov.uk.

PURPOSE OF THE PROPOSAL

1	What is the proposal intended to achieve? <i>(Please give a brief description of the purpose of the new or updated proposal by way of introduction.)</i>
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2	Who are the service users affected by the proposal? <i>(Who will be affected by the delivery of this proposal? e.g. staff members, the public generally, or specific sections of the public i.e. youth groups, carers, road users, people using country parks, people on benefits etc.)</i>
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IMPACT ON THE PUBLIC AND STAFF

<p>3</p>	<p>Does the proposal ensure that everyone has an equal access to all the services available or proposed, or benefits equally from the proposed changes, or does not lose out in greater or more severe ways due to the proposals? <i>(What has been done to examine whether or not these groups have equal access to the service, or whether they need to receive the service in a different way from other people?)</i></p>
	<p><u>Actions required</u></p>

<p>4</p>	<p>What are the consequences of the above for specific groups? <i>(Has the service delivery been examined to assess if there is any indirect affect on any groups? Could the consequences of the policy or savings proposal differ dependent upon people’s disability, race, gender, sexuality, age, language, religion/belief?)</i></p>
	<p><u>Actions required</u></p>

INFORMATION COLLECTION

<p>5</p>	<p>Is full information and analysis of users of the service available? <i>(Is this service effectively engaging with all its potential users or is there higher or lower participation of uptake by one or more groups? If so, what has been done to address any difference in take up of the service? Does any savings proposals include an analysis of those affected?)</i></p>
	<p><u>Actions required</u></p>

CONSULTATION

<p>6</p>	<p>What consultation has taken place? <i>(What steps have been taken to ensure that people from various groups have been consulted during the development of this proposal? Have the Council's Equalities staff been consulted? Have you referred to the Equalities Consultation and Monitoring Guidance?)</i></p>
	<p><u>Actions required</u></p>

MONITORING AND REVIEW

7	<p>How will the proposal be monitored? <i>(What monitoring process has been set up to assess the extent that the service is being used by all sections of the community, or that the savings proposals are achieving the intended outcomes with no adverse impact? Are comments or complaints systems set up to record issues by Equalities category to be able analyse responses from particular groups?)</i></p>
	<p><u>Actions required</u></p>

8	<p>How will the above be evaluated? <i>(What methods will be used to ensure that the needs of all sections of the community are being met?)</i></p>
	<p><u>Actions required</u></p>

9	<p>Have any support / guidance / training requirements been identified? <i>(Has the EIA or consultation process shown a need for awareness raising amongst staff, or identified the need for Equality training of some sort?)</i></p>
	<p><u>Actions required</u></p>

10	<p>Where you have identified mitigating factors in previous answers that lessen the impact on any particular group in the community, or have identified any elsewhere, please summarise them here.</p>
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11	<p>What wider use will you make of this Equality Impact Assessment? <i>(What use will you make of this document i.e. as a consultation response, appendix to approval reports, publicity etc. in addition to the mandatory action shown below?)</i></p>
	<p><u>Actions required</u></p> <ul style="list-style-type: none"> EIA, when completed, to be returned to equalities@caerphilly.gov.uk for publishing on the Council's website.

Completed By:	
Date:	
Position:	
Name of Head of Service:	

Equalities and Welsh Language Objectives and Action Plan 2016 - 2020

**Mae'r cyhoeddiad hwn ar gael yn Gymraeg, ac mewn ieithoedd a fformatau eraill ar gais.
This publication is available in Welsh, and in other languages and formats on request.**

CCBC EQUALITIES AND WELSH LANGUAGE OBJECTIVES AND ACTION PLAN

Introduction

As part of meeting its ongoing duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, Caerphilly County Borough Council must update and implement a set of Equalities Objectives by 1st April 2016, and also update its action plan that sets out how these objectives will be met.

This document sets out those Equalities Objectives and related actions that Caerphilly County Borough Council has chosen, following extensive consultation and engagement with the public and other stakeholders.

In addition, not only does the Council have to ensure that it has an updated **Strategic Equality Plan (SEP)** in place by the above deadline date, together with the objectives and actions, it also has to implement actions under the new **Welsh Language Standards (WLS)** by the same date. These are statutory duties around Welsh Language issues under the Welsh Language (Wales) Measure 2011, the regulations of which were agreed in March 2015. For Caerphilly County Borough Council this means that they come into force from 31st March 2016.

The Council has also decided to include actions around the **Armed Forces Covenant (AFC)** under this scheme as so much of the work runs in parallel and are related.

The Council will continue with this single set of integrated objectives and actions in order to implement both policies and also meet the requirements under 3 of the 7 aims under the Welsh Government's Well-being of Future Generations (Wales) Act 2015. The objectives and actions are therefore integrated so that the common aims are actioned together, thus removing any duplication, and cost-effectively streamlining future project developments.

Consultation

The updated objectives underwent extensive consultation and discussions with various internal and external stakeholders between December 2015 and January 2016. The draft document was subsequently submitted to the Corporate Management Team, Policy and Resources Scrutiny Committee, Cabinet and full Council early in 2016.

The Council is committed to an ongoing process of consultation and engagement with stakeholders throughout the 4-year lifetime of this document and any changes needed can be done following the review and evidence gathering undertaken for the Annual Report.

This final version of the updated **SEP** and Objectives and Action Plan document are available on the Council's website at www.caerphilly.gov.uk/equalities or as a hard copy on request.

The Equalities Objectives

The approach that has been used to develop the objectives and actions has taken into account the requirements of the statutory duties in Wales (both Equalities and Welsh Language), the numerous requests for specific objectives that have come from various voluntary organisations, and the comments received during the consultation period.

It has also linked in with existing partnership working so as to take advantage of work already ongoing in the county borough and not create additional work where good practice is already being achieved. This has resulted in 11 “umbrella” themes under which the Council can show its commitment to as wide a range of issues as possible.

The objectives are listed below, the first 9 can be classed as outward-facing and involve a great deal of partnership working, whilst the final 2 are more inwardly focused and show how the council’s own internal practices continue to develop.

Equality Objective 1	-	Tackling Identity-Based Violence and Abuse
Equality Objective 2	-	Addressing the Gender Pay Gap
Equality Objective 3	-	Improving Physical Access
Equality Objective 4	-	Improving Communication Access
Equality Objective 5	-	Inclusive Engagement and Participation
Equality Objective 6	-	Compliance with the Welsh Language Standards
Equality Objective 7	-	Supporting Age-friendly Communities
Equality Objective 8	-	Supporting the Armed Forces Covenant
Equality Objective 9	-	Working with Gypsy and Traveller Communities
Equality Objective 10	-	Diversity in the Workplace
Equality Objective 11	-	Corporate Compliance

Each objective comes with a related set of actions, many of these are not exclusive to this document but come from partner documents, for example much of the work around Objective 1 is not done only by Caerphilly County Borough Council but through partnership working that includes the Council, Gwent Police, Victim Support Wales and others.

This is why each objective shows not only the internal service areas that can contribute towards it, but also lists links to other plans and stakeholders to demonstrate the wider ownership of this work.

Individual Directorates, service areas and divisions within the Council are responsible for ensuring that their own service delivery plans cover the Equalities issues, however advice and guidance can be sought from the Equalities and Welsh Language team by emailing equalities@caerphilly.gov.uk.

EQUALITY OBJECTIVE 1 - TACKLING IDENTITY-BASED VIOLENCE AND ABUSE

Objective	To reduce the levels of real or perceived instances of identity-based abuse, bullying, harassment and violence, hate crime and hate incidents in the county borough.
Outcome	Individuals, families and groups in the communities of Caerphilly county borough feel safe living their own lives at home, at work and in the community at large.
Protected Characteristics / Other Equalities Issues covered	Ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, Welsh language, BSL and other languages, nationality, responsibility for any dependants, pregnancy and maternity. Human Rights.
Links to other Legislation, Strategies and Plans	Caerphilly Delivers - the Local Service Board Single Integrated Plan, Community Cohesion Action Plan, School Anti-bullying policies, 50+ Positive Action Plan, Corporate Complaints Policy, the Crime and Disorder Act 1998, the Anti-terrorism, Crime and Security Act 2001, the Criminal Justice Act 2003, the Anti-social Behaviour, Crime and Policing Act 2014.
Links to CCBC Service Areas	Legal, ICT and Customer Services, Human Resources, Adult Services, Childrens Services, Public Protection, Education and Lifelong Learning.
Evidence Base	Current hate crime and hate incident figures relating to race, disability and homophobia etc, domestic violence data, school bullying incidents, council complaints with an Equality aspect, all to be used as baseline.
Success Measure / Performance Indicators	<ul style="list-style-type: none"> • Increase in reporting of incidents • Increase in satisfaction levels of how issues were handled • Reduction in levels of hate crime and hate incidents • Reduction in levels of domestic abuse and violence • Reduction in levels of fear of crime • Reduction in levels of reported bullying in schools
Stakeholders	The public, CCBC Equalities Team, CCBC elected members and staff members, Community Cohesion Forum, Safer CCB, Gwent Police, Hate Crime and Hate Incident reporting centres, Police and Crime Commissioner, Domestic Abuse Forum, Deafblind Cymru, Welsh Women's Aid, Stonewall Cymru, 50+ Positive Action, Caerphilly Youth Forum, Victim Support, Communities First, Community Partnerships, Caerphilly county borough schools and governing bodies.

	ACTION	OUTCOME	TIMETABLE
1.1	To work with the listed stakeholders to record and monitor instances of identity-based hate crime and hate incidents in the county borough.	The Council has access to regular, timely and accurate figures in order for it to be able to identify areas where specific issues need to be tackled.	Ongoing, but greater coordination and data-sharing is required across stakeholders
1.2	To work with schools to develop better understanding of links between Equalities issues and identity based school bullying, and improve recording and monitoring of incidents.	Reduction in the number of identity-based school bullying incidents.	Pilot term held in Spring 2011, full implementation from September 2012 and ongoing.
1.3	To work with all service areas within the Council to use different methods in order to (where relevant) raise awareness of, and tackle under-reporting of, hate crime and hate incidents.	Service areas embed awareness and reporting of hate crime and hate incidents into their day-to-day and/or project work.	Ongoing since March 2011.
1.4	To work with local and regional partners on existing domestic abuse and violence issues to identify and tackle incidents with an equalities aspect.	The victims of domestic abuse and violence who come under the protected characteristics and other Equalities issues are identified to allow for appropriate targeting of services and support.	Initial mapping and data gathering exercise undertaken during June/July 2012. Review required during 2016-2017.
1.5	To work with CCBC elected members, staff members and partner organisations to decrease the stigma associated with some aspects of the protected characteristics e.g. stereotyping and negative assumptions.	A decrease in any negative perceptions held by professionals and practitioners in relation to those who seek their support.	Ongoing through the training programme.

EQUALITY OBJECTIVE 2 - ADDRESSING THE GENDER PAY GAP

Objective	To reduce the gender pay gap by addressing the causes through making changes to pay policies and practices that are found to be a contributory factor to any inequality in pay.
Outcome	To have in place fair, open and transparent pay, grading, remuneration and recruitment strategies and plans so that the reduction in the pay gap is achieved.
Protected Characteristics / Other Equalities Issues covered	Sex (gender), responsibility for any dependants, pregnancy and maternity.
Links to other Legislation, Strategies and Plans	Caerphilly Delivers - the Local Service Board Single Integrated Plan, CCBC Anti-Poverty Strategy, CCBC Recruitment and Selection Policies, Equal Status, Equality Act 2010 section 159.
Links to CCBC Service Areas	Human Resources, ICT and Customer Services, Legal, Public Protection
Evidence Base	Existing CCBC workforce profile, CCBC Ward profiles, national employment data
Success Measure / Performance Indicators	<ul style="list-style-type: none"> Reduction in the % gender pay gap for Caerphilly county borough over the 4-year period of the plan.
Stakeholders	CCBC HR staff, CCBC Equalities Team and other staff members, CCBC elected members, Trade Unions, Careers Wales, Caerphilly Business Forum, Chwarae Teg, local, regional and national Voluntary Sector Equality Organisations.

	ACTION	OUTCOME	TIMETABLE
2.1	Implement the findings of the job evaluation exercise.	Pay and grading structures in the council are open and transparent.	Job evaluation process completed in 2010. New and updated posts undergo the same process.
2.2	Make changes to pay policies and practices that are found to be a contributory factor to any identified inequality in pay.	Pay and grading structures and recruitment practices in the council treat all staff and applicants equally, regardless of gender.	Ongoing and further work as part of the review of the policy framework (see 11.4).
2.3	Raise awareness of job opportunities and business opportunities to non-traditional groups (i.e. not stereotyping jobs to gender).	Greater gender diversity across service areas.	Ongoing and needs targeted action.
2.4	Ensure that all HR policies are reviewed and updated regularly to include matters such as flexible, part-time or job-share options, shared parental leave etc.	Staff are able to access working patterns and job options that may have been otherwise denied them.	Ongoing on a rolling programme basis.

EQUALITY OBJECTIVE 3 - IMPROVING PHYSICAL ACCESS

Objective	To improve physical accessibility in terms of living in, working in, learning in, travelling around and visiting the county borough.
Outcome	People from all sections of society are able to live in, work in, travel around and visit the various public buildings, historic monuments, town and retail centres, parks and countryside venues without any unfair or unreasonable restrictions on their movements.
Protected Characteristics / Other Equalities Issues covered	Ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, Welsh language, BSL and other languages, nationality, responsibility for any dependants, pregnancy and maternity.
Links to other Legislation, Strategies and Plans	Caerphilly Delivers - the Local Service Board Single Integrated Plan, DDA Access Strategy, Building Regulations (Part M) under the Building Act 1984, Safer Caerphilly Community Safety Partnership Plan, CCBC Licensing Policy, SEWTA Regional Transport Plan, Corporate Complaints Policy.
Links to CCBC Service Areas	Public Protection, Housing, Legal, Performance and Property, ICT and Customer Services, Human Resources, Adult Services, Childrens Services, Regeneration and Planning, Engineering and Transport, Community and Leisure Services, Education and Lifelong Learning.
Evidence Base	Feedback / satisfaction surveys / complaints from the public, tourists etc. Targets/actions in CCBC service area action plans. Targets/action in plans under the remit of strategic partnerships on which the Council sits.
Success Measure / Performance Indicators	<ul style="list-style-type: none"> • Increase in numbers of visitors to the various locations according to age, disability etc. • Increased satisfaction levels in the accessibility of these locations in terms of transport. • Increased satisfaction levels in the accessibility of these locations once there. • No. of accessible buildings, road crossings, transport hubs etc. • Reduction in the number of complaints around inaccessibility of council owned venues and locations. • Increased consideration of age and disability related issues in planning communities such as in physical design (links to SEO 7 – Supporting Age-friendly Communities).
Stakeholders	The public, CCBC Regeneration staff, CCBC Equalities Team, DDA Access Officer, CCBC elected members and other staff members, SEWTA, Caerphilly Business Forum, Living Environment Partnership, Caerphilly CB Access Group, Caerphilly CB Disability Forum, Deafblind Cymru, local, regional and national Voluntary Sector Equality Organisations, 50+ Positive Action.

	ACTION	OUTCOME	TIMETABLE
3.1	To establish an accessibility baseline for all properties by completing access audits.	Baseline established.	Updates ongoing annually
3.2	Client Liaison Team to support council service areas with issues around physical access.	Service areas gain a greater understanding of physical access issues and mainstream these issues into their day-to-day work.	Ongoing since 2007.
3.3	To monitor satisfaction levels / number of complaints regarding physical accessibility issues.	Improved data on these issues for use by service areas in future project planning.	Updated Complaints system provides greater level of detail from 2012 onwards.
3.4	To survey all building stock in terms of accessibility issues, including schools.	An updated list of Council building stock is available, which details levels of DDA compliance and any issues that need resolving.	Annually, with quarterly reports presented to the Disability Access Group.
3.5	To survey polling stations in terms of physical accessibility issues.	Polling stations that need reasonable adjustments are identified in time for voting to take place.	Ad hoc, when elections of any kind are due.

EQUALITY OBJECTIVE 4 - IMPROVING COMMUNICATION ACCESS

Objective	To improve the way council services and activities are made accessible to those who need them, in terms of language and format.
Outcome	People in the community, whether local residents, visitors, job applicants or partner organisations, can access council services, activities and information in English and Welsh, and also in other spoken languages or different formats (Braille, BSL, Easy Read, large print etc) as required.
Protected Characteristics / Other Equalities Issues covered	Race, disability, Welsh language, BSL and other languages, nationality, responsibility for any dependants.
Links to other Legislation, Strategies and Plans	Caerphilly Delivers - the Local Service Board Single Integrated Plan, DDA Access Strategy, IT Strategy, Corporate Complaints Policy, Equalities Consultation and Monitoring Guidance, More than just words - Strategic Framework for Welsh Language Services in Health, Social Services and Social Care.
Links to CCBC Service Areas	Corporate Finance, Housing, Human Resources, ICT and Customer Services, Legal, Performance & Property, WHQS Programme, Adult Services, Business Support, Children's Services, Engineering and Transport, Regeneration and Planning, Public Services, Public Protection, Community and Leisure Services, Education and Lifelong Learning.
Evidence Base	Census 2011 ward profiles, current translation data, surveys feedback and complaints data. Targets/actions in CCBC service area action plans.
Success Measure / Performance Indicators	<ul style="list-style-type: none"> • Number of translation / interpretation / format requests • Number of interpreted meetings arranged • Increase in take up of services • Increased levels of customer satisfaction • Decrease in numbers of complaints on accessible format issues
Stakeholders	The public, CCBC Equalities Team, CCBC Communications, CCBC Information & Citizen Engagement, Menter Iaith Caerffili, the Urdd, Welsh Government Language Commissioner's Office, Bargoed Deaf Club, Caerphilly Deaf Club, Caerphilly CB Access Group, Caerphilly CB Disability Forum, Deafblind Cymru, 50+ Positive Action, Gwent Visual Impairment Service, Gwent Hearing Impairment Service, Caerphilly People First, local, regional and national Voluntary Sector Equality Organisations.

	ACTION	OUTCOME	TIMETABLE
4.1	To ensure that Welsh Language issues are an integral part of all e-Government projects.	Internal systems are upgraded to be able to record language choice of users, bilingual front-end interfaces are created etc.	Software and systems review in 2016. Social Media ongoing and improving.
4.2	To ensure a fully bilingual website is maintained and pages updated in both languages on a rolling programme basis.	A fully bilingual website.	April 2016 then monitored and reported annually. Social Media ongoing.
4.3	To create a series of BSL signed web pages in a new section of the website.	A BSL signed section of pages is available on the website for the Deaf community.	Not achieved under the previous SEP, updated business plan required in 2016-2017 to progress.
4.4	To develop an updated set of minimum standards for Council publications.	Council publications comply with the different requirements of the updated Equalities and Welsh Language legislation, as outlined on the Design and Print Guidance Document.	Guidance to be updated and re-circulated by April 2016.
4.5	Update of Editorial Policy.	Change of document to be a Welsh Language Standards Translation Policy to give greater awareness of bilingual requirements amongst new and existing staff.	Guidance to be updated and re-circulated by April 2016.

EQUALITY OBJECTIVE 5 - INCLUSIVE ENGAGEMENT AND PARTICIPATION

Objective	To increase the levels of satisfaction that communities have with council services by encouraging more citizens to become involved in the development of those services.
Outcome	People from every part of the county borough and from every community feel that they are a part of the decision-making process.
Protected Characteristics / Other Equalities Issues covered	Ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, Welsh language, BSL and other languages, nationality, responsibility for any dependants.
Links to other Legislation, Strategies and Plans	Caerphilly Delivers - the Local Service Board Single Integrated Plan, Public Engagement Strategy, Accessible Voting Guidance, Corporate Complaints Policy, Equalities Consultation and Monitoring Guidance, Human Rights Act 1998.
Links to CCBC Service Areas	ICT and Customer Services, Legal, Regeneration and Planning, all service areas undertaking any form of engagement and consultation.
Evidence Base	Targets/actions in CCBC service area action plans. Targets/action in plans under the remit of strategic partnerships on which the Council sits.
Success Measure / Performance Indicators	<ul style="list-style-type: none"> • Levels of attendance at council engagement events. • Increased levels of survey feedback • Increased complaints with increase in satisfactory outcomes • Increased county borough turnout at elections
Stakeholders	The public, Viewpoint Panel, CCBC Equalities Team, CCBC Communications, CCBC Electoral Services, Menter Iaith Caerffili, Bargoed Deaf Club, Caerphilly Deaf Club, Caerphilly Access Group, Deafblind Cymru, 50+ Positive Action, Communities First, Community Partnerships, other local, regional and national Voluntary Sector Organisations.

	ACTION	OUTCOME	TIMETABLE
5.1	Continue to implement the Public Engagement Strategy and update related guidance to ensure that public engagement/consultation exercises properly take into account equality issues and include all groups in the community to obtain a broad range of opinion.	All public engagement/consultation exercises reflect the requirements of the Equalities duties.	Ongoing use of Public Engagement Strategy and related guidance.
5.2	To identify appropriate methods of promoting Council services to different and specific groups in the community and to ensure that the new Public Engagement Strategy reflects appropriate methods of communication.	Use of all forms of media, language and format that are appropriate for engaging with all sections of the community.	Ongoing and being developed as new methods emerge.
5.3	To identify service needs of specific groups and identify the barriers to accessing services and the actions required to remove those barriers.	Ensuring robust methods of data collection and analysis for all public engagement exercises including surveys, complaints and other available means, to identify specific actions necessary to ensure that individual service needs are considered and met.	Ongoing, with improved analysis since the original SEP in 2012.
5.4	To undertake a minimum of 4 Welsh Language projects in partnership with the Menter Iaith.	Projects undertaken by Menter Iaith that would not be able to be achieved by the Council alone, in order to achieve the requirements of the Welsh Language Standards.	Annually, as per agreed SLA contract. New SLA to be drafted in 2016.

EQUALITY OBJECTIVE 6 - COMPLIANCE WITH THE WELSH LANGUAGE STANDARDS

Objective	To comply with all agreed Welsh Language Standards in order to ensure that the Welsh-speaking public are able to access the services to which they are entitled and to ensure that all council services comply with the statutory requirements.
Outcome	People living in Caerphilly county borough, council staff and visitors to the area, whether fluent Welsh speakers or learners have their rights to use the Welsh Language supported by Council service areas and not prevented in any way.
Protected Characteristics / Other Equalities Issues covered	Welsh Language.
Links to other Legislation, Strategies and Plans	The Welsh Language Standards (No. 1) Regulations 2015. The implementation of the Welsh Language Standards affects every council policy and service delivery plan. Corporate Complaints Policy. More than just words - Strategic Framework for Welsh Language Services in Health, Social Services and Social Care.
Links to CCBC Service Areas	All.
Evidence Base	Annual reports to date, service area service delivery plans from 2016 onwards, complaints data.
Success Measure / Performance Indicators	Compliance with statutory duties, evidence gathered for the annual report e.g. levels of complaints and all relevant service provision data.
Stakeholders	CCBC Service areas, Welsh Language Commissioner, Menter Iaith Caerffili, Urdd, Mudiad Meithrin, Cymdeithas yr Iaith, Welsh Government, Coleg Gwent, CCBC Welsh medium schools.

	ACTION	OUTCOME	TIMETABLE
6.1	To ensure compliance with the Welsh Language Standards overarching principle regarding procurement or commissioning of third party activities to be delivered on its behalf.	All contracts and commissions issued by the Council for activities carried out by, or provided by, a third party will ensure that those third parties comply with the same standards as the Council would have to in providing those services itself.	Already current practice. Contract and Commissioning wording and guidance to be updated by 31 st March 2016 for all new documentation. Monitoring systems will need updating.
6.2	To ensure compliance with the agreed Welsh Language Service Delivery Standards.	Compliance can be evidenced through practice, information in the Annual Report and complaints data.	Much is existing practice. Compliance is required within either 6 or 12 months - see the Compliance Notice for full details.
6.3	To ensure compliance with the agreed Welsh Language Policy Making Standards.	Compliance can be evidenced through practice, information in the Annual Report and complaints data.	Much is existing practice. Compliance is required within either 6 or 12 months - see the Compliance Notice for full details.
6.4	To ensure compliance with the agreed Welsh Language Operational Standards.	Compliance can be evidenced through practice, information in the Annual Report and complaints data.	Much is existing practice. Compliance is required within either 6 or 12 months - see the Compliance Notice for full details.
6.5	To ensure compliance with the agreed Welsh Language Promotional Standards.	Compliance can be evidenced through practice, information in the Annual Report and complaints data.	Much is existing practice. Compliance is required within either 6 or 12 months - see the Compliance Notice for full details.
6.6	To ensure compliance with the agreed Welsh Language Record Keeping Standards.	Compliance can be evidenced through practice, information in the Annual Report and complaints data.	Much is existing practice. Compliance is required within either 6 or 12 months - see the Compliance Notice for full details.
6.7	To ensure compliance with the agreed Welsh Language Supplementary Standards.	Compliance can be evidenced through practice, information in the Annual Report and complaints data.	Much is existing practice. Compliance is required within either 6 or 12 months - see the Compliance Notice for full details.
6.8	Increase awareness and understanding of the requirements of the Welsh Language Standards by providing training to Council staff. (see 10.2)	Training provision offered and staff have a better understanding of their responsibilities under the requirements of the Welsh Language Standards.	An awareness course has already been added to the list of courses in the Equalities Training Delivery package.

EQUALITY OBJECTIVE 7 - SUPPORTING AGE-FRIENDLY COMMUNITIES

Objective	To ensure that the communities of Caerphilly county borough are set up in such a way that older people can live safely, as independently as possible, enjoy good health and stay actively involved regardless of their individual circumstances and characteristics.
Outcome	Older people feel respected, valued and an active part of the community.
Protected Characteristics / Other Equalities Issues covered	All, but specifically age, disability and Human Rights.
Links to other Legislation, Strategies and Plans	Caerphilly Delivers - the Local Service Board Single Integrated Plan, Public Engagement Strategy, CCBC Anti-Poverty Strategy, 50+ Citizen Engagement Project, Corporate Complaints Policy, Human Rights Act 1998, Social Services and Well-being (Wales) Act 2014, Ageing Well in Wales and its five themes, Older People's Commissioner for Wales document "Protection of older people in Wales: A guide to the law", Dublin Declaration on Age-Friendly Cities and Communities, Public Health Wales' Transforming Health Improvement Programme, More than just words - Strategic Framework for Welsh Language Services in Health, Social Services and Social Care.
Links to CCBC Service Areas	Social Services Adult Services, Public Protection, ICT and Customer Services.
Evidence Base	Census 2011 data, data relating to poverty and age, take-up of age or disability related benefits, engagement project results based on age, customer satisfaction survey results based on age, complaints data.
Success Measure / Performance Indicators	Increased consideration of age and disability related issues in planning communities such as in physical design (links to SEO 3 – Physical Access). Increase in number of older people taking part in activities/events and becoming involved in projects. Increased take-up of available services and benefits.
Stakeholders	Older people in Caerphilly county borough, Carers, Elected Member Champion, Social Services, 50+ Positive Action, Older Persons Commissioner for Wales, Aneurin Bevan University Health Board, Public Health Wales.

	ACTION	OUTCOME	TIMETABLE
7.1	Supporting the “Age-Friendly Communities” theme by encouraging and enabling older people to engage with their surroundings and continue to engage socially within those communities, thereby maintaining their health, independence and wellbeing.	Local people have decided their priorities to better support people as they age. This can include physical design, promoting better access and mobility, promoting people’s social engagement and developing support and relationships between the generations.	Current practice and ongoing, with greater awareness raising of the issues being undertaken from 2016 onwards.
7.2	Supporting the “Falls Prevention” theme by helping older people to maintain their health and wellbeing, live longer in their own homes and remain active in their communities.	A reduction in falls amongst older people, reduction in the demand for support services, greater independence of older people in their communities.	Current practice and ongoing, with greater awareness raising of the issues being undertaken from 2016 onwards.
7.3	Supporting the “Dementia Supportive Communities” theme by helping Caerphilly county borough communities gain a greater level of public awareness and understanding of dementia.	People who receive an early diagnosis of dementia and their families/carers are given access to appropriate information, support and care, are able to live well with dementia.	Current practice and ongoing, with greater awareness raising of the issues being undertaken from 2016 onwards.
7.4	Supporting the “Opportunities for Learning and Employment” theme by tackling age discrimination and recognising the value and worth of older people in Caerphilly county borough.	Older people can access provision in terms of learning and skill development opportunities in order to improve or maintain their employment prospects.	Current practice and ongoing, with greater awareness raising of the issues being undertaken from 2016 onwards.
7.5	Supporting the “Loneliness and Isolation” theme by recognising loneliness and isolation as public health issues that cross all boundaries and groups in Caerphilly county borough.	Reduced numbers of older people who feel lonely and isolated, which can result in damaging effects to their mental health.	Current practice and ongoing, with greater awareness raising of the issues being undertaken from 2016 onwards.

EQUALITY OBJECTIVE 8 - SUPPORTING THE ARMED FORCES COVENANT

Objective	To encourage support for the Armed Forces community living and working in Caerphilly County Borough and to recognise and remember the sacrifices made by those members of the Armed Forces community, particularly those who have given the most.
Outcome	The Armed Forces community, which includes in-Service and ex-Service personnel, their families and widow(er)s, are respected, valued and do not receive any lesser service than other members of the community in the county borough.
Protected Characteristics / Other Equalities Issues covered	The Armed Forces community is not a group classed as a protected characteristic, however ex-Service personnel may have suffered physical, emotional or mental trauma in action, which can have knock-on effects on their families. In this way, there are clear links to disability, age and gender issues that are covered by Equalities legislation.
Links to other Legislation, Strategies and Plans	The Armed Forces Covenant, Caerphilly Delivers - the Local Service Board Single Integrated Plan, CCBC Anti-Poverty Strategy, Corporate Complaints Policy.
Links to CCBC Service Areas	Education, Social Services, Housing, ICT and Customer Services.
Evidence Base	Regular contact with Armed Forces, Council support and participation in Armed Forces Events, website updated with relevant information, Council service areas recognise and monitor the needs of the Armed Forces community.
Success Measure / Performance Indicators	Number of events supported / attended, timeliness of website information, increase in data held by service areas of engagement and monitoring of Armed Forces Community service users.
Stakeholders	The Armed Forces community, the elected member Armed Forces Champion, Public Service Board / CCBC Armed Forces Lead Officer, the Royal British Legion, veterans or family groups (e.g. Gwent Veterans Association, SSAFA), reservists, cadet corps, Aneurin Bevan University Health Board, Gwent Police, Gwent Police and Crime Commissioner, GAVO, South Wales Fire and Rescue Service, Caerphilly Business Forum.

	ACTION	OUTCOME	TIMETABLE
8.1	Identify and support an elected member Armed Forces Champion.	Elected member Armed Forces Champion named and noted as CCBC point of contact.	Ongoing, the elected member Armed Forces Champion has been in place since 2013 after the Covenant was signed.
8.2	Identify and support a Public Service Board contact and CCBC Armed Forces Lead Officer.	Public Service Board contact and CCBC Armed Forces Lead Officer named and noted as CCBC points of contact.	Ongoing, the Public Service Board contact and CCBC Armed Forces Lead Officer have been in place since 2013 after the Covenant was signed.
8.3	Maintain the CCBC website pages dedicated to the Caerphilly Armed Forces Community Covenant scheme.	Dedicated web pages updated with timely and relevant information and support.	Ongoing.
8.4	Add "Armed Forces Community" as an option on monitoring forms etc.	Relevant service areas have this option on forms to ensure that members of the Armed Forces Community are identified at the appropriate stage.	Under discussion.
8.5	Provide awareness training as part of the overall Equalities Training Delivery (see 10.2) where there is a crossover aspect between Armed Forces issues and Equalities.	Training provision offered to staff who come into contact with this community will have a better understanding of their client base.	Post Traumatic Stress Disorder Awareness has already been added to the list of courses in the Equalities Training Delivery package. Others can be added as necessary.

EQUALITY OBJECTIVE 9 - WORKING WITH GYPSY AND TRAVELLER COMMUNITIES

Objective	To provide a corporate overview and framework regarding the Gypsy and Traveller community (whether they are permanent or transient) in order to improve community cohesion by promoting good relations between Gypsies and Travellers and the settled communities of the county borough.
Outcome	Residents in settled communities and those from the Gypsy and Traveller communities have an increased understanding and awareness of each other's culture, rights and lifestyle.
Protected Characteristics / Other Equalities Issues covered	Race (specifically Gypsy and Travellers), Human Rights.
Links to other Legislation, Strategies and Plans	Gypsy and Traveller Housing Needs Assessment, Unauthorised Encampments Policy, Corporate Complaints Policy, Welsh Government's Travelling to a Better Future document, Human Rights Act 1998.
Links to CCBC Service Areas	Education and Lifelong Learning, Social Services, Housing, Public Protection, Corporate Complaints, ICT and Customer Services.
Evidence Base	Census 2011, Gypsy and Traveller Housing Needs Assessment, Data on unauthorised encampments, data on Gypsy and Traveller population in schools.
Success Measure / Performance Indicators	The Council's Housing needs assessment is approved by Welsh Government. Transient sites are dealt with sensitively and in accordance with Council procedures.
Stakeholders	Education, Social Services, Housing, Public Services, Welsh Government, Gypsy and Traveller communities.

	ACTION	OUTCOME	TIMETABLE
9.1	Increase awareness and understanding of Gypsy and Traveller needs, culture and lifestyle by providing training to Council staff. (see 10.2)	Gypsy and Traveller Awareness is part of the Training provision offered and staff who come into contact with this community have a better understanding of their client base.	Ongoing since 2012.
9.2	Work to reduce and eliminate harassment and discrimination towards Gypsy and Traveller communities.	Decrease in incidents, especially around transient sites, which are the majority of the types of contact in Caerphilly county borough.	Ongoing since 2012.
9.3	Improve knowledge and understanding of hate crime and incidents and encourage Gypsy and Traveller communities to report them.	Increase in reported incidents from this community.	Ongoing since 2011 but more focused work required from 2016 onwards.
9.4	Continue to manage unauthorised encampments in the county borough under the current Unauthorised Encampments policy and procedures.	Unauthorised encampments are dealt with fairly and quickly and any welfare issues are addressed.	Current practice and ongoing.

EQUALITY OBJECTIVE 10 - DIVERSITY IN THE WORKFORCE

Objective	To have a workforce that reflects and respects the diversity of the communities within Caerphilly County Borough.
Outcome	Individuals from all parts of the community feel that CCBC is a fair and tolerant employer.
Protected Characteristics / Other Equalities Issues covered	Ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, Welsh language, BSL and other languages, nationality, responsibility for any dependants, pregnancy and maternity.
Links to other Legislation, Strategies and Plans	CCBC Recruitment and Selection Policies, Equal Status, Equality Act 2010 section 159, The Welsh Language Standards (No. 1) Regulations 2015, Human Rights Act 1998, Corporate Complaints Policy.
Links to CCBC Service Areas	Equalities and Welsh Language Team, Human Resources, all service areas.
Evidence Base	Existing CCBC workforce profile, Census 2011 data on ward basis, county borough basis and national basis (thus covering travel to work areas).
Success Measure / Performance Indicators	<ul style="list-style-type: none"> • CCBC employee profile data demonstrates diverse workforce across service areas and salary grades as workforce profiles will match as closely as possible with the County Borough population profiles. • Workforce profiles used to produce an annual comparison for the SEP Annual Report. • Annual Training Report published with types of courses offered and numbers of staff trained being recorded and analysed.
Stakeholders	CCBC HR staff, CCBC Equalities Team, CCBC elected members and other staff members, Careers Wales, Caerphilly Business Forum, Chwarae Teg, Stonewall Cymru, local, regional and national Voluntary Sector Equality Organisations, Caerphilly Youth Forum, CCBC secondary schools, Welsh Language Commissioner, Equalities and Human Rights Commission.

	ACTION	OUTCOME	TIMETABLE
10.1	To ensure consistent, accurate and robust collation and recording of employee information in terms of Equality data utilising the capacity of the iTRENT payroll database with ongoing data cleansing.	Production of anonymised Equalities and Welsh Language staffing reports based on ongoing data collection and cleansing exercises for publication and use in the Annual Equalities reports.	Annual information reports and a relevant section in the annual Equalities Report and Welsh Language Report.
10.2	To offer staff, elected members and partner organisations a comprehensive Equalities training programme and continue to increase course provision and course take-up.	Council staff, elected members and staff from partner organisations are appropriately trained in Equalities issues and a quarterly list of Equalities courses produced and circulated.	Current practice since 2009.
10.3	To monitor the number and percentage of elected members and staff who have received training in Equalities and Welsh language.	Annual Report prepared at the conclusion of each academic year and after consultation with officers and training partners, and submission to Policy and Resources Scrutiny Committee, published on the website during the Autumn.	Current practice since 2009 - report published online Autumn each year and available as hard copy on request.
10.4	To offer staff the opportunity to form their own workplace support networks for specific groups - initial meeting organised centrally with future meetings being the responsibility of the group.	Groups or networks are set up for those wishing to have them, both for mutual support and in order to provide suggestions and comments as a voice in CCBC policy and decision making.	Ongoing, but little progress made since 2012.
10.5	To issue supplementary guidance corporately or to service areas on specific areas of work.	Minimum of 3 sets of guidance to be produced per year.	Current practice since 2009.
10.6	To undertake a corporate exercise with HR and Service Managers to identify posts where Welsh skills would be essential. Also other language skills e.g. BSL where relevant.	A number of agreed posts in every Service Area have a linguistic element as a basic part of the job description.	Corporate exercise in 2016.

EQUALITY OBJECTIVE 11 - CORPORATE COMPLIANCE

Objective	To ensure that the Council complies with its statutory duties under current Equalities and Welsh Language legislation.
Outcome	The Council demonstrates compliance with its duties, and receives positive feedback from the relevant monitoring bodies on its annual reports, progress against the objectives and actions and develops a name for itself as an exemplar organisation.
Protected Characteristics / Other Equalities Issues covered	Ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, Welsh language, BSL and other languages, nationality, responsibility for any dependants, pregnancy and maternity.
Links to other Legislation, Strategies and Plans	Direct links to all CCBC policies in the Council's policy framework and 3rd party contracts, influential links with all partnership plans. Corporate Improvement Framework, Corporate Complaints Policy.
Links to CCBC Service Areas	All.
Evidence Base	Committee reports contain Equalities-related information. Evidence of EIAs published. Information analysed and report on in the Annual Monitoring and Improvement Reports.
Success Measure / Performance Indicators	<ul style="list-style-type: none"> • Annual reports published on time, after due internal consideration and scrutiny. • Number of EIAs completed and published per year. • Audit of Service Improvement Plans demonstrates service areas are mainstreaming Equalities and Welsh Language issues. • Number of complaints that contain an Equalities or Welsh Language element. • Levels of 3rd party contract compliance.
Stakeholders	CMT, Cabinet, Legal, Performance, Procurement, Heads of Service, Welsh Language Commissioner, Equalities and Human Rights Commission, Wales Audit Office.

	ACTION	OUTCOME	TIMETABLE
11.1	To ensure that arrangements are in place to strategically monitor the progress of the Strategic Equality Plan (SEP) and Welsh Language Standards (WLS) and to produce annual monitoring and improvement reports on the progress achieved and any areas of concern, and overall compliance with statutory duties.	Annual reports submitted for approval to Corporate Management Team, Policy and Resources Scrutiny and Cabinet internally and then submitted to the relevant bodies. Ad hoc information reports to be produced where relevant or where specifically requested.	Ongoing since 2008. All related annual reports are published bilingually on the website and are available in other languages and formats on request.
11.2	To adopt and implement a standing directive that reports presenting new or updated policies and initiatives carry an assessment of the likely impact of the SEP and WLS.	Reports demonstrate clear links to the Equalities and Welsh Language agenda.	September 2009 and ongoing. Updated report template in place from January 2012.
11.3	To produce a corporate list of policies, strategies and plans and update the list regularly.	Updated list produced and made available quarterly.	To be undertaken in 2016-2017.
11.4	Each service to ensure that it has Equalities and Welsh Language information in its Service Delivery Plan.	Services will mainstream Equalities and Welsh Language issues in their own action plans.	Annually.
11.5	Undertake annual Equalities and Welsh Language audit of all Service Delivery Plans to establish progress each service has made.	Report produced showing good practice and areas for improvement for following year.	Annually.
11.6	Each service area to undertake Equality Impact Assessments (EIAs) on all policies.	EIAs undertaken and published on CCBC website.	Annually.
11.7	To monitor the number and type of complaints received that contain an Equalities aspect and whether they are dealt with in accordance with corporate standards and provide appropriate training if required.	Complaints reporting will remain part of the annual Equalities report and published in relation to the Welsh Language Standards.	Updated Complaints system provides greater level of detail - links to corporate system since 2014/2015.
11.8	To ensure that Council contract specifications include an Equalities and Welsh Language pre-tender questionnaire and include the Equality in Procurement Policy as standard information.	All contractors are aware of their Equalities and Welsh Language responsibilities when discharging functions on behalf of the Council.	Updated pre-tender contract questionnaire and Equality in Procurement Policy in place by April 2016.



COUNCIL – 8TH MARCH 2016

**SUBJECT: PROPOSED SUPPLEMENTARY PLANNING GUIDANCE -
PONTLLANFRAITH HOUSE**

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

- 1.1 The attached report was considered by the Cabinet on 2nd March 2016. The recommendations of Cabinet will be reported verbally to Council on 8th March 2015.
- 1.2 Members will be asked to consider the recommendations of Cabinet.

Author: Helen Morgan, Senior Committee Services Officer

Appendix Report to Cabinet - 2nd March 2016.

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CABINET – 2ND MARCH 2016

**SUBJECT: PROPOSED SUPPLEMENTARY PLANNING GUIDANCE:
PONTLLANFRAITH HOUSE SITE**

REPORT BY: INTERIM DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend to Council the formal adoption of the Site Development Brief for the Pontllanfraith House Site as Supplementary Planning Guidance to both the Caerphilly County Borough Local Development Plan up to 2021 and the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031.

2. SUMMARY

- 2.1 Council has agreed the closure of Pontllanfraith House as a corporate office as part of its Medium Term Financial Plan. The offices have been vacated and the services previously provided from that office relocated to other corporate offices.
- 2.2 The site has therefore become surplus to requirements and it is proposed to offer the site for sale for residential development.
- 2.3 This report outlines the progress made to date in structuring a Development Brief, including public consultation, and submits that Brief for adoption as Supplementary Planning Guidance. The Guidance will be issued to potential developers who have interest in purchasing the site so that they may be advised of the council's ambitions for the site in Planning terms.

3. LINKS TO STRATEGY

- 3.1 The Single Integrated Plan "Caerphilly Delivers" has been prepared by the Local Service Board. It represents a determined commitment by all partners to accelerate change, strengthen partnership working, multi-agency collaboration, and accountability for delivery.
- 3.2 The Local Development Plan (LDP) is the statutory framework for the development and use of land within Caerphilly County Borough and is the key mechanism for delivering the land use elements of Caerphilly Delivers. Notably the LDP is the key mechanism for the delivery of new homes throughout the county borough and importantly is a key tool for the delivery of affordable housing to meet the needs identified in the Council's 2015 Local Housing Market Assessment.
- 3.3 Caerphilly County Borough Council adopted the Caerphilly County Borough Local Development Plan up to 2021 in November 2010 and when adopted the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031 will supersede the current LDP and will provide the land use policy framework for decision making up to 2031.

4. THE REPORT

Background

- 4.1 As an integral part of its financial planning the Council is in the process of identifying those areas where savings and efficiencies can be found in order to meet the significant financial challenges it faces. On the 25 February 2015, the Council outlined its key principles for identifying these savings, one of which involved reducing office accommodation costs by rationalising council owned buildings.
- 4.2 Pontllanfraith offices have been vacated and it is intended that the site will be made available on the open market for residential use.

Preparation of Site Development Brief

- 4.3 In June 2015 the Council commissioned Nathaniel Lichfield and Partners (NLP) to prepare a development brief in respect of the site in order to minimise uncertainty for prospective purchasers / developers, improve the efficiency of the planning system and importantly ensure that high quality proposals can be delivered.
- 4.4 The brief, which is available to view in the Member's Library, is the result of collaborative work between Caerphilly County Borough Council Officers and Nathaniel Lichfield and Partners (NLP), in conjunction with Vectos and Baker Consultants. It outlines the aspirations for the redevelopment of the site, and when approved, will be used to guide the preparation of detailed plans that will help applicants deliver high quality redevelopment in a way that benefits the local community and the environment.
- 4.5 The brief sets out the Vision and Key Objectives for the future development of the site in question and provides an overview of the policy context for the development. This is followed by a contextual analysis and a SWOT analysis, all of which guide the development principles and development framework for the site.

Capacity and Phasing

- 4.6 An illustrative Development Framework Plan is contained within the development brief. It has been based upon the series of constraints and opportunities arising from both on-site assessment and desk based analysis. The potential gross developable area for the Pontllanfraith House site has been calculated as approximately 3.23ha (7.98 acres). This area could accommodate approximately 96 dwellings when applying a density of 30dw/ha or 113 at 35 dw/ha. Resulting in open space requirements of 0.76ha and 0.88ha respectively. Whatever the density of development there will be a minimum level of affordable housing provided as required in the council's approved LDP. Phasing of the development will be developer led but it is anticipated that the site could be built over a 2 to 3 year period.
- 4.7 The principles contained within the Brief build on the policy requirements set out within the Adopted Caerphilly County Borough Local Development Plan up to 2021 and address objectives set out in Planning Policy Wales (PPW) in terms of best practice design guidance.
- 4.8 Further the scope and content of the brief has been informed by feedback received from local residents and stakeholders as a consequence of public consultation held during the first week of September 2015.

Approval of Supplementary Planning Guidance

- 4.9 The procedures for approving Supplementary Planning Guidance (SPG) were established by a report that was approved by Council on 1st October 2001. Under those procedures, if a ward member has a fundamental objection to a document proposed to be adopted as SPG it

must go to Scrutiny Committee and Cabinet before consideration by Council. Members have not lodged any objections to this SPG and therefore this report is being brought directly to Council for consideration.

- 4.10 Following formal approval by Council, the Development Brief will form Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021 and the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031 and will be a material consideration in the determination of all future planning applications.

5. EQUALITIES IMPLICATIONS

- 5.1 Consultation with the public has been undertaken in line with the Council's Public Engagement Strategy and the Equalities Consultation and Monitoring Guidance, ensuring that all minority groups in the community have the opportunity to take part in the consultation exercise.

6. FINANCIAL IMPLICATIONS

- 6.1 The closure of Pontllanfraith Offices has secured revenue savings for 2015/16 and 2016/17 in accordance with the council's Medium term financial Plan.
- 6.2 Sale of the site for residential purposes, subject to planning approval, is expected to provide a Capital receipt in 2017/18.

7. PERSONNEL IMPLICATIONS

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

8. CONSULTATIONS

- 8.1 Additional reference to Affordable Housing has been added to paragraph 4.6 as a result of comment from Corporate Management Team. There have been no other comments on the report arising from the consultation.

9. RECOMMENDATIONS

- 9.1 To recommend to Council the formal adoption of the Development Brief for Pontllanfraith House Site as Supplementary Planning Guidance to both the Caerphilly County Borough Local Development Plan up to 2021 and the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To guide the preparation of detailed plans that will help applicants deliver high quality redevelopment in a way that benefits the local community and the environment.

11. STATUTORY POWER

- 11.1 The Council as local planning authority has the statutory power to take these actions under the Town and Country Planning Acts and associated Regulations and Guidance.

Author: Colin Jones, Head of Performance and Property Services
Consultees: Cllr. Ken James, Cabinet Member for Regeneration, Planning and Sustainable
Development
Cllr. D. Hardacre, Cabinet Member for Performance, Property and Asset Management
Corporate Management Team
Pauline Elliott, Head of Regeneration & Planning
Gail Williams, Interim Head of Legal Services
S. Harris, Interim Head of corporate Finance
David Thomas, Senior Policy Officer (Equalities and Welsh Language)
Cllr . M. Adams, Local Member
Cllr . C. Gordon, Local Member
Cllr . G. Kirby, Local Member



COUNCIL – 8TH MARCH 2016

SUBJECT: DESIGNATION OF INTERIM HEAD OF DEMOCRATIC SERVICES

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

-
- 1.1 The attached report was considered by the Democratic Services Committee on 2nd March 2016. The recommendations will be reported verbally to Council on 8th March 2016.
 - 1.2 Members will be asked to consider the recommendations of the Democratic Services Committee.

Author: Helen Morgan, Senior Committee Services Officer

Appendix Report to Democratic Services Committee - 2nd March 2016.

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DEMOCRATIC SERVICES COMMITTEE – 2ND MARCH, 2016

SUBJECT: DESIGNATION OF INTERIM HEAD OF DEMOCRATIC SERVICES

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

1.1 To designate an Interim Head of Democratic Services.

2. SUMMARY

2.1 This report seeks approval from the Democratic Services Committee to designate the Scrutiny Manager as the statutory Head of Democratic Services on an interim basis.

3. LINKS TO STRATEGY

3.1 To implement the provisions of the Local Government (Wales) Measure 2011 and subsequent Assembly guidance. The Council has a statutory duty to designate an officer as the Head of Democratic Services.

4. THE REPORT

4.1 The Local Government (Wales) Measure 2011 contains provisions aimed at promoting participation and strengthening democratic processes within Local Government. As part of these reforms the Measure introduced a new statutory officer role of 'Head of Democratic Services'.

4.2 The Measure requires each Local Authority to designate an officer to the statutory post of Head of Democratic Services and provide that officer with sufficient support to discharge their responsibilities. The Democratic Services Committee has responsibility for designating the post following advice from the Chief Executive. The responsibilities of the Head of Democratic Services are:-

(a) To provide support and advice -

- To the Authority in relation to its meetings
- To Committees of the Authority and the Members of those Committees
- To any joint Committee which a Local Authority is responsible for organising and the Members of that Committee
- In relation to the functions of the Authority's overview and Scrutiny Committee(s), to Members of the Authority, Members of the Executive and Officers
- To each Member of the Authority in carrying out the role of the Member of the Authority**.

- (b) To promote the role of the Authority's overview and Scrutiny Committee(s).
- (c) To make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and appointment, organisation and proper management of those staff.
- (d) Any other functions prescribed by the Welsh Ministers.

*Limited to the functions of Scrutiny and the Democratic Services Committees.

**Does not include advice to a cabinet Member in exercising their executive functions other than at a meeting of a Scrutiny or Democratic Services Committee meeting..

- 4.3 The Council's Deputy Monitoring Officer carries the statutory designation as Head of Democratic Services. However the substantive postholder has been appointed to the role of Interim Head of Legal Services & Monitoring Officer.
- 4.4 As a result of the above arrangements, the Democratic Services Committee at its meeting held on 28th May, 2014, confirmed the designation of the Interim Deputy Monitoring Officer as Head of Democratic Services.
- 4.5 The Interim Officer has recently left the Authority and therefore it is necessary to make a new designation.
- 4.6 The Head of Democratic Services must not be the Council's Head of Paid Service, Monitoring Officer, or Chief Finance Officer, as these posts already carry a statutory officer designation. It is proposed therefore that the Council's Scrutiny Manager be designated as the Council's Interim Head of Democratic Services initially until 31st August, 2016, when the interim arrangements for the Head of Legal Services are due to be reviewed.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications arising from this report will be met from existing budgets.

6. PERSONNEL IMPLICATIONS

- 6.1 The personnel implications are contained in the body of this report.

7. EQUALITIES IMPLICATIONS

- 7.1 None arising from the Report.

8. CONSULTATIONS

- 8.1 There are no consultation responses that have not been reflected in this report.

9. RECOMMENDATIONS

- 9.1 That Democratic Services Committee designate the Scrutiny Manager as the Interim Head of Democratic Services, on an interim basis, initially until 31st August, 2016.
- 9.2 Democratic Services Committee recommend to Full Council the designation of the Scrutiny Manager as Interim Head of Democratic Services on an interim basis until 31st August 2016 and the Interim Head of Legal Services and Monitoring Officer is given delegated authority to

make the appropriate amendments in the Council's constitution.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To comply with the Local Government (Wales) Measure 2011.

11. STATUTORY POWER

11.1 Local Government (Wales) Measure 2011.

Authors: G. Williams, Interim Head of Legal Services and Monitoring Officer

Consultees: Nicole Scammell, Acting Director of Corporate Services
Chris Burns, Interim Chief Executive
Councillor C. Mann – Chair of Democratic Services
Councillor C. Forehead – Cabinet Member

Background Papers:

Report to Democratic Services Committee – 28th May, 2014

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COUNCIL - 8TH MARCH 2016

SUBJECT: INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2016/17

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 2016/17.
- 1.2 To seek decisions on certain aspects of the Members remuneration scheme for 2016/17.

2. SUMMARY

- 2.1 As with previous years, the Panel determinations do not include any increases in the majority of payments made to Councillors and Co-opted Members for 2016/17, aside from minor changes to subsistence allowances.
- 2.2 The Panel's draft determinations were presented to the Democratic Services Committee on 18 November 2015 and the views expressed were included in the consultation response to the Panel. The Chair of Democratic Service and the Interim Head of Democratic Services attended a consultation meeting with the Panel and the WLGA also submitted a detailed response.
- 2.3 The Panel's determinations include the following changes from their determinations in 2015/16. There are now two levels of salary for both Cabinet Members and Committee Chairs. Cabinet Members salary levels are determined as either £29,000 (level 1) or £26,100 (level 2) and Committee Chairs are either £22,000 (level 1) or £20,000 (level 2). The Panel's draft report included a limit on the number of Executive Members who were able to receive the higher level of salary, however this has now been removed from the final determinations.
- 2.4 There was originally a determination to reduce the remuneration for the Leader of the largest opposition group and for Deputy Leaders but these have also been removed.
- 2.5 This report reflects the Panel's final determinations for 2016/17. A copy of their report is attached at Appendix 1. The Panel's determinations will take effect from the date of the Council's Annual General Meeting in 2016. 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 Panel.

4. THE REPORT

- 4.1 The Independent Remuneration 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.
- 4.2 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. 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. The Welsh Government Local Government (Wales) Act 2015 also provided additional powers and responsibilities for the Panel albeit on a temporary basis in respect of Chief Officers and powers to determine remuneration for members of shadow authorities and newly forming principal councils.
- 4.3 The Panel is independent to Welsh Government and considers evidence to make its determinations. This year for the first time Panel received a “remit” letter from Leighton Andrews AC/AM, Minister for Public Services (a copy of this letter is at pages 68 to 69 of the report) asking them to consider the “desire of the Welsh Government to reduce the costs of politics to the public purse.” The letter also asked them to consider local authority cabinet posts. The Panel stated in its report that it had reached its determinations without direction from Welsh Government and through consideration of the Framework generally and in particular a desire to maximise flexibility.

BASIC SALARY

- 4.4 The Independent Remuneration Panel for Wales is not suggesting any increases in payments made to Councillors and Co-opted Members for 2016/17. All Members are entitled to receive the Basic Salary. In view of the current public sector funding climate the Panel has determined that there shall be no increase in the basic salary, which will remain at £13,300 for 2016/17.
- 4.5 The Panel considers that the basic salary 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.

SENIOR SALARIES

- 4.6 Senior Salaries are payable to Members that hold certain prescribed roles and, for Caerphilly are limited to a maximum of 18 posts. Senior Salaries are paid inclusive of the Basic Salary.
- 4.7 The Senior Salaries for 2016/17 are outlined below:

Role	Senior Salaries 2016/17 £
Leader	48,000
Deputy Leader	33,500
Cabinet Member Level 1	29,000

Cabinet Member Level 2	26,100
Committee Chairs Level 1	22,000
Committee Chairs Level 2	20,000
Leader of the Largest Opposition Group	22,000
Leaders of other Political Groups (not less than 10% of members). This is currently not payable due to the political make up of Council members.	17,000

Deputy Leader(s)

- 4.8 The Council currently has two remunerated Deputy Leaders and in order to comply with the Panel's determinations, the difference between the senior salary for Deputy Leader and Cabinet member salary is currently divided and added to the basic Cabinet Member Senior Salary which gave a salary of £31,250 in 2015/16.
- 4.9 The Panel has introduced two levels of Executive salary for 2016/17, Level 1 at £29,000 or level 2 at £26,100. The Panel have stated that it will be a matter for individual authorities to decide the implementation of the Panel's determinations within their specific cabinet structures when considering which level of Executive salary to apply.
- 4.10 Therefore when calculating the Deputy Leaders salary Council will need to decide which cabinet salary level it will base the Deputy Leaders salary on. The two options are as follows:

Option	Deputy Leader Senior Salary	Cabinet Member Salary	Caerphilly Deputy Leaders Salary
Option 1	33,500	29,000 (Level 1)	31,250
Option 2	33,500	26,100 (Level 2)	29,800

Cabinet Members

- 4.11 As stated above the Panel's determinations in respect of Senior Salaries have changed from 2015/16. Previously, Executive Members who are not the Leader or Deputy Leader received a salary of £29,000. The Panel have determined that for 2016/17 Executive Members there will be two salary levels of either £29,000 or £26,100. Council will need to determine which levels will be applied in respect of its Cabinet posts.
- 4.12 The Panel determination of giving flexibility over Cabinet Members salary is based on them revisiting their previous decision that all Cabinet Members should be considered as working the equivalent of full time (up to 40 hours per week), but not necessarily nine to five. They state that there are a variety of different cabinet arrangements across different local authorities with some portfolio holders with greater responsibility and workloads than others. The Panel note in their annual report that many Councils operate, as Caerphilly does, with a cabinet of 10, the statutory maximum. They conclude therefore that the differences in cabinets 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.

Opposition Leader(s)

- 4.13 The Panel have determined that a Senior Salary must be paid to the Leader of the largest opposition group, (subject to that political group having at least 10% of all Council members) and the remuneration will be £22,000. The Leader of the largest opposition group is also the Chair of Democratic Services Committee, but will receive only one senior salary. The Panel has also determined that Leaders of other opposition groups will be paid a senior salary of £17,000, but again this is qualified by that political group having at least 10% of all Council members, therefore this does not apply in Caerphilly.

Committee Chairs

- 4.14 There are now two levels for Committee Chairs – Level 1 is £22,000, Level 2 is £20,000. Previously there was only one salary level for Committee Chairs of £22,000. Again, the Panel's determinations allow Council's the flexibility to confirm how many and which committee chairs receive the higher level of salary. In 2015/16 the senior salary was payable to Scrutiny Chairs, and the Regulatory Committee Chairs namely Audit Committee, Democratic Services Committee, Planning Committee and Licensing Committee. The Chair of Standards Committee is co-opted and receives the co-opted payment.

Roles

- 4.15 When determining which level to set for Cabinet Members and Chairs consideration should be given to their role and responsibilities as set out in their job descriptions. The Job description for each Cabinet portfolio holder incorporates the 4 key tasks for Cabinet Members; developing strategic policy direction, representing the Council and ensuring that the Council meets its objectives, this is of course, alongside each Members general duties. There are also job descriptions for Committee Chairs which incorporate knowledge of the Council's Procedural Rules and their Committees' terms of reference. In addition to this, the Council has a well-established Members' Training and Development Strategy and Programme, which includes mandatory, recommended and requested training.

CIVIC SALARIES

- 4.16 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. In 2014, the Panel introduced greater local flexibility by introducing 3 levels of remuneration for the Mayor and Deputy Mayor roles. The flexibilities remain and Civic Salaries for 2016/17 remain the same as 2015/16 and are outlined below:

Level	Mayor	Deputy Mayor
Level 1	£24,000	£18,000
Level 2	£21,500	£16,000
Level 3	£19,000	£14,000

- 4.17 The Panel allow local determination for Civic Salaries as activity and responsibilities of the Civic Office holders vary greatly across the country. Last year the Council determined to pay Civic Office holders Level 2, set at £21,500 and £16,000 respectively (these are not included in the maximum of 18 senior salaries set by the Panel for Caerphilly).
- 4.18 The Panel has reiterated that councils can, under the Local Government (Democracy) (Wales) Act 2013, appoint a presiding member whose role it will be to chair meetings of the whole council, however where appointed there would be a consequential reduction in the responsibilities of the respective civic head. Where a presiding member is appointed the Panel has determined that they must be paid a band 3, Level 3 salary set at £22,000 (this would be included in the maximum of 18 senior salaries set by the Panel for Caerphilly).

JOINT OVERVIEW AND SCRUTINY COMMITTEES

- 4.19 The Panel's determinations in relation to Joint Overview and Scrutiny Committees have not changed since 2015/16.

PENSIONS

- 4.20 The Panel have reaffirmed the entitlement of elected members to join the Local Government Pension Scheme.

FAMILY ABSENCE

- 4.21 The Panel's determinations in relation to Family absence have not changed since 2015/16. Members are reminded that they are entitled to the following periods of family absence under the Family Allowance for Members of Local Authorities (Wales) Regulations 2013:
- **Maternity Absence** – Available to pregnant Members who can take an absence period of up to a maximum of 26 weeks beginning any time between 11 weeks before up to the date of childbirth.
 - **Newborn Absence** – Available to a Member who is the father or, is married to, is the civil partner or is the partner of a child's mother and expects to have the main responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days following a child's birth.
 - **Adopter's Absence** – Available to a Member who adopts a child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
 - **New Adoption Absence** – Available to a Member who is married to, the civil partner or partner of a person adopting a child and expects to have the main responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
 - **Parental Absence** – Available to a Member who has or expects to have responsibility for the care of a child and does not satisfy the criteria for Newborn Absence, Adopters Absence or New Adoption Absence. Up to three months can be taken in a single or a series of absences from the date a Member assumes responsibility for the care of a child under the age of 14 and ends 1 year later.
- 4.22 Members are entitled to retain their basic salary during any period of family absence irrespective of the attendance record immediately preceding the commencement of family absence. When a senior salary holder is eligible for family absence he/she will continue to receive the salary for the duration of the absence. Should a senior salary holder take a period of family absence, a substitute appointment can be made to that senior salary post and a senior salary paid (an addition is then allowed to the maximum number of senior salaries allowed for the duration of the substitution, the schedule of remuneration must be amended and the Panel must be informed).

CARE ALLOWANCE

- 4.23 The Panel's determinations in relation to care allowance have not changed since 2015/16 and the Panel has tried to promote the care allowance to enhance diversity in local government in Wales. The Council must provide for the reimbursement of necessary costs for the care of dependent children and adults plus personal assistance needs (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursement shall only be made for Members and Co-opted Members who have incurred such expenses whilst carrying out official business and on presentation of receipts from the person providing the care.

CO-OPTED MEMBER FEE PAYMENTS

- 4.24 The Panel's determinations in relation to Co-opted members have not changed since 2015/16. The Council must make payments of fees to co-opted members with voting rights. 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.

4.25 The fees payable to co-opted members with voting rights remain the same for 2015/16:

Role	Fee
Co-opted Chair of Standards Committee and Audit Committees	£256 daily fee (£128 ½ day)
Co-opted Ordinary Member of Standards Committee who also Chair Standards Committees for Community Councils (Not applicable for Caerphilly)	£226 daily fee (£113 ½ day)
Co-opted Ordinary Member of Standards Committee, Education Scrutiny Committee, Crime and Disorder Scrutiny Committee and Audit Committee	£198 daily fee (£99 ½ day)

4.26 A full day is defined as a meeting lasting over 4 hours and a half-day as up to 4 hours. 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. Although co-opted members have never reached the maximum, the Standards Committee role has recently increased with the introduction of the Informal Resolution Protocol and could increase further due to their new role monitoring attendance of Members' mandatory training requirements. Officers will monitor the additional work and if required will present a further report recommending that the maximum cap is not included for Standards Committee Co-opted (lay) Members. The current 10 day maximum is currently still recommended.

4.27 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.

4.28 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.

SUPPORTING THE WORK OF LOCAL ELECTED MEMBERS

4.29 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 which will be reviewed shortly, and of the application for the WLGA Charter. This is in addition to the annual training needs analysis and individual training requests. 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.

4.30 The Panel also makes a determination that each Council, through its Democratic Services Committee, must ensure that all its members are given IT 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 to Members and members of the public to all committee documents.

- 4.31 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.

TRAVEL AND SUBSISTENCE ALLOWANCES

- 4.32 The Panel are keeping the current HMRC mileage rates for 2016/17 for Councillors and Co-opted Members with voting rights:

By car up to 10,000 miles – 45p per mile
By car over 10,000 miles – 25p per mile
Passenger supplement – 5p per passenger per mile
Motor cycles – 24p per mile
Pedal cycles – 20p per mile

- 4.33 Mileage can be claimed when members are undertaking official business within and/or outside the Council's boundaries. In 2012, the Panel introduced an additional optional definition of 'official business' to allow for the reimbursement of travel claims for Members undertaking constituency business. Allowing travel claims for journeys made within Members wards is a matter for local determination. To date the Council made the decision not to allow such travel claims.

- 4.34 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.

Subsistence Allowances

- 4.35 The proposed subsistence allowances for 2016/17 for Councillors and Co-opted Members with voting rights are outlined below.

- 4.36 The maximum subsistence allowance for meals remains at £28 per day (including breakfast when not provided as part of overnight accommodation).

- 4.37 The allowances available for an overnight stay whilst undertaking an approved duty has increased to £200 for London and remains at £95 elsewhere.

- 4.38 The allowances available for an overnight stay with friends or relatives whilst on official business have increased to £30 per night.

- 4.39 The Panel state that recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority. Democratic Services staff can arrange overnight stays for Members or Co-opted Members using the Council's existing frameworks.

FOREGOING PAYMENTS

- 4.40 The Panel's determinations and recommendations contained in this report will take effect from the date of the Council's Annual General Meeting. Individual Members or Co-opted Members may forego any part of their remuneration entitlement by giving notice in writing to the Chief Executive.

5. EQUALITIES IMPLICATIONS

- 5.1 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 considered equalities implications in relation to their determinations.

6. FINANCIAL IMPLICATIONS

- 6.1 Members' salaries and expenses will be funded from the Democratic Services budget. If Council determines to apply level 1 salary for calculating Deputy Leader(s) salary and apply Level 1 salaries to Cabinet Members and Committee Chairs and level 2 to Mayor and Deputy Mayor there will be no additional costs for 2016/17 as long as the Leader and Cabinet Members continue with a 5% voluntary reduction.
- 6.2 Should Council determine that the lowest salary level as determined by the Panel is applied for 2016/17 the following savings would be made:

Role	2015/16 Salary	Lowest Salary Level	Saving per Post	Total Savings
Deputy Leader(s)	£31,250	£29,800	£1,450	£2,900
Cabinet Members	£29,000	£26,100	£2,900	£20,300
Committee Chairs	£22,000	£20,000	£2,000	£16,000
Mayor	£21,500	£19,000	£2,500	£2,500
Deputy Mayor	£16,000	£14,000	£2,000	£2,000
Total				£43,700

- 6.3 If all senior salaries are set at the lowest level as determined by the Panel, there would be a saving in 2016/17 of £43,700. Council are reminded that a saving of £18k was deducted in 2015/16 due to the voluntary reduction by the Leader and Cabinet of 5% in their allowances. If Council decided to set the lowest salary levels and the Leader continued to voluntarily reduce his salary by 5% this would give a revised saving of £46,100, giving an additional saving of £28,100.

7. PERSONNEL IMPLICATIONS

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

8. CONSULTATION

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

9. RECOMMENDATIONS

- 9.1 It is recommended that;
- 9.2 The Council note and agrees to implement the determinations of the Panel including, the basic salaries, care, travel and subsistence allowances and fee payments to Co-opted Members.

- 9.3 The Council will determine which Cabinet Member salary level it will use to calculate the salaries for Deputy Leaders as stated at paragraph 4.10, option 1 or 2 as follows:

Option	Deputy Leader Senior Salary	Cabinet Member Salary	Caerphilly Deputy Leaders Salary
Option 1	33,500	29,000 (Level 1)	31,250
Option 2	33,500	26,100 (Level 2)	29,800

- 9.4 The Council will determine which salary level it will set for Cabinet Members as stated at paragraph 4.11, option 1 or 2 as follows:

Option	Cabinet Member Salary
Option 1	29,000 (Level 1)
Option 2	26,100 (Level 2)

- 9.5 The Council will determine which salary levels it will set for Committee Chairs for 2016/17 as stated at paragraph 4.14, options 1 or 2 as follows:

Committee Chairs	Options	
	Option 1 (Level 1 salary)	Option 2 (Level 2 salary)
Regulatory Committees	22,000	20,000
Scrutiny Committees	22,000	20,000

- 9.6 The Council will determine which salary levels it will set for Civic Salaries for 2016/17 as stated at paragraph 4.16.

Option	Mayor	Deputy Mayor
Option 1	£24,000 (Level 1 salary)	£18,000 (Level 1 salary)
Option 2	£21,500 (Level 2 salary)	£16,000 (Level 2 salary)
Option 3	£19,000 (Level 3 salary)	£14,000 (Level 3 salary)

- 9.7 The Council agree that the maximum number of days payable to Co-opted Members of the Education for Life Scrutiny Committee and to Co-opted (lay) Members of the Standards Committee remains at 10 days per year as stated at paragraph 4.26.

- 9.8 The Council agree that officers listed at paragraph 4.28 continue to act as the 'appropriate officer' for Co-opted Members as indicated.

- 9.8 The Council determine whether or not to continue not to allow travel claims for journeys made within Members' wards as stated at paragraph 4.33.

10 REASONS FOR THE RECCOMENDATIONS

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

11. STATUTORY POWERS

- 11.1 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. This is a Council function.

Author: Catherine Forbes-Thompson, Scrutiny Manager
 Consultees: Chris Burns, Interim Chief Executive
 Nicole Scammell – Acting Director of Corporate Services and Section 151 Officer

Cllr Christine Forehead – Cabinet Member for HR and Governance/Business
Manager
Cllr Colin Mann – Chair of Democratic Services Committee
Stephen Harris – Acting Head of Corporate Finance
Gail Williams – Interim Head of Legal Services and Monitoring Officer
David Thomas – Senior Policy Officer (Equalities and Welsh Language)

Background Papers: Report to and Minutes of Democratic Services Committee on 18 November
2015

Appendix 1: Annual Report 2016/2017 of the Independent Remuneration Panel for Wales



Independent Remuneration Panel for Wales

Annual Report

February 2016

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Foreword



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

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

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

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

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

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

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

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

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

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

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

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

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

Richard Penn

**Chair
December 2015**

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

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

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

Table 1 notes

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

Panel may determine an increased proportion². That has implications for Merthyr Tydfil where the maximum number is 16 and for Isle of Anglesey where the equivalent number is 15 (both of which include civic salaries in respect of the posts of civic head and deputy civic head).

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

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

Basic salary (payable to all elected members) £13,300			
	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	£53,000	£48,000	£43,000
Deputy leader	£37,000	£33,500	£30,000
Band 2			
Executive members – Level 1	£32,000	£29,000	£26,000
Executive members – Level 2	£28,800	£26,100	£23,400
Band 3			
Committee chairs (if remunerated):	Level 1	£22,000	
	Level 2	£20,000	
Band 4			
Leader of largest opposition group ³		£22,000	
Band 5			
Leader of other political groups		£17,000	

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

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

Table 2 Notes

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

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

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

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

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

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

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

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

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

Tables 5 & 6 notes

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

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

⁴ Brecon Beacons, Pembrokeshire Coast, Snowdonia.

⁵ Mid & West Wales, North Wales, South Wales.

1. Introduction

- 1.1 This is the eighth Annual Report of the Independent Remuneration Panel for Wales (the Panel), and the fifth published under the requirements of the Local Government (Wales) Measure 2011. The Measure extended the responsibilities of the Panel and its powers under Section 142 to decide (prescribe) payments to members of relevant authorities. This enabled the Panel to move beyond the previous limitation of setting maximum limits for member payments and the Panel has been able to use this power of prescription from April 2012. The Measure also extended the Panel's remit to include responsibility for the remuneration of members of National Park Authorities (NPAs), Fire and Rescue Authorities (FRAs) and Community and Town Councils.
- 1.2 Section 63 of The Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting Section 143A. This requires that any principal council or fire and rescue authority that intends to change the salary of its Head of Paid Service must consult the Panel unless the change is in keeping with changes applied to other officers. Section 143A also enables the Panel to take a view on anything in the Pay Policy Statement of an authority that relates to the salary of the Head of Paid Service (normally the Chief Executive or Chief Fire Officer). The Panel's approach to its use of this power is set out in Section 11 of this Report and accords with the guidance issued to the Panel by the Welsh Government that can be found at Annex 6.
- 1.3 The Local Government (Wales) Act 2015 provides additional powers and responsibilities for the Panel. This, on a temporary basis, extends its functions relating to Heads of Paid Service to Chief Officers of principal local authorities. In addition the Act provides that the Panel be given powers to determine remuneration for members of shadow authorities and newly forming principal councils.
- 1.4 In the determinations for this Annual Report the Panel has continued to take into account affordability and acceptability, given the ongoing constraints on local authority budgets.
- 1.5 Although there has been an increase in population throughout Wales, the 2011 census⁶ did not indicate that this has been sufficient to move any principal council to a higher population group and the Panel's framework is unchanged in respect of population groups.
- 1.6 As with the Panel's previous Reports, its determinations on member remuneration are underpinned by a set of principles set out in Section 2 of this Annual Report.
- 1.7 The Panel remains firmly of the view that maintaining the democratic values of local governance cannot be cost-free. Members of local authorities (including co-opted and appointed members) are there to represent the interests of local

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

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

- 1.8 In determining the level of payments to members of local councils, the Panel has sought to meet its principle of 'acceptability' by ensuring that these are not 'so great as to require a significant diversion of resources from key council priorities'. But Section 142(8) of the Measure is more explicit on 'affordability' when it states that "when setting an amount⁷ ...the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities". Meeting the requirement of the Measure in regard to affordability has been a challenge for the Panel, not least because of public interest in the payments made to members. The Panel acknowledges that the issue of affordability – in relation both to relevant authorities' service budgets and to the electorate's disposable incomes – is likely to exert a powerful impact on the public perception of any increases to members' payments.
- 1.9 As a charge on the public purse, payments to members for their time, worth and responsibility must be, and must be seen to be, fair and affordable. The Panel's determinations in its 2009 Report aligned payments to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). The basic salary was set at three-fifths of the All Wales Median Salary and senior salaries were set at multiples of this annual median salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.
- 1.10 Given the very modest relaxation in the constraints on public sector pay and also to prevent further erosion of the relative levels of remuneration, the Panel decided last year in view of the continuing severe constraints on local government resources not to increase remuneration in 2015/16. There has been no change in that situation in the current year and the Panel has decided not to increase remuneration in 2016/17. This will further compromise the alignment to median gross earnings in Wales that underpinned the basic salary set in 2009. This is a matter that the Panel intends to re-examine at an appropriate time in the future.
- 1.11 For the first time the Panel this year was provided with a 'remit' letter⁸ by the Minister for Public Services which is normal practice for Assembly sponsored public bodies. The Minister drew the Panel's attention to the desire of Welsh Government to reduce the cost of politics to the public purse and pointed to a number of aspects of the current remuneration framework for consideration. The Minister also asked the Panel to consider whether the rates of payment to leaders and executive members is justified when compared with those paid in

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

⁸ At Annex 5

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

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

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

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

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

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

- 1.16 The Panel expects that the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable. Members of Democratic Service Committees and Heads of Democratic Services indicated at our meetings with them that it would be beneficial for authorities to be proactive in sharing information and establishing benchmarks for levels of provision and good practice in how authorities support the work of elected members.
- 1.17 The Panel notes that members have not always utilised the support that has been provided through the Panel's remuneration framework, particularly in respect of the care allowance. Some members are reluctant to claim all that they are entitled to claim in support of their work, particularly the care allowance, because of concerns about the adverse publicity this can attract. Democratic Services Committees should take steps to encourage and facilitate eligible members in claiming these allowances.
- 1.18 The Panel urges all those involved to ensure that the Panel's determinations are fully implemented and that individual members are encouraged to access all the available support, including the care allowance, which has been extended to include provision for members who themselves require personal support and assistance.
- 1.19 The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. It has also taken steps along with the Public Appointments Unit that should help broaden the Panel's membership when the opportunity occurs. The Panel responded to an invitation from the then Minister for Local Government and Government Business to report on its approach to increasing diversity within its membership. The report can be found on the Panel's website⁹.
- 1.20 Section 153 of the Measure empowers the Panel to monitor relevant authorities' compliance with its requirements. An examination of the level of compliance by principal councils revealed that over half of the councils had significant deficiencies in respect of the requirements relating to the Schedule of Member Remuneration and the publication of remuneration as set out in Annual Reports. Although specific concerns were raised with individual authorities and actions

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

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

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

2. The Panel's Framework: Principles of Remuneration

Upholding trust and confidence

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

Simplicity

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

Remuneration

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

Diversity

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

Accountability

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

Fairness

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

Quality

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

Transparency

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

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

Basic salary for elected members of principal councils

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

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

Note to Determination 1:

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

Senior salaries for elected members of principal councils

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

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

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

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

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

(i) The Executive:

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

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

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

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

Level 1 -

Group A - £32,000

Group B - £29,000

Group C - £26,000

Level 2 -

Group A - £28,800

Group B - £26,100

Group C - £23,400

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

(ii) Chairs of Committees

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

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

Level 1 chairs - £22,000

Level 2 chairs - £20,000

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

The senior salary bands

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

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

Basic salary (payable to all elected members) £13,300			
	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	£53,000 £37,000	£48,000 £33,500	£43,000 £30,000
Band 2 Executive members Level 1 Executive members Level 2	£32,000 £28,800	£29,000 £26,100	£26,000 £23,400
Band 3 Committee chairs (if remunerated):	Level 1 Level 2	£22,000 £20,000	
Band 4 Leader of largest opposition group ¹⁰		£22,000	
Band 5 Leader of other political groups		£17,000	

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

Table 2 notes:

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

Payments to civic heads and deputies (civic salaries)

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

be paid at different levels.

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

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

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

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

Table 3 notes:

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

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

Payments to presiding members

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

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

Key factors underpinning the Panel's determinations:

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

The following must be applied:

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

Supporting the work of local authority elected members

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

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

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

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

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

Reimbursement of mileage costs

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

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

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

Reimbursement of other travel costs

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

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

Reimbursement of subsistence costs

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

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

Reimbursement of costs of care

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

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

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

Entitlement to family absence

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

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

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

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

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

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

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

4. Joint Overview and Scrutiny Committees (JOSC)

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

The following determinations apply:

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

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

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

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

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

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

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

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

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

5. Pension provision for elected members of principal councils

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

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

6. Payments to members of national park authorities

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

Basic and senior salaries

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

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

The Panel has made the following determinations:

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

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

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

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

£6,000 or £7,300

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

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

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

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

Reimbursement of mileage costs

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

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

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

Reimbursement of other travel costs

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

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

Reimbursement of subsistence costs

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

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

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

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

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

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

Reimbursement of costs of care

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

7. Payments to members of Welsh fire and rescue authorities

- 7.1 Given the continuing reduction in public sector funding, the Panel has determined there shall be no increase from spring 2016 in the levels of salary for members of Welsh fire and rescue authorities.
- 7.2 Key points that continue to underpin the Panel's determinations for FRA member remuneration in 2016/17 are that:
- The chair has a leadership and influencing role in the authority, and a high level of accountability especially when controversial issues relating to the emergency service arise. In addition to fire authority meetings, all FRAs have committees that include in different combinations: audit, performance management, scrutiny, human resources, resource management as well as task and finish groups and disciplinary panels. As well as attending formal meetings of the authority and committees, members are encouraged to take on a community engagement role, including visiting fire stations.
 - There is a strong training ethos in FRAs. Members are expected to participate in training and development. Induction programmes are available as well as specialist training for appeals and disciplinary hearings.
 - Training sessions often follow on from authority meetings to make the training accessible.

Basic and senior salaries

- 7.3 The Panel has previously determined that the remuneration of ordinary members of an FRA should be aligned to the basic salary of a member of a principal council and that the time commitment required is in the region of 20 days per year. This remains the basis of the Panel's determinations.
- 7.4 The Panel determined that the remuneration of an FRA chair should be aligned to that part of a Band 3 Level 1 senior salary that remunerates a committee chair of a principal council.
- 7.5 The Panel determined that the remuneration of an FRA deputy chair where there is significant and sustained senior responsibility will be aligned with the Band 5 senior salary.
- 7.6 The Panel has determined that up to two FRA committee chairs can be remunerated.

The Panel has therefore determined that:

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

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

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

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

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

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

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

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

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

Reimbursement of mileage costs

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

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

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

Reimbursement of other travel costs

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

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

Reimbursement of subsistence costs

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

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

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

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

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

Reimbursement of costs of care

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

8. Payments to co-opted members of principal councils, national park authorities and fire & rescue authorities¹¹

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

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

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

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

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

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

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

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

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

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

Reimbursement of mileage costs

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

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

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

Reimbursement of other travel costs

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

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

Reimbursement of subsistence costs

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

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

Reimbursement of costs of care

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

9. Specific or additional senior salaries

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

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

- 9.2 Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:
- a. The total number of senior salaries cannot exceed fifty percent¹² of the membership (this applies to principal councils; different restrictions will apply to national park authorities and fire and rescue authorities).
 - b. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
 - c. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
 - d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

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

10. Payments to members of community and town councils

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

Costs and expenses

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

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

Senior roles

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

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

Civic allowance

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

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

Reimbursement of travel and subsistence when undertaking approved duties

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

Reimbursement of Mileage

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

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

Reimbursement of other travel costs

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

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

Reimbursement of subsistence

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

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

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

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

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

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

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

Care allowance

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

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

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

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

Publicity requirements

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

These payments are:

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

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

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

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

12. Compliance with Panel requirements

The Panel's remit under the Measure

- 12.1 Section 153 of the Measure empowers the Panel to require a relevant authority¹⁴ to comply with the requirements imposed on it by an Annual Report of the Panel and further enables the Panel to monitor the compliance of relevant authorities with the Panel's determinations.
- 12.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting.

Monitoring compliance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Introduction

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

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

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

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

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

Allowances for members of community and town councils are set out in Part 5 of these Regulations. The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (No. 895(W.115)) were revoked from 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.
- “Care allowance” has the same meaning as set out in paragraph 21 of these Regulations.
- “Chief Officer of a principal authority as contained in the Localism Act 2011.
- “Civic Head” is the person elected by the council to carry out the functions of the chair of that council and is designated as mayor or chair.
- “Committee” includes a sub-committee.

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

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

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

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

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

Commencement of term of office

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

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

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

Amendment to the Schedule

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

Basic salary

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

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

Senior salary

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

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

Co-opted member payment

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

Allowances

Care allowances

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

Travel and subsistence allowances

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

(Paragraphs 26 & 27 apply only to principal councils)

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

Part 3: Further provisions

Pensions

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

Allowances to support the function of a local authority member

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

Payment of expenses for official and courtesy visits

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

Arrangements in relation to family absence

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

Part 4: Salaries, allowances or fees

Repayment of salaries, allowances or fees

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

Forgoing salaries, allowances or fees

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

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

Interpretation

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

Allowances

36. Allowances:

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

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

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

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

40. "Approved Duty" under this Part means:

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

Part 6: Miscellaneous

Arrangements for payments

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

Claims

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

Avoidance of duplication

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

Records of salaries, allowances and fees

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

Publicity requirements

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

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

Publicising the reports of the Panel

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

Monitoring compliance with the Panel's determinations

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

Annex 3: Schedule of member remuneration

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

In respect of a principal council:

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

In respect of National Park and Fire & Rescue Authorities:

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

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

Annex 4: Publicity requirements

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

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

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

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

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

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

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



Llywodraeth Cymru
Welsh Government

Ein cyfl/Our ref SF/LA/0859/15

Richard Penn
Chair
Independent Remuneration Panel for Wales

irpmailbox@wales.gsi.gov.uk

26 March 2015

Dear Richard,

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

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

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

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

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

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

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

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

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

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

Yours sincerely,


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

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

1. Background

- 1.1. The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) received its Royal Assent on 30 July 2013. Its prime purpose was to reform the structure and functions of what is now known as the Local Democracy and Boundary Commission for Wales. There were, however, other provisions concerning Local Government and related issues. They included:
- Allowing Principal Councils to appoint Presiding Members to chair their meetings, in preference to the traditional civic chair or mayor;
 - Enabling Local Authorities to promote or oppose private bills in the National Assembly, rather than Parliament, if it is the appropriate legislature;
 - Requiring Town and Community Councils to publish information on the Internet;
 - Amending provisions within the Local Government (Wales) Measure 2011 (“the 2011 Measure”) relating to remote attendance at Council meetings and the constitution of audit and democratic services committees, and
 - Enabling Local Authorities to establish joint standards committees.
- 1.2. In addition, the responsibilities of the Independent Remuneration Panel for Wales (“the Panel”) within the 2011 Measure were amended by the 2013 Act in a number of ways but particularly in relation to the pay of Heads of Paid Service of certain Local Authorities.
- 1.3. Heads of Paid Service are statutory posts introduced under the Local Government and Housing Act 1989. Principal Councils and some other local authorities are required to designate one of their officers as the Head of Paid Service. This is usually the Council’s Chief Executive Officer. This officer is required to advise the Council with respect to the discharge of its functions and as to the number and organisation of its staff. For the purpose of this guidance, the term Chief Executive (“CEO”) is to be considered as a reference to the Head of Paid Service and/or a Chief Fire Officer.
- 1.4. The Local Government (Wales) Act 2015 (“the Act”) contains provisions designed to prepare for a restructuring of local government in Wales over the next few years. It contains provisions which:
- allow for voluntary mergers between principal authorities;
 - Provide for the establishment of transition committees to prepare for new authorities;

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

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

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

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

“Non-statutory chief officer” means -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The Panel's deliberation

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

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

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

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

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

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

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

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COUNCIL – 8TH MARCH 2016

SUBJECT: PUBLICATION OF PAY POLICY STATEMENT - LOCALISM ACT 2011

REPORT BY: ACTING HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

1. PURPOSE OF REPORT

1.1 To seek approval from full Council for the publication of the Authority's Pay Policy.

2. SUMMARY

2.1 The Localism Act 2011 requires Local Authorities to develop and make public their Pay Policy. This includes all aspects of Chief Officer Remuneration (including on ceasing to hold office), and also in relation to the "lowest paid" in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups.

2.2 The provisions in the Localism Act 2011 which relate to Pay Policy statements only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school head teachers/Governing Bodies are, therefore, not required to be included within the scope of Pay Policy statements. This reflects the unique employment legislation position whereby all schools employees are employed by the local authority, but decisions about the appointment and management of such employees are mostly discharged by head teachers/governing bodies, as appropriate.

3. LINKS TO STRATEGY

3.1 The report links to the efficient and effective management of the Council's activities. The remuneration of employees is an integral feature of our People Strategy and frameworks, and is a fundamental feature of the employment relationship.

4. THE REPORT

4.1 The Pay Policy Statement

The Pay Policy Statement attached contains the full details of the remuneration position for the Council that it is required to publish under legislation.

4.2 The Pay Policy will be published on the Council's Website, and will be available for access by members of the public, press and interested pressure groups.

- 4.3 It should be noted that the Pay Policy is required to be published on an annual basis, once accepted by Council. There is a requirement under the Localism Act for this to be undertaken before the 31st March each year.
- 4.4 For the purposes of the requirement to publish the statement by the 31 March 2016, the salary details utilised are those in place with effect from the 1 February 2016.
- 4.5 The Hutton Review - "Review of Fair Pay in the Public Sector" (2010) – highlighted issues around Senior Pay, and the relativities with others in the organisation. The policy statement publishes these relativities, and CCBC is well within the advisory guidelines provided. The salary utilised for the Chief Executive calculations is the salary of the Interim Chief Executive, and not that of the substantive post holder.
- 4.6 Members will be aware that the Council is currently a Living Wage Employer. The previous Living Wage rate was £7.85 per hour as covered in last year's Pay Policy. With effect from the 1 November 2015 this rate was increased to £8.26 per hour. As part of the budget setting process for 2016/17, Council, at the meeting held on 24 February 2016, approved the adoption of the new rate as our lowest paid salary point. This has been backdated to take effect from the 1 November 2015. The figures contained in the pay multiples reflect this decision.
- 4.7 Negotiations are ongoing with regard to the pay claims for both JNC and NJC Officers.

Changes to Regulations

- 4.8 With effect from 1 April 2016, all learning support staff in maintained schools and FE colleges in Wales will need to be registered with the Education Workforce Council (EWC). School and FE teachers already register with the EWC. Registration does not depend on a job title and in general if a role supports learning and teaching, workers will need to be registered with the EWC. Following a consultation, the Welsh Government has set a fee for learning support staff of £15 for 2016/17. The Council currently pays the cost of registration with a specific registration body if there is a requirement to be registered in order to practice. Learning support staff will now fall into this category resulting in a cost to the Authority of £19k per annum, which has been agreed by full Council at the meeting held on 24 February 2016 to consider the budget.
- 4.9 The Government has published draft regulations to implement its plans for the recovery of public sector exit payments, where 'high earners' return to the public sector within 12 months of receiving such a payment. Consultation on the proposals ended on 26 January 2016 and a further report will be brought to Council when more information is known about these changes.
- 4.10 The Government is introducing Legislation to cap the total value of exit payments made to the public sector to £95k, as it is keen to ensure that exit payments in the public sector more widely offer a proportionate level of support to employees and are value for money to the taxpayer. Welsh Government must determine if and how they want to take forward similar arrangements in relation to devolved bodies and workforces. A further report will be brought to Council when more information is known about these changes.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no direct potential equalities implications of this report, as it is a statement of current arrangements; therefore no specific Equalities Impact Assessment has been undertaken. Any previous changes to terms and conditions have been assessed for equalities issues, as have other reports relating to CCBC employee pay issues such as the Living Wage report.

- 5.2 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation, including:
- The Equality Act 2010, including the requirements specifically in relation to Equal Pay;
 - Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000;
 - The Agency Workers Regulations 2010;
 - The Transfer of Undertakings (Protection of Employment) Regulations 2006, where relevant;
 - The National Minimum Wage Act 1998.

6. FINANCIAL IMPLICATIONS

- 6.1 The £19k cost of the Learning Support staff registration with the Education Welfare Council as detailed in 4.8 has been included in our budgetary plans for 2016-17 onwards.

7. PERSONNEL IMPLICATIONS

- 7.1 The personnel implications arising from the Pay Policy statement and the measures proposed are outlined in the body of the report.

8. CONSULTATIONS

- 8.1 All consultation responses have been reflected in this report.

9. RECOMMENDATIONS

- 9.1 Council agrees the attached Pay Policy Statement (Version 5) for publication on the Council's website.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To comply with the legislative requirements of the Localism Act 2011.

11. STATUTORY POWER

- 11.1 Local Government Act 1972
Localism Act 2011
Local Government (Wales) Measure 2011
Local Government (Wales) Act 2015
The Council's Constitution

Author: Lynne Donovan, Acting Head of Human Resources and Organisational Development
Consultees: Cllr Christine Forehead, Cabinet Member for HR and Governance
Cllr Barbara Jones, Deputy Leader and Cabinet Member for Corporate Services
Corporate Management Team
Gail Williams, Interim Head of Legal Services and Monitoring Officer

Appendix 1 Pay Policy Statement – Version 5

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Pay Policy Statement

Version:	Version 5
Policy Ratified by:	Full Council
Date:	8 March 2016
Area Applicable:	All Caerphilly employees (including Agency Workers) except School contracted employees.
Review Year	Financial Year 2016 - 17
Impact Assessed	Yes



A greener place Man gwyrddach



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1. Introduction & Purpose

- 1.1 Under Section 112 of the Local Government Act 1972 the Council has the power “to appoint officers on such reasonable terms and conditions as the Authority thinks fit”. This Pay Policy statement sets out Caerphilly CBC’s approach to Pay Policy in accordance with the requirements of Section 38 to 43 of the Localism Act 2011. This requires English and Welsh Local Authorities to produce and publish a Pay Policy Statement for 2012/2013 and for each financial year after that, detailing:
- a) The Council’s policies towards all aspects and elements of the remuneration of Chief Officers (Chief Officers are as defined in para 5.1 of this policy);
 - b) The approach to the publication of, and access to, information relating to all aspects of the remuneration of Chief Officers;
 - c) The Council’s policy on the remuneration of its lowest paid employees (including the definition adopted and reasons for it);
 - d) The relationship between the remuneration of its Chief Officers and other employees.
- 1.2 Guidance regarding these matters has been issued in Wales by the Minister for Local Government and Communities and, in accordance with section 40 (2) of the Act, Local Authorities in Wales must have regard to this Guidance when performing their functions in preparing and approving Pay Policy statements.
- 1.3 This is an update to the previous Pay Policy statement first issued in June 2012, and last updated with Council approval on the 10 March 2015. This statement will come into immediate effect once fully endorsed by Council at its meeting on the 8 March 2016.
- 1.4 This pay policy statement needs to be placed in context. Caerphilly County Borough Council is a large complex organisation with a multi-million pound budget. CCBC for 2015/16 financial year has a workforce of circa 9,600 employees and a combined revenue and capital budget for 2015/2016 of over £600 million. We are in addition the largest single employer based in the County Borough.
- 1.5 As an employer we have a very wide range of functions and are responsible for the provision of many essential services at a local level. The general approach to employee remuneration levels may therefore differ from one group of employees to another to reflect specific circumstances at a local, Welsh or UK national level. The approach also needs to be flexible when required to address a variety of changing circumstances, whether foreseeable or not.

2. Legislative Framework

- 2.1 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favorable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.
- 2.2 With regard to the Equal Pay requirements contained within the Equality Act 2010, the Council aims to ensure there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed Job Evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

3. Scope of the Pay Policy

- 3.1 The Localism Act 2011 requires local authorities to develop and make public their Pay Policy on all aspects of Chief Officer remuneration (including on ceasing to hold office), and also in relation to the “lowest paid” in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups.

3.2 The provisions in the Localism Act 2011 which relate to Pay Policy statements only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school head teachers/Governing Bodies are, therefore, not required to be included within the scope of Pay Policy statements. This reflects the unique employment legislation position whereby all schools employees are employed by the local authority but decisions about the appointment and management of such employees are mostly discharged by head teachers/governing bodies, as appropriate.

4. Pay Structure and Arrangements

4.1 Caerphilly utilizes the Greater London Provincial Job Evaluation process, and uses the nationally negotiated pay spine referred to as the National Joint Council for Local Government Services, as the basis for its local grading structure. In terms of Chief Officers, the council uses the Hay Job Evaluation process which allows the posts to be effectively benchmarked against the internal and external markets, as approved by Cabinet in 2004. This determines the salaries of the large majority of the non teaching workforce, together with the use of other nationally defined rates where relevant. Our localized Pay & Grading structure was achieved through a collective agreement with the Trades Unions, and implemented with effect from the 1st of April 2009.

4.2 The Council employs Chief Officers under JNC terms and conditions which are incorporated in their contracts. The JNC for Chief Officers negotiates on national (UK) annual cost of living pay increases for this group, and any award of same is determined on this basis. Chief Officers employed under JNC terms and conditions are contractually entitled to any national JNC determined pay rises and this Council will therefore pay these as and when determined in accordance with current contractual requirements.

4.3 In addition to the NJC and JNC arrangements referred to above the Council recognizes other Nationally negotiated arrangements including National Pay Grades under the Soulbury Agreement and the National Pay Grades under the JNC for Youth & Community Workers. The details of these scales are contained in Appendices A – D.

4.4 New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary, subject to the approval of Head of Service. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector and is incorporated in the Market Supplements Policy.

Pay Supplements

4.5 All other pay related allowances are subject to either nationally or locally negotiated rates, that are determined in accordance with collective bargaining machinery and/or Council Policy. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money against the ability to recruit and retain appropriately skilled and experienced employees that can deliver high quality services to the public.

4.6 The Council has committed itself to being a Living Wage Employer. The previous Living Wage rate was £7.85 per hour as covered in last year's Pay Policy. With effect from the 1 November 2015 this rate was increased to £8.26 per hour. As part of the budget setting process for 2016/17, Council, at the meeting held on 24 February 2016, approved the adoption of the new rate as our lowest paid salary point. This has been backdated to take effect from the 1 November 2015. The Council will therefore continue to pay the difference between the relevant Spinal Column Point (SCP's 5 – 12 are affected) as a supplement. This supplement is included in the hourly rate as pensionable pay. This is demonstrated in the Council's NJC Payscales as provided in Appendix A.

Honoraria / Acting Up arrangements

- 4.7 Periodically individuals may be assigned permanent / temporary duties or responsibilities over and above their normal role. The Council operates its Acting Up and Honoraria Schemes to ensure that individuals are appropriately remunerated.

Early Retirement, Voluntary Severance & Redundancy

- 4.8 The Council has agreed policies in relation to Early Retirement by Mutual Consent, Redundancy and Voluntary Severance. Any cost to the Council for employees to leave its employment with unreduced access to pension (except for compulsory redundancy) must be agreed by the Pensions Compensation Committee i.e. the group of Elected Members with delegated powers to approve such payments. The schemes are in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. All these Policies (except compulsory redundancy) are underpinned by the requirement for a robust business case which balances service delivery with cost and with Head of Service, Director, Section 151 Officer and Head of Human Resources and Organisational Development approval. The Policies are all available on the HR Portal via the following links:

<http://sc-aptdken1/KENTICO/Departments/HR/Policies-Procedures/Early-Retirement-By-Mutual-Consent-On-The-Grounds.aspx>

<http://sc-aptdken1/KENTICO/Departments/HR/Policies-Procedures/Redundancy-Scheme.aspx>

<http://sc-aptdken1/KENTICO/Departments/HR/Policies-Procedures/Voluntary-Severance-Scheme.aspx>

- 4.9 The Council is the major employer in the area. Indeed, a majority of the employees who work for the Council live within Caerphilly County Borough. As such, the Council must have regard to its role in improving the economic well-being of the people of the County Borough.
- 4.10 The availability of good quality employment on reasonable terms and conditions and fair rates of pay has a beneficial impact on the quality of life in the community as well as on the local economy. The Council also has a role in setting a benchmark on pay and conditions for other employers in the area for the same reasons.
- 4.11 The Council is committed to working in partnership with its recognised Trade Unions in relation to all pay and conditions of service matters. The 2009 Collective Agreement to achieve our New Pay & Grading Structure was achieved with the support of our Trade Union partners. We continue to review the impacts of the Medium Term Financial Plan on our workforce.

Mileage

- 4.12 The mileage rate is currently 45p per mile in accordance with the HMRC approved exempt amount.

5. Chief Officer Remuneration

5.1 Definitions of Chief Officer / Pay Levels

- 5.1.1 For the purposes of this Pay Policy statement, "Chief Officers" are as defined within Section 43 of the Localism Act.

The 22 Chief Officer posts within the substantive structure at Caerphilly Council which fall within the statutory definition of Section 43 as at 1st of April 2013 are:

- | | | |
|----|------------------------|-------------|
| a) | Chief Executive | (1 post) * |
| b) | Deputy Chief Executive | (1 post) |
| c) | Corporate Directors | (3 posts)* |
| d) | Heads of Service | (17 posts)* |

* There are currently interim and acting arrangements in place relating to the posts of Chief Executive, Director of Corporate Services, Head of Legal Services and Head of Corporate Finance.

5.1.2 Following the council meeting on the 17 January 2013, the pay structure for Chief Officers is as follows:-

- The substantive Chief Executive Officer's salary is set at a one off spot salary of £137,000, to remain frozen for the period of the current administration (May 2017). It should be noted that this payment is not in line with the official pay range for the role (see Appendix D), but it is in accordance with the decision made by full Council on 17 January 2013.
- It should be noted that the current Interim Chief Executive was appointed on the first incremental point of the approved Chief Executive salary range as per Appendix D.
- The Substantive Deputy Chief Executive – The salary of the post falls within a range of four incremental points between £119,250 rising to a maximum of £132,500 per annum;
- Corporate Directors - The salary of the posts falls within a range of four incremental points between £107,396 rising to a maximum of £119,329 per annum;
- Heads of Service (Band A) - The salary of the posts fall within a range of four incremental points between £81,973 rising to a maximum of £91,081 per annum
- Heads of Service (Band B) - The salary of the posts fall within a range of four incremental points between £63,339 rising to a maximum of £70,377 per annum
- No bonus or performance-related pay mechanism is applicable to any Chief Officers' pay.
- The higher band A+ will not be used for the period of the current administration. The issue of Chief Officer pay will not be revisited in the lifetime of the current administration unless required by law or Local Government regulations. Any future proposal at any time would require a final decision by Full Council.

5.2 Recruitment of Chief Officers

5.2.1 The Council's Policy and Procedures with regard to the recruitment of Chief Officers is contained within the Officer Employment Procedure Rules as set out in Part 4 of the Council's Constitution.

5.2.2 The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant Council policies in place at the time of recruitment.

5.2.3 Where the Council is unable to recruit a Chief Officer under a contract of service, or there is a need for support for a specific project or to provide cover for a vacant substantive Chief Officer post, the Council will, where necessary, consider engaging individuals under "contracts for service". These will be sourced through a relevant procurement process (in accordance with standing orders and financial regulations), ensuring the Council is able to demonstrate value

for money from competition in securing the relevant service. There are however no current examples of this arrangement.

5.2.4 Welsh Government recommends in addition to agreeing the parameters for setting the pay of chief officers, full council should be offered the opportunity to vote on large salary packages that are to be offered in respect of new appointments in accordance with their agreed pay policy statements. The Welsh Ministers consider £100,000 is the right level for that threshold.

5.2.5 For this purpose, salary packages should be consistent with the categories defined for remuneration in the Accounts and Audit (Wales) Regulations 2014. This will include salary, bonuses, fees, allowances routinely payable, any expenses allowance chargeable to UK income tax, the relevant authorities' contribution to the officer's pension and any other benefits in kind to which the officer is entitled as a result of their employment.

5.2.6 There is a requirement to specifically consult the Independent Remuneration Panel on any future changes to the salary of the Head Of Paid Service (in our case Chief Executive) that is 'not commensurate with a change to the salaries of the authorities other staff'. The Council is then required to give due regard to their recommendations on the salary of the Head of Paid Service prior to considering any changes.

5.3 Additions to Salary of Chief Officers

5.3.1 In addition to basic salary, set out below are details of other elements of Chief Officer remuneration:

- The Council pays a standard mileage rate of 45p pence per mile to Chief Officers (consistent with all other employees) with effect from the 1 July 2015, where the Chief Officer uses his or her private vehicle on Council business. The Council also reimburses any other reasonable expenses, incurred by the Chief Officer on behalf of the Council whilst on Council business, on production of receipts and in accordance with JNC conditions and other local conditions
- The cost of registration with a regulatory body if there is a requirement to be registered in order to practice and undertake their specific job role. This currently only applies to the post of Head of Legal Services.

5.3.2 The Council has a statutory duty to appoint a Returning Officer for specified Elections and Referenda. The post of Chief Executive holds responsibility to be the Returning Officer for the Council for all Elections held within the County Borough. The Returning Officer is personally responsible for a wide range of functions in relation to the conduct of Elections and Referenda and is paid for discharging these functions in accordance with prescribed fees. The prescribed fees for Caerphilly County Borough Elections are attached in Appendix H. Fees for other organisation's elections are not determined by or paid for by the Council. e.g. the Welsh Government set the fees for their election etc. All the Returning Officer's payments in any election are publicised as part of the council accounts on an annual basis.

5.4 Payments on Termination

5.4.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 [and if adopted] Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. For clarity the authority does not provide any augmentation ("added years") of pension, in its payments on termination.

5.4.2 Any other payments falling outside the provisions or the relevant periods of contractual notice shall be subject to a formal decision made in accordance with the Scheme of Delegation as contained within the Council's Constitution.

5.4.3 Full Council will be required to approve any severance packages package in excess of the current threshold determined by Welsh Ministers at £100,000. Members will be advised of any contractual or statutory elements of the severance package, along with the consequences of withholding these from an employment law context.

6. Publication

6.1 This is an update of the Pay Policy Statement. This statement will come into effect, once fully endorsed by Council in March 2016.

6.2 In addition, for posts where the full time equivalent pay is at least £60,000 per annum, as required under the Accounts and Audit (Wales) (Amendment) Regulations 2010, the Council's Annual Statement of Accounts will include a note setting out the total amount of:

- a) salary, fees or allowances paid to or receivable by the person in the current and previous year;
- b) any bonuses so paid or receivable by the person in the current and previous year;
- c) any sums payable by way of expenses allowance that are chargeable to UK income tax;
- d) any compensation for loss of employment and any other payments connected with termination;
- e) any benefits received that do not fall within the above

7. Pay Relativities within the Council

7.1 The "lowest paid" persons employed under a contract of employment with the Council are employed at the new Living Wage rate of £8.25 per hour. All roles within our grading structure previously paid in accordance with the spinal column point 5 (scp 5) to spinal column point 12 (scp 12) of the NJC pay spine for Local Government Services employees, receive a supplement to make the rate £8.25 per hour. As at 1 November 2015, this is £15,917 (Full Time Equivalent Earnings) per annum for a 37 hour standard working week.

7.2 The relationship between the rate of pay for the "lowest paid" employees and the Council's Chief Officers is regulated by the processes used for determining pay and grading structures as set out in this Pay Policy Statement.

7.3 The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton "Review of Fair Pay in the Public Sector" (2010).

7.4 Will Hutton was asked by the UK Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organization. Hutton concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between the highest rate of pay and the median average pay of the whole of the Council's workforce (but excluding teachers and other employees appointed and managed by schools, in the case of local authorities).

7.5 The salary utilised for the Chief Executive calculations of all the pay multiple data is £142,524.

Pay Multiple Data

The data for the authority is contained in the table below:

Salary Multiple	Ratio
the multiple between the annual salary of the lowest paid Council employee and the Chief Executive* (full-time equivalent basis) as a ratio	1 : 9.4
the multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio	1: 5.8
the multiple between median earning of Council employees and the Chief Executive* (full-time equivalent basis) as a ratio	1 : 7.2
the multiple between median earning of Council employees and the average Chief Officer (fulltime equivalent basis) as a ratio	1 : 4.5

*The salary of the Interim Chief Executive has been used to produce the pay multiple data

7.6 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available salary benchmarking information as appropriate.

8. Accountability and Decision Making

8.1 In accordance with the Constitution of the Council, the Chief Executive is responsible for decision-making in relation to the recruitment, pay (apart from those detailed in 8.2), conditions of service and severance arrangements for all employees of the Council, except Teachers, as their main pay and conditions of service are determined on a legislative basis by the UK Government.

8.2 The Council will set remuneration for the Chief Executive and Chief Officers (as defined in paragraph 5.1.2).

8.3 The Council has established a delegated Sub Committee i.e. the Pensions Compensation Committee, to consider any requests by employees to leave the employment of the Council with unreduced access to pension with a cost to the Council (except compulsory redundancy), that are supported by the agreed business case process.

9. Re-Employment

9.1 It has been the Council's custom that no Chief Officer, or any other employee, who leaves the employment of the Council on the grounds of early retirement, severance or voluntary redundancy will be later re-employed as an employee of the Council or contracted under a "contract of service" (as per 5.2.3), without the express permission of the Chief Executive in consultation with the Cabinet Member for HR and Governance. Where the re-employment is regarding the post of the Chief Executive or a Chief Officer (as defined in paragraph 5.1.1), this decision will require full council approval.

9.2 An exception to this occurs where an employee leaves under an agreed Flexible Retirement arrangement, where their ongoing employment is approved as part of the business case for release of accrued pension benefits.

10. Reviewing the Policy

10.1 This Pay Policy outlines the current position in respect of pay and reward within the Council and it will be reviewed at least annually, and reported to the full Council, to ensure that it meets the principles of fairness, equality, accountability and value for money for the authority and its residents.

Appendix A

CCBC NJC Pay Structure – with effect from 1 January 2015

GRADE STRUCTURE		SCP	01-Apr-13	01-Jan-15	Hrly Rate	Living Wage	Living Wage Hourly Rate
	Grade 1	5	£12,435	£13,500	£7.00	£15,917	£8.25
		6	£12,614	£13,614	£7.06	£15,917	£8.25
Grade 2		7	£12,915	£13,715	£7.11	£15,917	£8.25
		8	£13,321	£13,871	£7.19	£15,917	£8.25
		9	£13,725	£14,075	£7.30	£15,917	£8.25
	Grade 3	10	£14,013	£14,338	£7.43	£15,917	£8.25
		11	£14,880	£15,207	£7.88		
		12	£15,189	£15,523	£8.05		
		13	£15,598	£15,941	£8.26		
Grade 4		14	£15,882	£16,231	£8.41		
		15	£16,215	£16,572	£8.59		
		16	£16,604	£16,969	£8.80		
	Grade 5	17	£16,998	£17,372	£9.00		
		18	£17,333	£17,714	£9.18		
		19	£17,980	£18,376	£9.52		
		20	£18,638	£19,048	£9.87		
Grade 6		21	£19,317	£19,742	£10.23		
		22	£19,817	£20,253	£10.50		
		23	£20,400	£20,849	£10.81		
		24	£21,067	£21,530	£11.16		
	Grade 7	25	£21,734	£22,212	£11.51		
		26	£22,443	£22,937	£11.89		
		27	£23,188	£23,698	£12.28		
Grade 8		28	£23,945	£24,472	£12.68		
		29	£24,892	£25,440	£13.19		
		30	£25,727	£26,293	£13.63		
		31	£26,539	£27,123	£14.06		
	Grade 9	32	£27,323	£27,924	£14.47		
		33	£28,127	£28,746	£14.90		
		34	£28,922	£29,558	£15.32		
Grade 10		35	£29,528	£30,178	£15.64		
		36	£30,311	£30,978	£16.06		
		37	£31,160	£31,846	£16.51		
		38	£32,072	£32,778	£16.99		
	Grade 11	39	£33,128	£33,857	£17.55		
		40	£33,998	£34,746	£18.01		
		41	£34,894	£35,662	£18.48		
Grade 12		42	£35,784	£36,571	£18.96		
		43	£36,676	£37,483	£19.43		
		44	£37,578	£38,405	£19.91		
		45	£38,422	£39,267	£20.35		
		46	£39,351	£40,217	£20.85		
		47	£40,254	£41,140	£21.32		
		48	£41,148	£42,053	£21.80		
		49	£42,032	£42,957	£22.27		

The Annual Pay Award applied an increase with effect from the 1st of January 2015 of 2.2% for all grades above grade 10. There were higher % increases for grades 5 – 10. There were also a range of one off consolidated payments applicable to reflect the fact that the pay award covered the period 1 April 2014 – 31 March 2016 (i.e. a 2 year “deal”), but not implemented until 1 January 2015.

The Living Wage rate applies from the 1 November 2015.

Appendix B

Soulbury Pay Structure – with effect from 1 March 2015

EDUCATIONAL PSYCHOLOGISTS - SCALE A	
SPINE POINT	
1.	35,027
2.	36,805
3.	38,583
4.	40,360
5.	42,137
6.	43,914
7.	45,588
8.	47,261
9.	48,829*
10.	50,398*
11.	51,861*

Notes:

1. Pay scales to consist of 6 consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit, retain and motivate staff.
2. * - Extension to scale to accommodate structured professional assessment points.

SENIOR & PRINCIPAL EDUCATIONAL PSYCHOLOGISTS - SCALE B	
SPINE POINT	
1.	43,914
2.	45,588
3.	47,261*
4.	48,829
5.	50,398
6.	51,861
7.	52,462
8.	53,584
9.	54,696
10.	55,828
11.	56,937
12.	58,068
13.	59,219
14.	60,330**
15.	61,495**
16.	62,649**
17.	63,810**
18.	64,970**

Notes:

1. Pay scales to consist of not more than four consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit, retain and motivate staff.
2. * - Normal minimum point for the Principal Educational Psychologist undertaking the full range of duties at this level.
3. ** - Extension to range to accommodate discretionary scale points and structured professional assessments
4. Principals are paid on a 4 point scale 8 - 14 (this includes 3 spa points)

TRAINEE EDUCATIONAL PSYCHOLOGISTS	
SPINE POINT	
1	22,503
2	24,151
3	25,796
4	27,444
5	29,090
6	30,737

ASSISTANT EDUCATIONAL PSYCHOLOGISTS	
SPINE POINT	
1	27,662
2	28,792
3	29,922
4	31,045

Appendix C

**JNC Youth and Community Workers Pay Structure –
with effect From 1 March 2015**

YOUTH AND COMMUNITY SUPPORT WORKER RANGE	
SPINE POINT	
1	£14,597
2	£15,207
3	£15,817
4	£16,431
5	£16,509
6	£17,100
7	£18,267
8	£18,880
9	£19,659
10	£20,269
11	£21,254
12	£22,219
13	£23,213
14	£24,243
15	£24,945
16	£25,678
17	£26,398

PROFESSIONAL RANGE	
SPINE POINT	
13	£23,213
14	£24,243
15	£24,945
16	£25,678
17	£26,398
18	£27,125
19	£27,845
20	£28,566
21	£28,461
22	£30,298
23	£31,193
24	£32,092
25	£32,999
26	£33,904
27	£34,811
28	£35,728
29	£36,639
30	£37,549
31	£38,163
32	£37,951

Appendix D CCBC Senior Management Pay Structure (Hay) – JNC Staff – with effect from 1 January 2015

All of the levels in the grading structure are linked to their evaluation under the Job Evaluation deployed for Senior roles i.e. Hay. This currently comprises of the Chief Executive, Deputy Chief Executive & Directors posts, and 6 further bands from A+ to E. Band A & B are Heads of Service and band C - E covers all other senior posts in the JNC arrangements.

The Pay structure

	Increment 1	Increment 2	Increment 3	Increment 4
Chief Executive	£142,524	£147,797	£153,071	£158,360
Deputy Chief Executive	£119,250	£123,662	£128,075	£132,500
Director	£107,396	£111,370	£115,343	£119,329
Band A+ Heads Of Service	£91,485	£94,870	£98,255	£101,650
Band A - Heads Of Service	£81,973	£85,006	£88,039	£91,081
Band B	£63,339	£65,683	£68,027	£70,377
Band C	£49,639	£51,294	£52,947	£54,604
Band D	£44,027	£45,495	£46,965	£48,430
Band E	£39,232	£40,131	£41,024	£41,904

In accordance with the decision of full Council on 17 January 2013:

- there are no Officers employed currently in the Band A+
- the substantive Chief Executive will be employed on a spot salary of £137,000 for the duration of the current administration (May 2017). The salary range for the post of Chief Executive is accurately detailed in the above table.

Appendix E

All Employee Groups - Main Conditions of Service

ANNUAL LEAVE	
<ul style="list-style-type: none"> • Chief Executive & Directors (JNC / (Hay)) 	33 days pa (No access to flexi leave)
<ul style="list-style-type: none"> • Chief Officers (JNC / (Hay)) • NJC • Soulbury 	<p>28 days pa *</p> <p>24 days pa rising to 28 days after 5 years' service.</p> <p>24 days pa rising to 28 days after 5 years' service.</p> <p>Where relevant individual employees are members of the flexible working hours scheme, they are entitled to 6 days flexi leave per 12 week period.</p> <p>*There are five officers who have protected leave at 33 days pa</p>
<ul style="list-style-type: none"> • Youth & Community Workers 	24 days pa rising to 28 days after 5 years' service.
HOURS OF WORK	
<ul style="list-style-type: none"> • Chief Executive (JNC / (Hay)) • Chief Officers (JNC / (Hay)) • NJC • Soulbury • Youth & Community Workers 	Standard working week is 37 hours, unless contractually employed on set hours.
OVERTIME PAYMENTS	
<ul style="list-style-type: none"> • Chief Executive (JNC / Hay) • Chief Officers (JNC / Hay) 	None
<ul style="list-style-type: none"> • NJC • Soulbury • Youth and Community Workers 	<p>All employees who are required to work additional hours beyond the 37 hour working week (or beyond their contracted working pattern that averages a 37 hour working week (e.g. rota/annualized hours) are entitled to receive enhancements at the rate of basic pay at time and a half except for Public and Extra Statutory holidays where basic pay at double time will be paid.</p> <p>Part-time employees are entitled to these enhancements only at times and in circumstances in which full-time employees would qualify. Otherwise a part-time employee shall work a full working week (i.e. 37 hours) before these enhancements apply.</p> <p>With the exception of Christmas Day and New Year's Day, employees required to work on a Public or Extra Statutory Holiday as part of their normal working week shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked.</p> <p>Employees who are required to work on Christmas Day and New</p>

	<p>Year's Day as part of their normal working week shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked and will, in addition, receive a day's leave in lieu on each day.</p> <p>With the exception of Christmas Day and New Year's Day, employees required to work on a Public or Extra Statutory Holiday on their rest day shall be paid at double time for all hours worked.</p> <p>Employees who are required to work on Christmas Day and New Year's Day on their rest day will be paid at double time rate for all hours worked and will, in addition, receive a day's leave in lieu on each day.</p>
SICK PAY SCHEME	
<ul style="list-style-type: none"> • Chief Executive (JNC / Hay) • Chief Officers (JNC / Hay) • NJC • Soulbury • Youth & Community Workers 	<p>During 1st year of service – 1 month's full pay and (after completing 4 months service), 2 months half pay.</p> <p>During 2nd year of service – 2 months full pay and 2 months half pay.</p> <p>During 3rd year of service – 4 months full pay and 4 months half pay.</p> <p>During 4th and 5th year of service – 5 months full pay and 5 months half pay.</p> <p>After 5 years' service – 6 months full pay and 6 months half pay.</p>

Appendix F

CAERPHILLY COUNTY BOROUGH COUNCIL - LOCAL ELECTION FEES

A) RETURNING OFFICERS FEE

For conducting the Election(s) giving the prescribed Notices, preparing and supplying Nomination papers, deciding on validity, appointing and remunerating staff, arranging and / or conducting the Poll, conducting the Count, declaring the result(s), making all necessary returns and generally performing all the duties which a Returning Officer is required to do under the Representation of the People Acts and Regulations – including all payments, disbursements and expenses as may be necessary.

1) <u>CONTESTED ELECTIONS</u>	1/1/2016
For each Electoral Division / Community Ward	£
For each 1000 Electors (or part)	80.74
For next 1000 Electors (or part)	45.93
For every subsequent 250 Electors (or part)	15.51
2) <u>UNCONTESTED ELECTIONS</u>	
For each uncontested Division / Ward	73.18
3) <u>POSTAL VOTES – (Supervision)*</u> to be paid to DRO and or Asst. DRO's	
*NB – in this event no fee should be claimed by the DRO or Asst. DRO's from the clerical fund for these duties.	
Issue (for each paper)	0.32p
<i>(minimum per Division / Ward)</i>	<i>(24.48)</i>
<i>(minimum per casual vacancy)</i>	<i>(71.41)</i>
Receipt (for each paper)	0.32p
<i>(minimum per Division / Ward)</i>	<i>(24.48)</i>
<i>(minimum per casual vacancy)</i>	<i>(71.41)</i>
4) <u>POLL CARDS (Supervision)*</u> to be paid to DRO and or Asst. DRO as above	
Per 1000 or part issued	29.57
<i>(minimum per casual vacancy)</i>	<i>41.82</i>

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COUNCIL – 8TH MARCH 2016

SUBJECT: LICENSING/REGISTRATION/PERMIT FEES – 2016/17

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

-
- 1.1 The attached report, which proposed an increase in the Licensing/Registration/Permit Fees, in order to recover reasonable costs of providing the service, was considered by the Licensing Committee on 18th February 2016, and sought the views of Members prior to its presentation to Council.
 - 1.2 The report and its appendices detailed fee increases in a number of areas, and Officers outlined details of the processes used to determine these fees. It was noted that in respect of fees for premises licences and club premises certificates (which are centrally set by the UK Government) that the Home Office are currently consulting local authorities on the likely costs of these types of licences and it is hoped that legislation enabling these to be locally set will finally be implemented.
 - 1.3 It is a legal requirement that the proposals in respect of taxi vehicle licences be advertised in the local press for a period of 28 days to allow for any trade objections. Historically any such objections received during the 28-day period have been considered by the Licensing Committee under delegated authority to deal with these matters and to determine when any fee variances should come into force and whether modifications are required. If no objections are received then the fee would automatically apply at the end of the 28 day period. Members were advised that the cost of the MOT/Compliance check has been deducted from the fee for 2016/17 as these will in future be paid directly to the garage at the time of the test. Arising from changes to the duration of licences under the Deregulation Act 2015, reviewed fees for hackney carriage/private hire vehicle drivers and private hire operator licences were considered by the Licensing Committee on 24th September 2015 and approved by Council on 17th November 2015, and hence will not be reviewed again until 2017/18.
 - 1.4 Following discussion on the contents of the report, the Licensing Committee noted the level of fees charged in connection with the Licensing Act 2003 and unanimously recommended to Council that for the reasons contained therein:-
 - (i) Where appropriate, the fees proposed for 2016/17, as outlined in Appendices 1 and 3 to the report, be implemented with effect from 1st April 2016;
 - (ii) The proposed fees for hackney carriage/private hire vehicle licences be advertised and the Licensing Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.

1.5 Members are asked to consider the recommendations.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Licensing Committee on 18th February 2016



LICENSING COMMITTEE – 18TH FEBRUARY 2016

SUBJECT: LICENSING/REGISTRATION/PERMIT FEES – 2016/17

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To recommend Licensing/Registration/Permit Fees for the next financial year and to seek the views of Members prior to its presentation to Council.

2. SUMMARY

- 2.1 Licensing fees are reviewed annually to recover reasonable costs of providing the service. This report recommends increases in fees where appropriate and advises Members of the fee structure established by the Government under the Licensing Act 2003.

3. LINKS TO STRATEGY

- 3.1 The Licensing function is a statutory duty of the authority and contributes to the Prosperous Caerphilly and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers. Due to the broad range of Licensing/Registration/Permit Fees covered, the function also contributes to a number Objectives under the Council's Strategic Equality Plan 2012.

4. THE REPORT

- 4.1 The authority has a statutory duty to administer certain licences, registrations and permits. The review of fees charged, involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government e.g. alcohol licences, some permits such as street collections for charities etc are free of charge and the remaining we can determine locally in order to recover the cost of providing that particular service.
- 4.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 4.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to establish the fees for 2016/17.

The process indicated that some current fee levels are not meeting the cost of providing the service for e.g Animal licences, taxi vehicles and special procedures such as skin piercing and tattooing etc. These have been increased accordingly in an effort to cover costs. The toolkit spreadsheet comprises a number of worksheets covering several factors relevant to the calculation of fees as follows:

- Cost summary – calculates the hourly rate chargeable for each officer based on the Council's agreed annual productive hours.
- Other charges –
 - (i) Total charges for time based on functions associated with the service provision.
 - (ii) Total specific costs including surplus or deficits in provision of service, costs of changes/amendments to licences.
 - (iii) Relevant applications, based on the number of renewal and new licences issued at the time of calculation.

4.4 Appendix 1 to this report sets out the existing general fees and those proposed. Appendix 2 sets out the comparisons of the taxi vehicle fees currently charged by neighbouring authorities. Appendix 3 sets out the proposed fees to be charged in connection with the Gambling Act 2005. For the ease of calculation and collection, all these fees have been rounded to the nearest pound. The fees charged in connection with the Licensing Act 2003 are attached for information as Appendix 4. Appendix 5 shows the estimated income and expenditure relating to the taxi element of the service for 2016/17.

4.5 Whilst the Authority acknowledges the difficulties faced by local businesses in the current economic climate, it has a duty to recover fees that are proportionate to the level of cost incurred in administering the licensing service. Examples of the level of increase are as follows:

- £23.00 (£1.91 a month) for a Special Procedures premises licence (skin piercing, tattooing etc)
- £39.00 (£3.25 a month) for a Special Procedures personal licence
- £17.00 (£1.41 a month) for a hackney carriage or private hire vehicle licence
- £23.00 (£1.91 a month) for a Domestic Dog Boarding establishment licence
- £18.00 (£1.50 a month) for a Pet shop licence
- £19.00 (£1.58) a month) for a Riding establishment licence

4.6 **Licensing Act 2003** fees are set by the Government and have remained static since 2005. The Government has indicated that potentially centrally-set fees may be moved to locally-set fees and is currently working with the LGA to assess an appropriate fee structure. Until such changes are implemented, applications and annual fees must continue to be charged at the current fee level which we believe do not cover the cost of the function.

4.7 **Gambling Act 2005** – Whilst the Government sets maximum fee levels, the Authority has the discretion to set fees at a level considered appropriate to cover costs. It is proposed that these fees remain at the current level.

4.8 **Taxi Vehicle Licences** - The Council is entitled to set fees that cover the reasonable costs of providing these services. Appendix 5 demonstrates the difference between income and expenditure in this area and appendix 2 a comparison of the proposed fees, with those currently charged by neighbouring authorities (where they were available at time of writing this report). Fees charged for hackney carriage/private hire vehicles cannot be increased without the proposals being advertised in the local press. This is the process by which the trade can formally object to any increases. Any objections received must be considered and historically the Licensing Committee has been given delegated authority to do this and to determine the

date on which any fee variance should come into force, with or without modification. The cost of the MOT/Compliance check has been deducted from the fee for 2016/17 as these will in future be paid directly to the garage at time of test.

- 4.9 Fees for Hackney Carriage / Private Hire Vehicle Drivers and Private Hire Operators Licences were set by Council in November 2015 as a result of changes to the duration of licences under the Deregulation Act 2015. Those fees will not be reviewed again until 2017/18.
- 4.10 **Scrap Metal Dealers Act 2013 / Dog Breeding Fees** - The fees charged for Scrap Metal dealers were introduced in October 2013 as a result of new legislation and licensing controls. The current fees for a 3 year licence are included in Appendix 1 for information only as this is an Executive function. The same applies to Dog Breeding fees as new legislation requires that these fees are set by the Executive. A separate report was submitted for consideration by Cabinet on 17th February 2016.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 8 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2012.

6. FINANCIAL IMPLICATIONS

- 6.1 If the recommendations of the report are adopted, the annual income where appropriate will be increased by approximately £8000. This will be more than offset by the requirement to advertise and consult on increased taxi vehicle fees at a cost to the service of approximately £750 and the loss of income for Driver and Operator fees due to changes made to duration of licences by the Deregulation Act 2015, estimated at £25,000 over the next five years.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications.

8. CONSULTATIONS

- 8.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

9. RECOMMENDATIONS

- 9.1 That the Committee note the level of fees charged in connection with the Licensing Act 2003 and consider and offer any comment to Council on the following:
- (i) Where appropriate, the fees proposed for 2016/17, as outlined in Appendices 1 and 3 to the report, be implemented with effect from 1st April 2016.
 - (ii) The proposed fees for hackney carriage/private hire vehicles be advertised and the Licensing Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any Variations should come into force.

10. REASONS FOR THE RECOMMENDATIONS

To recover a reasonable level of costs incurred by the Council in administering the licensing service.

11. STATUTORY POWER

11.1 Local Government Act 1972; Local Government (Miscellaneous Provisions) Act 1976; Local Government (Miscellaneous Provisions) Act 1982; Licensing Act 2003 and the Gambling Act 2005 etc and Regulations made under these Acts. This is a Council function.

Author: Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Consultees: Cllr John Bevan, Chair, Licensing Committee
Cllr Denver Preece, Vice Chair, Licensing Committee
Cllr Nigel George, Cabinet Member for Community and Leisure Services,
Dave Street, Corporate Director, Social Services
Robert Hartshorn, Head of Public Protection
Myra McSherry, Licensing Manager
Mike Eedy, Finance Manager
Gail Williams, Interim Head of Legal Services and Monitoring Officer
Sue Ead, Solicitor, Legal Services
David A. Thomas Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager
Della Mahony, Superintendent Registrar
Mary E Powell, Fleet Manager

Background Papers:

Open For Business – LGA Guidance on Locally Set Fees – November 2015

http://www.local.gov.uk/documents/10180/6869714/L15-496+OpenForBusiness_02+FINAL.pdf

Appendices:

Appendix 1 – Licensing/Registration/Permit Fees - Existing and Proposed Fees for 2016/17

Appendix 2 – Comparison of Existing Taxi Related Fees with Neighbouring Authorities

Appendix 3 – Gambling Act 2005 – Proposed Premises Licence Fees 2016/17

Appendix 4 – Licensing Act 2003 – Main Fees – Premises Licence and Club Premises Certificate

Appendix 5 – Estimated Licensing Income and Expenditure relating to the Taxi element of the service for 2016/17

**LICENSING/REGISTRATION/PERMIT FEES – EXISTING AND PROPOSED FEES
FOR 2016/17**

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
<u>Miscellaneous</u>	£	£
Zoo	1172.00*	1172.00*
Commercial Animal Boarding Establishments	200.00*	219.00*
Home Animal Boarding Establishments	100.00*	123.00*
Pet Shops	180.00*	198.00*
Riding Establishments	311.00*	330.00*
Dangerous Wild Animals	423.00*	423.00*
Performing Animals	120.00*	166.00*
	* Fees for vet to be added, where appropriate	
Acupuncture, Tattooing, Special procedures, Ear Piercing and Electrolysis -		
Premises	155.00	178.00
Person	101.00	140.00
Variation	40.00	40.00
Explosives, Fireworks and Petroleum (Petroleum licences can be charged at a pro rata rate of 50 % for yr 2 & 33% for yr 3)	Fixed rates linked to statutory & advisory documents	Fixed rates linked to statutory & advisory documents
Scrap Metal 3yr licence (Executive function, for information only)		
Site Operator 3yr licence	389	389
Collector 3yr licence	277	277
Variation -		
Change of name, site details	32.00	32.00
Change of site manager	53.00	53.00
Change of type of licence	53/32	53/32
Dog Breeding Establishment Licences (Executive function, for information only)		
Commercial Breeding Establishments	200.00*	231.00*
Home Breeding Establishments	120.00*	138.00*
Pleasure Boats	200.00	200.00
Pro rata per month	17.00	17.00
Boatmen	84.00	84.00
Pro rata per month	7.00	7.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
<u>Sex Establishments</u>		
Shop/ Cinema		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00
Sexual Entertainment Venue		
Grant	-	1161.00
Renewal (annual licence)	-	600.00
Transfer	-	600.00
Street Trading		
Permanent static consent and mobile traders (new applications)	783.00	783.00
Permanent static consent and mobile traders (renewal applications)	503.00	503.00
Variation to a consent	107.00	107.00
Temporary consent –		
One off day rate	26.00	26.00
Up to 7 days	53.00	53.00
8 – 28 days	107.00	107.00
Seasonal:		
Up to 3 months	195.75	195.75
Up to 6 months	391.50	391.50
Up to 9 months	587.25	587.25
<u>Marriage Act (3 Year Premises Licence)</u>		
New applications	1080.00	1080.00
Renewal	769.00	769.00
<u>Sports Grounds - Designated Stadium</u>		
General Safety Certificates –		
<u>Regulated Stands</u>		
General Safety Certificates – (Permanent)		
Issue	1526.00	1526.00
Replacement	106.00	106.00
Transfer	204.00	204.00
Amendment	204.00	204.00
Special Safety Certificates – (Temporary)	204.00	204.00
Issue		
<u>Hackney Carriage: Private Hire Vehicles, Operators and Drivers</u>		
Hackney Carriage/Private Hire Vehicles**	173.00 plus £35 compliance check fee 208.00	190.00 – minus compliance check fee
Minus garage fee- £35 15/16 rate to be paid directly to garage in 2016/17		

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
Replacement Fees		
Rear plate	11.00	11.00
Rear plate and bracket	22.00	22.00
Badge	6.00	6.00
Internal front disc	6.00	6.00
Internal back disc.	7.00	7.00
DVLA check Fee (3 yearly)	5.00	5.00
Missed appointment fee	10.00	10.00
Test Fees		
Fees payable from 1 April 2016 directly to the Fleet Service Garage and set by them. The fee is subject to review so cannot be quoted at time of writing report.	35.00 Full Test 16.50 Re-test	Not determined at time of writing report
External Pre Application Driver assessment test (Knowledge)	60.00***-	***

* Excludes Vet Fees which are payable separately

** **Minus Garage test fee**

*** **Fee externally set and subject to change**

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COMPARISON OF EXISTING TAXI RELATED FEES WITH NEIGHBOURING AUTHORITIES

Authority	Vehicle Licence Fee - current £	Proposed Fee 16/17	Comments
Blaenau Gwent	201.00 (new) 187.00 (renewal) – (12 Months)	Not available at time of writing report	
Caerphilly	208.00 (new & renewal) (12 Months) Inc £35 compliance check fee	190.00* Exc compliance check fee	Fee excludes cost of compliance check fee
Cardiff	HC renewal 163.00 (12 months) PH new 140.00 (12 months) PH renewal 102.00 (12 months)	Not available at time of writing report	Fee excludes cost of MOT or mechanical check
Merthyr Tydfil	185.00 (new & renewal) Annual	Not available at time of writing report	
Monmouth	184.00 (new & transfer) HC renewal 150.00, 184.00 transfer PH new & transfer 181.00 PH renewal 158.00 (12 months)	Fees to be reviewed in respect of period 2016 – 2017	Fee excludes cost of MOT or mechanical check
Newport	166.00 under 5 yrs 12 mths 114.00 over 5 yrs 6mths 166.00 over 10 yrs 6 mths (Implemented 8 Jan 2016)	New Fees implemented as of the 8 January 2016	Fee excludes cost of MOT or mechanical check.
RCT	239.00 (new & renewal) Annual *	Not available at time of writing report	Fee excludes cost of MOT or mechanical check £67 every 6mths
Torfaen	185.00 (new & renewal) Annual*	230.00 new 200.00 renewal (Oct 2015)	Fee excludes cost of MOT or mechanical check

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GAMBLING ACT 2005 – PROPOSED PREMISES LICENCE FEES 2016/17

Premises Type	New Application	Annual Fee	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (Provisional Statement Holders)	Copy Licence Statutory Maximum	Notification of Change Statutory Maximum
	£	£	£	£	£	£	£	£	£
Bingo Club	3016	663	1393	955	955	2785	955	25*	50*
Betting Premises (excluding Tracks)	2586	398	1194	955	955	2785	955	25*	50*
Tracks	2155	663	994	757	757	1988	757	25*	50*
Family Entertainment Centres	1724	499	796	757	757	1591	757	25*	50*
Adult Gaming Centre	1724	663	796	955	955	1591	955	25*	25*

PERMITS AND ASSOCIATED CHARGES

Permit Fees

	New Application	Renewal Fee	Change of Name £	Copy of Permit £	Variation £	Transfer £	Annual Fee £
FEC Gaming Machine Permits*	300	300	25	15	N/A	N/A	N/A
Prize Gaming Permits*	300	300	25	15	N/A	N/A	N/A
(Alcohol) Licensed Premises Gaming Machine Permit*	150#	N/A	25	15	100	25	50
(Alcohol) Licensed Premises Notification Fee – (maximum 2 machines)*	50	N/A	N/A	N/A	N/A	N/A	N/A
Club Gaming Permit*	200##	200##	N/A	15	100	N/A	50
Club Machine Permit*	200##	200##	N/A	15	100	N/A	50
Temporary Use Notice	398	N/A	N/A	25	N/A	N/A	N/A

* **Statutory Fee**

Where applicant is an existing operator fee is £100.00

Where applicant is an existing Part 2 or Part 3 operator under the Gaming Act 1968 or the holder of a club premises certificate issued under the Licensing Act 2003, the fee is £100.00.

LICENSING ACT 2003

**MAIN FEES –
PREMISES LICENCE AND CLUB PREMISES CERTIFICATE**

BAND	A	B	C	D	E
NON DOMESTIC RATEABLE VALUE	None-£4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,001+
Premises Licence*					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
MULTIPLIER APPLIED TO PREMISES USED EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES (BANDS D & E ONLY)	N/A	N/A	N/A	X2 (£900)	X3 (£1905)
ANNUAL CHARGE*	£70	£180	£295	£320	£350
ANNUAL CHARGE MULTIPLIER APPLIED TO PREMISES USED EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES (BANDS D & E ONLY)	N/A	N/A	N/A	X2 (£640)	X3 (£1050)
Club Premises Certificate					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
ANNUAL CHARGE	£70	£180	£295	£320	£350

To locate the non-domestic rateable value of your premises, log into the Valuation Office's website, www.voa.gov.uk
Where there is a facility to enter the post code.

*There are additional fees for premises licence applications and annual fee, for exceptionally large-scale events (5,000 people+), unless certain conditions apply. Please read regulation 4(4) & 4(5) of The Licensing Act 2003 (Fees) Regulations 2005

Exemptions exist for certain premises such as church halls, community halls, schools and colleges and where the application relates to the provision of regulated entertainment only.

Additional Fees Applied to Premises Licence Application and the Annual Fee for Exceptionally Large Scale Events

Number in attendance at any one time	Additional fee payable	Annual fee payable if applicable
5,000 - 9,999	£1,000	£500
10,000 - 14,999	£2,000	£1,000
15,000 - 19,999	£4,000	£2,000
20,000 - 29,999	£8,000	£4,000
30,000 - 39,999	£16,000	£8,000
40,000 - 49,999	£24,000	£12,000
50,000 - 59,999	£32,000	£16,000
60,000 - 69,999	£40,000	£20,000
70,000 - 79,999	£48,000	£24,000
80,000 - 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Personal Licence, Temporary Event Notice and Other Fees

Application for a grant or renewal of personal licence	£37.00
Temporary event notice	£21.00
Theft loss, etc. of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc.	£315.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23.00
Application for transfer of premises licence	£23.00
Interim authority notice following death, etc. of licence holder	£23.00
Theft, loss, etc. of certificate or summary	£10.50
Notification of change of name or alteration of rules club	£10.50
Change of relevant registered address of club	£10.50
Theft, loss etc. of temporary event notice	£10.50
Theft, loss etc. of personal licence	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21.00
Application for a minor variation	£89.00
Application for the mandatory condition requiring a DPS to be dis-applied	£23.00

DIRECTORATE OF THE ENVIRONMENT

ESTIMATED LICENSING INCOME AND EXPENDITURE RELATING TO THE TAXI ELEMENT OF THE SERVICE FOR 2016/17

	LICENSING SECTION 2016/2017	TAXI FUNCTION 2016/2017
	£	£
EMPLOYEE EXPENSES		
Salaries	321,455	132,465
PREMISES		
Ty Penallta	17,635	7,287
TRANSPORT		
Vehicle Inspection Costs	2,500	2,500
Car Allowances / Subsistence	5,866	2,519
SUPPLIES AND SERVICES		
Printing, Photocopying and Stationery	3,755	1,752
Postages	2,230	1,065
Advertising	1,000	1,000
Subscriptions	1,106	553
Insurance	2,698	1,349
Replace Taxi Plates	3,600	3,600
Criminal Records Bureau Fees	8,000	8,000
Miscellaneous / Prot.Clothing / Office Expenses	200	100
RECHARGES		
Support Services Apportionments	29,729	11,297
IT/Furniture/Training	2,045	952
GROSS EXPENDITURE	401,819	174,439
INCOME		
- Licensing Fees and Charges	309,092	135,510
C.R.B Enquiry Fees	8,000	8,000
TOTAL INCOME	317,092	143,510
NET EXPENDITURE	84,727	30,929

Notes

1. Income Licensing based on budget& actuals 2015/16 & 2016/17 projection actual licenses

2. Taxi Income based on best projection for 16/17 using actuals for 14/15 & 15/16 taking account of new Licenses/fees from Oct 2015

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