

ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL (A&LCC)

ANNUAL COUNCIL MEETING

9 MAY 2018

MEMBERS' ALLOWANCES 2018/19

Report of the Clerk to the Council

Purpose of Report

To seek decisions on the above.

Background

The Independent Remuneration Panel (IRP) for Wales has responsibility for deciding on allowances to be paid to local councillors and members of various other public bodies in Wales. Relevant excerpts from their 2018 report are attached as appendix A to this report. The whole report can be viewed at: <https://gov.wales/docs/dsjlg/publications/localgov/180226-annual-report-2018-en.pdf>

Issues and Findings

For the first time this year, the IRP has decided that community and town councils in new Groups A and B **must** make payments available to each member of £150 per year for costs they incur in respect of telephone usage, information technology, consumables etc.

Abertillery and Llanhilleth Community Council (A&LCC) is in Band B, so it no longer has a choice (as it did in previous years) of whether or not to make such payments to its members.

“Cost of care” reimbursement is now also a mandatory requirement, so the Council’s choice of whether or not to pay this, on production of receipts, where necessary, has been removed.

Councils in Group B (including A&LCC) now also have the power, if they wish, to pay £500 each (on top of the basic £150) to up to 5 members in senior roles, in recognition of their specific responsibilities (e.g. committee chairs). This is a permissive power, not an obligation.

The Council can also choose, if it wishes, to pay a Civic Head payment to the Chairman (of up to a maximum of £1,500) and to the Vice-Chairman (of up to £500), to undertake the functions of those offices. These payments are also in addition to the basic £150 allowance.

It is important to note that the Civic/Deputy Civic Head Honoraria are payments which may be made to the Chairman/Vice-Chairman, to reflect the extra work they do in those roles, and to be retained at their discretion. This could be used by them to offset the extra costs they incur as a result of their particular roles. This for example could be costs to the Chairman or Vice-Chairman of attending regular community events, meetings or civic functions on behalf of the Council, extra telephone calls or visits to the office, small gifts (e.g. flowers) for constituents celebrating significant milestones (e.g. 100th birthdays) and the like.

The Civic/Deputy Civic Head Honoria are not a budget for mayoral/chair activities and are not to be used to fund other council spending (e.g. the costs of a community event or Chairman's Appeal event).

The Council can also choose to pay travel and subsistence costs to members if it wishes to do so, as well as financial loss compensation, in line with the rates set out in the IRP report.

In the case of all allowances, any individual member may make a personal decision to elect to forego part or all of their entitlement to these allowances. They must give notice in writing to the Proper Officer of the Council (i.e. the Clerk) if they wish to do that.

Last year, the Council decided to pay the basic allowance to those members who claimed it, to pay a Chairman's Allowance of up to £800 (if claimed), to pay travel and subsistence costs if claimed and to pay "cost of care" reimbursement if claimed. It decided not to pay any special responsibility allowances, not to pay a Vice-Chair's Allowance and not to pay financial loss compensation.

In the past year, the basic allowance has been claimed by 4 members and two mileage claims have been paid. These will be published and sent to the IRP by 30 September, in line with the statutory requirements. Any payments made to individual members need to be publicised and provided to the Independent Remuneration Panel (IRP) for Wales. No other allowances have been claimed in the last year.

Resource Implications

The Council decided its budget for 2018/19 on 17 January 2018. Included in the budget is £500 for travel and mileage, £800 for the Chairman's Allowance and £2,800 (£150 each for 19 members), in case members claim their basic allowances during the year.

Paying increased members' allowances (particularly "cost of care" reimbursement) could have a significant additional budgetary impact on the Council but the quantum cannot be known in advance, as it depends on what allowances are claimed and by how many members. In future years, additional amounts will need to be built into the budget, in preparation for this. This year, any claims will have to be paid and compensating savings will need to be made elsewhere, or reserves will have to be called on.

Policy Implications

There are no policy implications except that the Council is obliged to consider whether to pay non-mandated members' allowances annually and from the date of its annual meeting.

Risks

There are no obvious risks if the Council decides not to pay non-mandated allowances, or to continue to pay allowances which are already budgeted for. There is a risk in deciding to pay more allowances, if there is insufficient financial provision in place. There is clearly a risk if the Council does not comply with the new mandatory requirements imposed by the IRP. There may also be public perception risks associated with these decisions.

Recommendations:

that the Council:

- (a) notes that paying members a basic allowance of £150 each per year is now a mandatory requirement
- (b) notes that providing for the reimbursement of necessary costs of care of dependent children and adults and for personal assistance needs up to a maximum of £403 per member per month, for the additional costs incurred by members in order for them to carry out their approved duties, on production of receipts, is now a mandatory requirement
- (c) decides whether to pay any members (up to 5) an additional allowance of up to £500 each for specific responsibilities/senior roles within the Council (e.g. committee chairs)
- (d) decides whether to pay a Civic Head Honorarium to the Chairman of the Council (up to £1,500) – and if it chooses to do so, how much to pay
- (e) decides whether to pay a Deputy Civic Head Honorarium to the Vice-Chairman of the Council (up to £500) – and if it chooses to do so, how much to pay
- (f) decides whether to pay members' travel costs for approved duties in line with the rates in the IRP report
- (g) decides whether to pay members' subsistence costs in line with the rates in the IRP report and
- (h) decides whether to pay financial loss compensation to members in line with the rates in the IRP report.

Appendices: A Excerpts from the IRP report February 2018

Report author: Richard Gwinnell, Clerk to the Council

ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL

**ANNUAL COUNCIL MEETING
9 MAY 2018**

COMMITTEES, WORKING GROUPS AND OUTSIDE BODIES 2018/19

Report of the Clerk to the Council

Purpose of Report

To appoint committees, working groups, members and Chairs, agree terms of reference and dates and times of meetings and nominate members to outside bodies for the year ahead.

Background

The current terms of reference of committees and working groups are set out at appendix A to this report. A proposed change is set out in appendix B. The existing terms of reference were agreed at the Council meeting on 7 June 2017 and later meetings. The current committee memberships are set out at appendix C to this report. These were agreed at the Council meeting on 7 June 2017 and later meetings.

Issues and Findings

Committee and Working Group Structure

The Council has a Planning and Environment Committee, which met once during the last (2017/18) municipal year, a Human Resources (HR) Committee, which met three times during the year, and a Complaints Committee, which met twice during the year. Committees have delegated powers, decided by the Council, so that they are able to decide on the issues they are responsible for and any decisions made by committees can be acted upon without further reference to the Council.

The Council does not have any other committees at present and therefore the Council itself takes all decisions (which are not delegated to the three committees listed above), including all decisions relating to financial matters.

The main purpose of appointing committees is because the “parent” corporate body (i.e. the Council) cannot do everything itself as there is insufficient time and smaller groups of people may more efficiently and effectively carry out specific tasks or take specific decisions, which may not be able to await a Council meeting. Decisions on planning applications, HR and complaints for example sometimes have to be taken by strict deadlines, are better dealt with by fewer people and usually cannot await referral back to the full Council.

The Council also has four working groups, listed in appendices A and C. These working groups act on a “task and finish” basis, in other words they are appointed for so long as they have a specific job to do and can be disbanded when their work is done. Working groups meet on an informal basis (they do not need formal notices, summons, agendas, reports or minutes), so are much more flexible than committees. Working groups have a job to do, but they do not have delegated powers. Therefore, any conclusions they reach must be reported

back to the Council, and the Council ultimately decides on their recommendations (e.g. whether to spend money or allocate staffing resources to a particular project).

Working groups are similar to committees, but members do more of the “working”, as working groups are not supported by officers and do not take decisions. Working groups come up with and discuss ideas, in an informal exploratory way, and members themselves undertake specific research or engage with relevant stakeholders and so on, before reporting their conclusions and recommendations back to the Council to take final decisions.

It is proposed for 2018/19 that the current committee and working group structure remains as it is, because:

- the Council is still recovering from a very difficult period in 2016, when there were no staff at all for most of the year and there were very few meetings or decisions
- the working groups and committees appointed in summer 2017 are still bedding in
- most members have been with the Council less than a year, so to change the structure now would be disruptive and confusing
- some people complained in 2016/17 that the Council was not open or transparent
- under the current structure, the Council itself (i.e. all councillors together) takes the vast majority of decisions, in public session, in a consistent way and in meetings which are held on a consistent and well publicised monthly cycle
- under the current structure, the Council itself (i.e. all councillors together) takes all financial decisions, in public session, in well publicised meetings
- the current structure is therefore a very open, transparent and inclusive way of working
- having more committees, with more delegated powers, and fewer members making important decisions, would represent less open, transparent and inclusive working
- committee meetings are best held on an ad hoc basis (i.e. only when decisions are actually needed, not on a pre-programmed basis)
- there are limited staff hours available to the Council and staff time is not best spent attending or preparing agendas, minutes and reports for more formal meetings, or meetings held in the evenings and
- the current structure is working well.

Terms of Reference

It is proposed that terms of reference remain as they were in 2017/18, with one exception.

The terms of reference of the Complaints Committee could usefully be amended slightly, to reflect learning over the last year. At the moment, the Complaints Committee technically only decides on complaints. In April this year, a person asked the Council to undertake an internal review of a decision made under the Freedom of Information (FOI) Act. There was no better available mechanism (than the Complaints Committee), where four members who had not been involved in any previous decisions on the issue were available, so the Complaints Committee undertook this internal review.

It is therefore proposed that the Council amends the name and the terms of reference of the Complaints Committee so that it can also deal with appeals, where appropriate, by adopting the amended name and terms of reference shown in appendix B.

If the Council does not widen the Complaints Committee’s remit, it may need to establish a new committee to deal with any new issues (e.g. a request for an internal review of an FOI

decision), whenever such an issue arose. This would delay decision making on the issue and the Council's consideration (i.e. its discussion about setting up a new committee to deal with the issue) could be prejudicial to the independence of any later review.

Committee and Working Group Memberships

Generally speaking, committees are appointed to deal with specific issues and either make decisions and implement them, or report back to the "parent" body (the Council). It is normal for committees to consist of fewer members than the Council itself. This reflects the extra commitment of time and expertise that committee members need to contribute. Working Groups should also have fewer members than the Council itself, in most circumstances. It is not unusual to appoint all members to the Planning and Environment Committee (to ensure every area is fully represented). However, it is unnecessary to appoint all members to other committees or working groups, unless Council has a particular reason to do so.

It is proposed that the Council appoints the same number of members to committees and working groups in 2018/19 as it did in 2017/18, for the sake of consistency, unless there is a reason to change these numbers. If the numbers of members on committees is changed, terms of reference may need to be reviewed (as the Complaints and HR Committee terms of reference specify a number of members).

The Council is free to appoint whichever members it chooses to serve on committees and working groups. In the case of the Complaints Committee, no members are named, as the membership depends on the nature of the complaint. In the case of the Human Resources Committee, the Chair of the Council, the Vice Chair of the Council and two other members need to be appointed.

All committees have a minimum of four members, to ensure a quorum of three is possible.

Committee and Working Group Chairmanships

The Council decides who it wishes to appoint as Chairs of Committees and Working Groups. The Complaints Committee and the HR Committee terms of reference make clear that these committees elect their own Chairs, so the Council does not need to do that.

Vice-Chairs of Committees

No Committee Vice-Chairs have been appointed or elected in recent years (except for the HR Committee). The HR Committee elects its own Vice-Chair. In the event that a Chair is not able to attend a meeting, remaining members can elect a Chair for that meeting only. There is no need therefore to appoint Vice-Chairs to committees.

Dates and times of meetings

Ordinary Council meetings have in the past been held on the last Wednesday of every month at 7.00pm. It is helpful for everyone to know there is a regular cycle of meetings. The exception is May (where there is no ordinary Council meeting because May contains the annual meeting), August (where there is no ordinary Council meeting as this is traditionally the period of Recess) and December (where the Council meeting is held earlier in the month to avoid Christmas). Exceptions have also been made in the past and meetings have been rearranged to avoid known public holidays and other major events.

Extraordinary quarterly meetings of the Council have also been held in the past (and their continuation is recommended for the foreseeable future) to deal with specific financial matters, including annual budget preparation and agreement, quarterly budget updates and annual statements of accounts.

Following this pattern for the year ahead would mean Council meetings on:

- Wednesday 27 June 2018 at 7.00pm
- Wednesday 18 July 2018 at 7.00pm (accounts and budget only)
- Wednesday 25 July 2018 at 7.00pm
- Wednesday 26 September 2018 at 7.00pm
- Wednesday 24 October 2018 at 7.00pm (brought forward a week from 31 October to avoid Halloween, when fewer people are likely to be available for a meeting)
- Wednesday 7 November 2018 at 7.00pm (accounts and budget only)
- Wednesday 21 November 2017 at 7.00pm (brought forward a week from 28 November to reduce the gap between meetings)
- Wednesday 12 December 2017 at 7.00pm (brought forward to avoid Christmas)
- Wednesday 16 January 2019 at 7.00pm (accounts and budget only)
- Wednesday 30 January 2019 at 7.00pm
- Wednesday 20 February 2019 at 7.00pm (brought forward a week from 27 February to avoid half term school holidays, when fewer people are likely to be available)
- Wednesday 27 March 2019 at 7.00pm
- Wednesday 17 April 2019 at 7.00pm (accounts and budget only) #
- Wednesday 24 April 2019 at 7.00pm #
- Wednesday 15 May 2019 (annual meeting) at 7.00pm.

these two meetings are during the Easter school holidays so should be reviewed

Extraordinary Council meetings or unforeseen committee meetings will need to be held when the issue at hand requires it or when the date and time is most suitable for most members.

Appointments to Joint Committees and Nominations to Outside Bodies

The list attached at appendix C includes the members appointed to serve on joint committees or nominated to serve on outside bodies on which the Council is represented. The Council needs to make fresh appointments and nominations at this meeting for the year ahead. It is generally considered good practice to be consistent where possible (i.e. to appoint/nominate members to serve for more than one year).

Policy and Resource Implications

There are no specific policy or resource implications, other than those identified above. The Council is responsible for deciding which committees or working groups to appoint, what they should do, appointing members to serve on them and deciding dates and times of meetings.

Risks

There are no risks to taking these decisions, but there are risks in not doing so, insofar as the Council is responsible for ensuring effective and efficient governance, accountability, decision making and transparency.

Recommendations – that the Council:

- (1) decides what committees and working groups it wishes to appoint for the year ahead
- (2) decides the terms of reference (i.e. powers, functions and other arrangements) for the committees or working groups it appoints
- (3) decides which members to appoint to serve on committees or working groups
- (4) decides who to appoint as the Chair of relevant committees or working groups
- (5) decides the dates and times of Council meetings for the year ahead
- (6) decides which members to appoint to serve on joint committees for the year ahead and
- (7) decides which members to nominate to represent the Council on relevant outside bodies for the year ahead.

Appendices:	A	Existing committee and working group terms of reference
	B	Proposed terms of reference for a Complaints and Appeals Committee
	C	Existing memberships and nominations

Report author: Richard Gwinnell, Clerk to the Council

ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL

TERMS OF REFERENCE OF COMMITTEES 2017-2018

TERMS OF REFERENCE OF THE PLANNING AND ENVIRONMENT COMMITTEE

- 1.1 To consider and respond to consultations and express the views of the community council relating to planning applications and other development control matters within the boundary of the Community Council.
- 1.2 To consider and respond to the Planning Authority in matters relating to statutory structure and local plans.
- 1.3 To consider and respond to the relevant body in respect of highway matters.
- 1.4 To consider and respond to the relevant body in respect of listed buildings.
- 1.5 To consider and respond to the relevant body in respect of conservation orders and environmental matters.
- 1.6 To consider and respond to the relevant body in respect of licensing applications within the boundary of the Community Council.
- 1.7 To consider and respond to the relevant body in respect of tree preservation orders.
- 1.8 To consider and respond to the relevant body in respect of other environmental issues.

TERMS OF REFERENCE OF THE HUMAN RESOURCES COMMITTEE

The Committee will comprise of the Chairman of the Council, Vice Chairman of Council and two other members, to be determined by the Council.

The Committee will meet at least once per year, with additional meetings when required as determined by the Chair of the Committee and the Clerk.

The Committee will elect its own Chair and Vice Chair for the year at its first meeting following the Council's annual meeting.

The quorum of the Committee will be no less than three members.

The Committee will exercise on behalf of the Council its powers relating to:

1. Recruitment, rates of remuneration, termination of service, education, training, conditions of service, career development and all other similar matters relating to employees and where relevant (such as in matters of training) members of Council.
2. Performance reviews, annual appraisals, Investors in People.
3. All matters concerning working conditions, employee service, staff welfare, agreements concerning salaries, sickness and grievance procedures, disciplinary measures, disputes and consultations with employees and their representatives.
4. All matters relating to safety at work, risk assessment and safety policies.
5. The exercise of any discretion in respect of any employee under the Local Government Superannuation Act and regulations.
6. All other routine Human Resource matters within the general policies of the Council.
7. To undertake the annual review of staffing and pay structure.

TERMS OF REFERENCE OF THE COMPLAINTS COMMITTEE

A Complaints Committee will be summoned to meet when required.

The Committee will consist of four members of the Council, to be determined by the Chairman of the Council and the Clerk, depending on the nature of the complaint. Where appropriate this will include the Chair of the most relevant Committee.

The Complaints Committee will carry out its function in accordance with the Council's Complaints Policy.

In most instances it is not intended that political proportionality will be considered when appointing members to a Committee. However, if all members of a political group could be deemed to have a bias about a complaint, then, where practicable, the membership will consist of members of more than one political group.

The Complaints Committee cannot hear complaints regarding members or their compliance with the Member Code of Conduct. These must be referred to the Public Services Ombudsman for Wales.

TERMS OF REFERENCE OF THE CENTENARY EVENTS 2018 WORKING GROUP

To plan and prepare an events programme for the 2018 Centenary of the end of the First World War and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE SHOP LOCAL WORKING GROUP

To discuss with local traders' representatives and other members of the public any matter pertaining to the promotion of local shopping areas including a "Shop Local" campaign, to develop plans and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE CHRISTMAS LIGHTS WORKING GROUP

To discuss options relating to Christmas lighting and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE WELL-BEING WORKING GROUP

To consider how to move forward effectively, in the context of the Well-being of Future Generations (Wales) Act 2015, the Blaenau Gwent Public Service Board's draft Well-being Plan and the Welsh Government Review of the Town and Community Council Sector in Wales, and to come up with a shared vision for the future and specific proposals for future well-being initiatives and report back to the Council with recommendations.

TERMS OF REFERENCE OF THE COMPLAINTS AND APPEALS COMMITTEE

A Complaints *and Appeals* Committee will be summoned to meet when required.

The Committee will consist of four members of the Council, to be determined by the Chairman of the Council and the Clerk, depending on the nature of the complaint *or appeal*. Where appropriate this will include the Chair of the most relevant Committee.

The Complaints *and Appeals* Committee will carry out its function in accordance with the Council's Complaints Policy, *where it is dealing with a complaint*.

In most instances it is not intended that political proportionality will be considered when appointing members to a Committee. However, if all members of a political group could be deemed to have a bias about a complaint *or appeal*, then, where practicable, the membership will consist of members of more than one political group.

The Complaints *and Appeals* Committee cannot hear complaints *or appeals* regarding members or their compliance with the Member Code of Conduct. These must be referred to the Public Services Ombudsman for Wales.

ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL

MEMBERSHIP OF COMMITTEES 2017/18

<p>PLANNING AND ENVIRONMENT COMMITTEE – COUNCILLORS:</p>	<p>HUMAN RESOURCES COMMITTEE - COUNCILLORS:</p>
<p>Peter Adamson Stephen Bard – Chairman Ivor Beynon Keri Bidgood Gill Clark Roger Clark Tracey Dyson Julie Holt Ross Leadbeater Mark Lewis Perry Morgan Robert Phillips Allen Rees Nick Simmons Glyn Smith Bernard Wall Graham White Trudy Williams</p>	<p>Stephen Bard - Chairman (and Chairman of the Council) Ivor Beynon Julie Holt (Vice-Chair of the Council) Graham White</p>
<p>COMPLAINTS COMMITTEE</p>	<p>CHRISTMAS LIGHTS WORKING GROUP – COUNCILLORS:</p>
<p>4 members to be decided upon by the Chairman of the Council and the Clerk, depending on the subject nature of the complaint</p>	<p>Gill Clark – Chair Julie Holt Robert Phillips Glyn Smith Graham White</p>
<p>CENTENARY EVENTS 2018 WORKING GROUP</p>	<p>WELL-BEING WORKING GROUP – COUNCILLORS:</p>
<p>Councillor Tracey Dyson Councillor Perry Morgan – Chairman Councillor Allen Rees Councillor Glyn Smith Councillor Graham White Non-Councillor co-optees - Royal British Legion representatives: Geoff Nash Don McCulloch Non-Councillor co-optees - Royal Welsh Regimental Association representatives: Tony Baghurst Martin Parfitt</p>	<p>Peter Adamson Keri Bidgood Gill Clark Tracey Dyson Julie Holt Perry Morgan Robert Phillips Nick Simmons – Chairman Graham White Trudy Williams</p>

SHOP LOCAL WORKING GROUP – COUNCILLORS:	
Stephen Bard Perry Morgan Mark Lewis – Chairman Robert Phillips	
JOINT COMMITTEES	COUNCILLORS
JOINT COMMITTEE OF LOCAL COUNCILS IN BLAENAU GWENT (5 representatives)	Ivor Beynon Perry Morgan Robert Phillips Glyn Smith Bernard Wall
CONSULTATION WITH COUNTY BOROUGH COUNCIL (out of Joint Committee) (2 representatives) (usually Chairman plus one other) + Clerk)	Stephen Bard Robert Phillips
OUTSIDE BODIES	COUNCILLORS
ONE VOICE WALES GWENT VALLEYS AREA COMMITTEE (2 representatives) NB Clerk also welcome to attend	Ivor Beynon Glyn Smith
ONE VOICE WALES LARGER LOCAL COUNCILS COMMITTEE (1 rep) NB Clerk also welcome to attend	Glyn Smith
ABERTILLERY AND DISTRICT TWINNING ASSOCIATION (2 representatives)	Robert Phillips Tracey Dyson
SCHOOL GOVERNING BODIES (1 rep on each)	
St Illtyd's Community Primary Soffrydd Primary Ysgol Gymraeg Bro Helyg	Gill Clark Allen Rees Ivor Beynon
ABERTILLERY REGENERATION (2 reps)	Nick Simmons Glyn Smith
BLAENAU GWENT HERITAGE FORUM	Gill Clark Mark Lewis
BLAENAU GWENT ARMED FORCES COVENANT STEERING GROUP	Tracey Dyson
LOCAL LIST OF BUILDINGS OF INTEREST – ABERTILLERY AND DISTRICT WORKING GROUP	Gill Clark Graham White