



## Item No. 8

Annual Meeting of Council – 9 September 2020

Report of the Clerk to the Council

### Constitutional Matters 2020-2021

Recommendation(s):	It is recommended that:
1)	The Independent Remuneration Panel for Wales' determinations in relation to Payments to Members of Community and Town Councils as set out in <b>Appendix A</b> be noted.
2)	<p>Council consider whether to make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities.</p> <p>If Council resolve to pay an amount, it will need to determine the number of Members (up to 5) that will be entitled to it and the amount (up to £500) to be paid.</p>
3)	Council considers whether to make payments to each of their Members in respect of travel costs for attending approved duties.
4)	Council considers whether to pay financial loss compensation to each of their Members, where such loss has actually occurred, for attending approved duties.
5)	Council considers whether to provide a payment to the Mayor or Chair of the Council up to a maximum of £1,500 per annum.
6)	Council considers whether to provide a payment to the Deputy Mayor or Deputy Chair of the Council up to a maximum amount of £500 per annum.
7)	<p>Council considers whether to appoint the Committees, as listed in <b>Appendix B</b>.</p> <p>If Council resolve to appoint the Committees, it will need to determine:</p> <ul style="list-style-type: none"> <li>a) The Number of Allocated Seats on each Committee.</li> <li>b) The Membership of each Committee.</li> <li>c) The Terms of Reference of each Committee.</li> </ul>
8)	Councillors be allocated to serve on Outside Bodies.
9)	The Clerk of the Council be delegated authority to respond directly to Swansea Council in relation to Planning Matters subject to the Clerk having consulted with the Community Councillors via email.

## 1. Introduction

- 1.1 The Council operates within a legal framework established by the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government Act 2000, the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, the Local Government (Wales) Measure 2011 and other relevant legislation (“the legislation”). Additionally, the Independent Remuneration Panel for Wales (IRPW) determines the remuneration available to Councillors and Co-opted Members.
- 1.2 This report seeks to address the requirements of the relevant legislation.

## 2. Independent Remuneration Panel for Wales (IRPW)

- 2.1 The IRPW Annual Report 2020-2021 [www.gov.wales/independent-remuneration-panel-wales](http://www.gov.wales/independent-remuneration-panel-wales) sets out the Payments to Members of Community & Town Councils. The IRPW Groups each Community Council based on its Income or Expenditure during the previous financial year. As such Llangyfelach Community Council falls into Group B. The Groups being:

Community / Town Council Group	Income or Expenditure in 2019-2020 of:
A	£200,000 and above
<b>B</b>	<b>£30,000 - £199,999</b>
C	Below £30,000

- 2.2 Under the Local Government (Wales) Measure 2011, Community and Town Councils are relevant Authorities for the purpose of remuneration. Consequently, individuals who have accepted office as a Member of a Community or Town Council are entitled to receive payments as determined by the Independent Remuneration Panel for Wales. It is the duty of the Proper Officer of a Council to arrange for correct payments to be made to all individuals entitled to receive them.
- 2.3 Community / Town Councillors should receive monies to which they are properly entitled as a matter of course. There must be no requirement for individuals to ‘opt in’ to receive payments.
- 2.4 Under Section 154 of the Local Government (Wales) Measure 2011 an individual may decline to receive part, or all, of the payments if they so wish. This must be done in writing and is an individual matter. A Community or Town Council Member wishing to decline payments must themselves write to their Proper Officer to do so.
- 2.5 The IRPW made a number of determinations in relation to Payments to Members of Community and Town Councils. A full list of the determinations together with brief guidance is outlined in **Appendix A** of this report. The payments relate to:
- Payments towards Costs & Expenses.
  - Senior Roles.
  - Reimbursement of Travel Costs & Subsistence Costs.
  - Compensation for Financial Loss.
  - Reimbursement of the Costs of Care.
  - Civic Head & Deputy Civic Head.

2.6 Council is asked to consider whether:

- a) An annual payment of up to £500 each to up to 5 Members in recognition of specific responsibilities is required. This is in addition to the £150 payment for costs and expenses.
- b) To make payments to each of their Members in respect of travel costs for attending approved duties.
- c) To pay financial loss compensation to each of their Members, where such loss has actually occurred, for attending approved duties.
- d) To provide a payment to the Mayor or Chair of the Council up to a maximum of £1,500 per annum.
- e) To provide a payment to the Deputy Mayor or Deputy Chair of the Council up to a maximum amount of £500 per annum.

### **3. Appointment of Committees, Size of Committee, Membership & Terms of Reference**

3.1 Council established the following Committees in 2019-2020:

- Finance Committee.
- Highways & Footpaths Committee.
- Planning, Development & Land Committee.
- Race Relations Committee.

3.2 Council is asked to consider whether to re-establish these Committees. If they are to be re-established then consideration is required in relation to the Size of the Committees, the Membership of the Committees, and the Terms of Reference of those Committees. **Appendix B** sets out the details of those current Committees as previously constituted.

### **4. Allocation of Councillors to Outside Bodies**

4.1 The Outside Bodies that Council Allocated Councillors to during 2019-2020 are outlined in **Appendix C**. This Appendix also shows the allocated Councillors during 2019-2020.

4.2 Council is asked to consider the list and to determine whether to re-allocate to these Outside Bodies and to determine who to allocate (if applicable).

### **5. Council & Committee Meetings**

5.1 Llangyfelach Community Council Meetings are normally held at **7.00pm on the 2<sup>nd</sup> Thursday of each month**; however, these meetings are not usually held during August. These meetings are subject to change, but details shall be available on the Council's website.

5.2 Should Council resolve to establish Committees, then they will be called as required. Details shall be available on the Council's website <https://www.llangyfelachcommunitycouncil.org.uk/>

### **6. Grant of Delegated Powers to the Clerk**

6.1 The Council is a consultee on matters relating to planning applications made to Swansea Council. Often, Llangyfelach Community Council will be required to submit any observations to Swansea Council prior to a scheduled Council Meeting.

6.2 It is therefore proposed that delegated powers be delegated to the Clerk to allow such observations to be made in a timely manner. It is proposed that the Clerk liaise with the Community Councillors and submit those observations accordingly.

**Background Papers:** None

**Appendices:**

<b>Appendix A</b>	Independent Remuneration Panel for Wales (IRPW) Annual Report 2020-2021
<b>Appendix B</b>	Council, Committees, Number of Allocated Seats & Membership 2020-2021 & Terms of Reference
<b>Appendix C</b>	Appointment of Councillors to Outside Bodies

**Independent Remuneration Panel for Wales (IRPW) Annual Report 2020-2021**

The following table sets out the actions that Community and Town Councils must take annually in respect of each determination that follows.

<b>Determinations</b>		<b>Is a decision required by Council?</b>
42	All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.	No - the payment of £150 is mandated for every member unless they advise the appropriate officer that they do not want to take it in writing.
43	Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – a council must decide how many payments of £500 it will make – to between 1 and 5 members unless they advise the appropriate officer in writing that they do not want to take it.
44	Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – it is optional to pay it for up to 5 members and, if it is paid, the amount (up to £500) must be decided.
45	Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.	Yes – the payment of travel costs is optional.
46	If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members.	Yes – the payment of overnight subsistence expenses is optional.
47	Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties.	Yes – the payment of financial loss allowance is optional.
48	All community and town councils must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month.	No - the payment is mandated for every member if they are eligible to claim and wish to do so.

49	Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500.	Yes – the payment to a Civic Head is optional.
50	Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum amount of £500.	Yes – the payment to a Deputy Civic Head is optional.
51	Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and reimbursement of costs of care.	No - Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) can only receive travel and subsistence expenses and reimbursement of costs of care; if they are eligible to claim, and wish to do so.

**Council, Committees, Number of Allocated Seats & Membership 2020-2021 & Terms of Reference**

<b>Body</b>	<b>Seats</b>	<b>Membership / Comments</b>
<i>Council</i>	9	<i>All 9 Councillors (Councillors P Baker, M E Boyter, P R Crayford, P Gibson, M A Glover, D G Sullivan, M S Tribe). <b>Note:</b> There are currently 2 vacancies</i>
Finance Committee	6	Membership in 2019-2020 was: Councillors P Baker, M E Boyter, P R Crayford, P Gibson, M A Glover, D G Sullivan.
Highways & Footpaths Committee	6	Membership in 2019-2020 was: Councillors P Baker, M E Boyter, P Gibson, M A Glover, D G Sullivan, M S Tribe.
Planning, Development & Land Committee	6	Membership in 2019-2020 was: Councillors P Baker, M E Boyter, P R Crayford, P Gibson, M A Glover, M S Tribe.
Race Relations Committee	5	Membership in 2019-2020 was: Councillors M E Boyter, P R Crayford, P Gibson, M A Glover, M S Tribe.

### **Terms of Reference**

#### **Finance Committee**

To consider all matters relating to Finance and to make recommendations to Council.

#### **Highways & Footpaths Committee**

To consider all matters relating to Highways & Footpaths and to make recommendations to Council.

#### **Planning, Development & Land Committee**

To consider all matters relating to Planning, Development & Land and to make recommendations to Council.

#### **Race Relations Committee**

To consider all matters relating to Race Relations and to make recommendations to Council.

## Appointment to Outside Bodies

Outside Bodies	Membership / Comments <b>Note:</b> Membership in 2019-2020 was:
Community / Town Council Forum	Councillor P R Crayford & Clerk of Council
Llangyfelach Primary School – School Governor (Additional Community Governor) Term of Office December 2017 – December 2021.	Councillor P Baker
One Voice Wales Meetings	Councillor M S Tribe
South Wales Police Meetings with Representatives of Community Councils including PACT Meetings	Councillor M E Boyter
Swansea Rural Development Partnership	Councillor P Baker