



## Item 23

Annual Meeting of Council – 19 May 2022

### Constitutional Matters 2022-2023

#### 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, Local Government & Elections (Wales) Act 2021 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 [www.gov.wales/independent-remuneration-panel-wales](http://www.gov.wales/independent-remuneration-panel-wales) sets out “Contribution towards Costs of Care and Personal Assistance (CPA)” and “Payments to Members of Community & Town Councils”.
- 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 several determinations in relation to “Payments to Members of Community and Town Councils”. A list of these determinations together with brief IRPW guidance is outlined in **Appendix A** of this report.
- 2.6 Council is asked to note the IRPW’s Determination in relation to “Contribution towards Costs of Care and Personal Assistance (CPA)”.

**Determination 43:** All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:

- Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced.
- Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real UK Living Wage at the time the costs are incurred.

This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on production of receipts from the care provider.

- 2.7 Council is asked to note / consider each of the IRPW’s Determinations in relation to “Payments to Members of Community and Town Councils”.

**Determination 44:** 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.

**Determination 45:** The payment for members undertaking a senior role is an annual amount of £500 as set out in [Table 11](#) of the IRPW Annual Report.

**Determination 46:** Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties. Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:

- 45p per mile up to 10,000 miles in the year.
- 25p per mile over 10,000 miles.
- 5p per mile per passenger carried on authority business.
- 24p per mile for private motorcycles.
- 20p per mile for bicycles.

**Determination 47:** 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 at the maximum rates set out below on the basis of receipted claims:

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

**Determination 48:** Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:

- Up to £57.20 for each period not exceeding 4 hours.
- Up to £114.40 for each period exceeding 4 hours but not exceeding 24 hours.

**Determination 49:** Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss compensation will not be entitled to claim attendance allowance for the same event.

**Determination 50:** Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

**Determination 51:** Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

**Determination 52:** The application of the Remuneration Framework by relevant Group is contained in in [Table 11](#) of the IRPW Annual Report.

**Determination 53:** 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 contribution towards costs of care and personal assistance.

2.8 An Extract of Table 11 - Group 4 Council's (Electorate over 1,000 to 4,999):

<b>Group 4</b>	<b>(Electorate 1,000 to 4,999)</b>
Basic Payment	Mandatory for all members
Senior Role Payment	Optional up to 3 members
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Cost of Care	Mandatory

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

3.1 It is proposed that these Committees be established:

- Finance Committee.
- Personnel Committee.

3.2 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 proposals.

3.3 The scrutiny and acceptance of tenders and quotes on behalf of the Council be delegated to the Chair of Council, Chair of Finance Committee, Vice Chair of Finance Committee and Councillor Paul Baker in consultation with the Clerk to the Council.

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

4.1 The Outside Bodies that Council Allocates Councillors to and membership of those Outside Bodies during 2021-2022 are outlined in **Appendix C**.

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 **6.00pm 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. The proposed dates being:

9 June 2022	10 November 2022	9 March 2023
14 July 2022	8 December 2022	12 April 2023
8 September 2022	12 January 2023	11 May 2023 (Annual)
13 October 2022	9 February 2023	-

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 - Swansea Council - Planning Applications & Planning Matters**

6.1 The system for responding to Swansea Council Planning Applications and Planning Matters shall be:

- i) The Clerk forward via e-mail all Planning Applications / Approvals relevant to the Llangyfelach Community Council to the Councillors.

- ii) Councillors be given a period of 5 clear working days to respond to the Clerk.
- iii) The Clerk collates the responses of the Councillors and forwards them to Swansea Council's Planning Team as the formal observations of the Council.

## **7. Grant of Delegated Powers to the Clerk – Spending & Bank Reconciliation**

- 7.1 The Clerk be authorised to make payments providing permission has been given in writing (e-mail) from two of the four following Councillors: Chair of Council, Vice Chair of Council, Chair of Finance Committee and Vice Chair of Finance Committee.
- 7.2 Bank Account Reconciliation Reports be sent to all Councillors on a Monthly basis.

## **8. Recommendations.** It is recommended that:

- 8.1 The Independent Remuneration Panel for Wales' Annual Report be noted together with the determinations in relation to Community and Town Councils.
- 8.2 Determination 43 relating to "Contribution towards Costs of Care and Personal Assistance (CPA)" be noted.
- 8.3 Determination 44 for "*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*" be noted.
- 8.4 Determination 45 "Payments for members undertaking a senior role is an annual amount of £500" be noted.
- 8.5 Determination 46 "Payments in respect of travel costs" be noted.
- 8.6 Council considers whether to make payments to each of their Members in respect of travel costs for attending approved duties. (Determination 47).
- 8.7 Determination 48 in relation to the ability to pay financial loss compensation at the prescribed rates for attending approved duties be noted.
- 8.8 Council considers whether to make a payment to pay attendance allowance for members. (Determination 49).
- 8.9 Council considers whether to provide a payment to the Mayor or Chair of the Council up to a maximum of £1,500 per annum. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed. (Determination 50).

- 8.9.1 If Council resolve to pay an amount, it will need to determine the amount (up to £1,500) to be paid.
- 8.10 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. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed. (Determination 51).
- 8.11.1 If Council resolve to pay an amount, it will need to determine the amount (up to £500) to be paid.
- 8.12 The application of the Remuneration Framework by relevant Group is contained in in [Table 11](#) of the IRPW Annual Report (Determination 52) be noted.
- 8.13 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 contribution towards costs of care and personal assistance (determination 53) be noted.
- 8.14 Council considers whether to appoint the Committees Finance, Personnel & Tenders), as listed in **Appendix B** of the report.
- 8.14.1 If Council resolve to appoint the Committees, it will need to determine:
- a) The Number of Allocated Seats on each Committee.
  - b) The Membership of each Committee.
  - c) The Terms of Reference of each Committee.
- 8.15 The schedule of Council Meetings as outlined in the report be agreed.
- 8.16 Councillors be allocated to serve on Outside Bodies as outlined in **Appendix C** of the report.
- 8.17 The Clerk of the Council be delegated authority to respond directly to Swansea Council in relation to Planning Application & Planning Matters subject to the process outlined in the report being followed.
- 8.18 The Clerk of the Council be delegated authority to make payments providing permission has been given in writing (e-mail) from two of the four following Councillors: Chair of Council, Vice Chair of Council, Chair of Finance Committee and Vice Chair of Finance Committee.
- 8.19 The Clerk e-mail the Bank Account Reconciliation Reports to all Councillors on Monthly basis.

**Background Papers:** None

**Appendices:**

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

**Huw Evans**

**Clerk to Llangyfelach Community Council**

## Appendix A

### Independent Remuneration Panel for Wales (IRPW) Annual Report

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

Determinations		Is a decision required by Council?
44	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, with the exception of those councils in Group 5 where the payment is optional.	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.
45	The payment for members undertaking a senior role is an annual amount of £500 as set out in <a href="#">Table 11</a> of the IRPW Annual Report.	As set out in <a href="#">Table 11</a> of the IRPW Annual Report.
46	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.
47	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.
48	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.
49	Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30.  A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.	Yes – the payment of attendance allowance is optional.
50	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.
51	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.
52	The application of the Remuneration Framework by relevant Group.	As set out in <a href="#">Table 11</a> of the IRPW Annual Report.
53	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	No - Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is leader,

	community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.	deputy leader or executive member) can only receive travel and subsistence expenses and contribution towards costs of care and personal assistance; if they are eligible to claim, and wish to do so.
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## Appendix B

### Council, Committees, Number of Allocated Seats & Membership 2022-2023 & Terms of Reference

<b>Body</b>	<b>Seats</b>	<b>Membership / Comments</b>
<b>Council</b>	9	<i>All 9 Councillors.</i>
<b>Finance Committee</b>  Terms of Reference: To consider all matters relating to Finance and to make recommendations to Council.	4	<i>4 Councillors.            Chair of Council.            Vice Chair of Council.            2 x Others.</i>
<b>Personnel Committee</b>  Terms of Reference: i) To oversee the performance of the Clerk. ii) To oversee and monitor the hours and holiday entitlement of the Clerk. iii) To monitor and manage any sickness / absence of the Clerk. iv) To manage any disciplinary or grievance issues (for or against) relating to the Clerk. v) To manage the pay and training of the Clerk. vi) To deal with any other issues referred by the Council.	3	<i>4 Councillors:            Chair of Council.            Vice Chair of Council.            Chair of Finance Committee.            Councillor Paul Baker.</i>  <b>Note:</b> <i>Councillor Paul Baker manages the Clerk on a day-to-day basis.</i>

## Appendix C

### Appointment to Outside Bodies

<b>Outside Bodies</b>	<b>Membership / Comments</b> <b>Note:</b> Current Membership is:
Community / Town Council Forum	Councillor Phil Crayford & Clerk of Council
Llangyfelach Primary School – School Governor (Additional Community Governor) Term of Office December 2017 - December 2021.	Councillor Paul Baker
One Voice Wales Meetings including Swansea Area Committee	Councillor Mark Tribe & Clerk of Council
South Wales Police Meetings with Representatives of Community Councils including PACT Meetings	Councillor Mark Tribe
Swansea Rural Development Partnership	Councillor Paul Baker