



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Special Meeting of the

## Democratic Services Committee

**At:** Committee Room 5 - Guildhall, Swansea

**On:** Tuesday, 6 November 2018

**Time:** 4.30 pm

**Chair:** Councillor Peter Black CBE

**Membership:**

Councillors: N J Davies, M Durke, L S Gibbard, J A Hale, S M Jones, E T Kirchner, W G Lewis, S Pritchard, B J Rowlands, G J Tanner, L J Tyler-Lloyd and L V Walton

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### Agenda

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|----------|---|----------------|
| <b>1</b> | <b>Apologies for Absence.</b>   |                |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a> |                |
| <b>3</b> | <b>Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | <b>1 - 4</b>   |
| <b>4</b> | <b>Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2019-2020 - Consultation.</b>  | <b>5 - 13</b>  |
| <b>5</b> | <b>Review of Councillors Handbook.</b>  | <b>14 - 26</b> |

**Next Meeting:** Tuesday, 29 January 2019 at 5.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

**Huw Evans**  
**Head of Democratic Services**  
**Monday, 29 October 2018**

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**Contact: Democratic Services - (01792) 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the Democratic Services Committee

Committee Room 5 - Guildhall, Swansea

Tuesday, 31 July 2018 at 5.00 pm

**Present:** Councillor P M Black (Chair) Presided

**Councillor(s)**

N J Davies  
S Pritchard  
L J Tyler-Lloyd

**Councillor(s)**

M Durke  
B J Rowlands  
L V Walton

**Councillor(s)**

W G Lewis  
G J Tanner

**Officer(s)**

Huw Evans  
Kate Jones  
Tracey Meredith

Head of Democratic Services  
Democratic Services Officer  
Chief Legal Officer

**Apologies for Absence**

Councillor(s): L S Gibbard, J A Hale, S M Jones and E T Kirchner

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**1 Election of Vice Chair for the Municipal Year 2018-2019.**

**Resolved** that Councillor Wendy Lewis be elected Vice Chair for the Municipal Year 2018-2019.

**2 Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

**3 Minutes.**

**Resolved** that the Minutes of the Democratic Services Committee held on 16 April 2018 be approved and signed as a correct record.

**4 Democratic Services Committee Annual Report 2017-2018.**

The Head of Democratic Services presented a “for information” report of the Democratic Services Committee Annual Report 2017-2018 for the period 25 May 2017 to 23 May 2018. The report outlined the work of the Committee during that period. A proposed amendment to remove Paragraph 4 from the report was highlighted and approved by the Committee. The information contained within Paragraph 4 of the report was available online.

**Resolved** that the contents of the report and amendments be noted.

## **5 Review of Councillors' Broadband and Telephone, ICT and Mobile Phone Allowances - May 2017 & Beyond.**

The Head of Democratic Services presented a report to review the Councillors' Broadband and Telephone, ICT and Mobile Phone Allowances – May 2017 & Beyond Policy which had been adopted by Cabinet on 15 December 2016.

The Committee discussed the recommendations outlined in the report. The Discussions focussed on the following:

- Publication of Cabinet Member Mobile Phone Numbers;
- Typographical error on Recommendation 8 – To insert the number 6 between 4 and year on the first line;

**Resolved** that the following be recommended to Cabinet for adoption (subject to the amendments highlighted by the Committee): -

- 1) The Policy be renamed the “Councillors Information, Communication & Technology (ICT) Allowances - May 2017 & Beyond Policy” or “Councillors ICT Allowances - May 2017 & Beyond Policy” for short.
- 2) The following note be added to Paragraph 5.3 of the Policy:
  - 1) The Councillors' ICT Allowance over a 5 year period is £1,808 in total. This amount may be spent at any time during the 5 year term provided the claims are made using the Councillors / Co-opted Members ICT Allowance Claim Form and with relevant receipts.
  - 2) Any spend exceeding £200 in the final year of the Term of Office must be approved in advance by the Head of Democratic Services in conjunction with the Chief Transformation Officer. They may look at temporary solutions such as providing Authority owned ICT devices.
- 3) The following condition be added to Paragraph 6.1 of the report:

“c) Councillors in receipt of the Telephone element of the Councillors' Broadband and Telephone Allowance must allow for their telephone number to be published on the Authority's website and promoted as necessary save in exceptional circumstances”.
- 4) Paragraph 6.4 of the Policy be redrafted so as to allow each Councillor within the same household to receive the Data Allowance Payment but that the household be limited to one Broadband Allowance;
- 5) The “Broadband and Telephone Allowance” be renamed the “Data and Telephone Allowance”;
- 6) Paragraph 7.5 of the Policy be deleted and the section renumbered accordingly.

- 7) Paragraph 7.1 of the Policy be amended as follows with an additional second condition also being added:

“7.1 The Authority currently pays a monthly Councillors’ Mobile Phone Allowance to qualifying Councillors in order to supplement their mobile phone bills due to their increased use for Council business providing:

- a) Councillors produce proof on an annual basis of their Mobile Phone contract to the Cabinet Office / Democratic Services Team.
- b) Councillors in receipt of the Councillors’ Mobile Phone Allowance must allow for their mobile telephone number to be published on the Authority’s website and promoted as necessary save in exceptional circumstances”.

- 8) The following note be added to Paragraph 9.4 of the Policy:

Note:

- 1) The Co-opted Members ICT Allowance over a 4 and year period is £361.60 and £441.60 in total respectively. This amount may be spent at any time during the 4-6 year term provided the claims are made using the Councillors / Co-opted Members ICT Allowance Claim Form and with relevant receipts;
- 2) Any spend exceeding £40 in the final year of the Term of Office must be approved in advance by the Head of Democratic Services in conjunction with the Chief Transformation Officer. They may look at temporary solutions such as providing Authority owned ICT devices.

- 9) A Paragraph 9.7 be added to the Policy as follows:

“9.7 Co-opted Members in receipt of the Telephone element of the Co-opted Member Broadband and Telephone Allowance must allow for their telephone number to be published on the Authority’s website and promoted as necessary save in exceptional circumstances”.

## **6 Social Media - A Guide for Members - WLGA First Draft.**

The Head of Democratic Services presented a report to seek comments and suggestions in relation to the Welsh Local Government Association (WLGA) Draft “Social Media – A Guide for Members”.

The Draft document was attached as Appendix A.

Following discussions the following comments were made on the draft “Social Media – A guide for Members”

- The last Paragraph of the Introduction be amended to include the word ‘some’ after offers and before advice to help make clear that this advice is not exhaustive and that there is more advice available if required.

- Amend the Heading of Paragraph 2 'Why Should You Use Social Media?' to something less directive such as 'Why You May Find Social Media Useful'
- It was suggested that more advice could be provided in relation to Facebook particularly providing advice on how to manage your profile managing groups as well as more guidance on sharing posts.
- The following paragraphs were highlighted as particularly useful: - 'Are you controlling your Social Media or is it controlling you'; and Paragraph 9 – 'Keep on the right side of the law....'

**Resolved** that the Comments of the Committee would be fed back to the Welsh Local Government Association.

## **7 Workplan 2018-2019.**

The Committee discussed potential items for the Work Plan 2018/19. The Committee discussed working digitally and current legislative constraints on video conferencing for Committees.

The Head of Democratic Services proposed possible training on the Modern.Gov system for the Committee and noted that the next meeting was scheduled for the 9 October 2018.

The meeting ended at 5.40 pm

**Chair**

# Agenda Item 4



## Report of the Head of Democratic Services

Democratic Services Committee - 6 November 2018

### Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2019-2020 - Consultation

<b>Purpose:</b>	To consult and comment on the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2019-2020. The comments of the Democratic Services Committee will lead to a Council report proposing a formal reply to the IRPW.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The views of the Committee are sought.
<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is tasked with setting the remuneration levels for Councils in Wales. Each year, they publish a Draft Annual Report which is circulated for consultation. The Draft Report may be viewed at <https://gov.wales/docs/dsjlg/publications/181002-irp-draft-report-en.pdf>. The consultation period closes on 27 November 2018. The final IRPW report will be published in February 2019.
- 1.2 This report sets out the determinations affecting the City and County of Swansea and proposes responses as necessary.

#### 2. Determinations within the IRPW Draft Annual Report 2019

- 2.1 The IRPW Draft Annual Report contains a number of determinations that don't affect the City and County of Swansea and are omitted from this report.

2.2 An “Extract of the Determinations of the IRPW Draft Annual Report and City and County of Swansea’s Comments” is appended as **Appendix A**. The Appendix seeks to stimulate debate and ultimately a formal response to the IRPW consultation.

### 3. Equality and Engagement Implications

3.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

### 4. Financial Implications

4.1 The IRPW has proposed an increase of 1.97% to the Basic Salary in order to avoid further erosion in relation to average earning. The overall change proposed by the IRPW sees Civic Salaries and Senior Salaries ranging negatively and positively from (-7.13%) to 2.48%.

4.2 The total theoretical financial cost envelope as a result of these draft IRPW determinations is £22,152 and this will need to be fully reflected in future budgets from 2019-2020. The actual cost in any one year will depend upon who holds any of the Civic or Senior Salary Offices in year (i.e. where one Councillor might discharge two roles but only receive one higher allowance).

4.3 The IRPW determinations suggest a number of increases and decreases to a number of Salaries as outlined below:

- **Basic Salary.** £268 Increase per Councillor;
- Senior Salaries:**
- Band 1 (Leader & Deputy Leader). £800 Increase (Inclusive of £268);
- Band 2 (Executive / Cabinet Members). £800 Increase (Inclusive of £268);
- Band 3 (Committee Chairs). £268 Increase (Inclusive of £268);
- Band 4 (Leader of Largest Opposition Group). £268 Increase (Inclusive of £268);
- Band 5 (Leader of Other Political Groups). £268 Increase (Inclusive of £268);
- Civic Salaries:**
- Civic Salary (Civic Head). £1,732 Decrease.
- Civic Salary (Deputy Civic Head). £732 Decrease.

### 5. Legal Implications

5.1 There are no specific legal implications associated with this report.

**Background Papers:** None.

#### Appendices:

<b>Appendix A</b>	Extract of the Determinations of the IRPW Draft Annual Report and City and County of Swansea’s Comments.
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## Appendix A

### Extract of the Determinations of the IRPW Draft Annual Report 2019 and the City and County of Swansea's Comments

**NOTE:** For ease this report only outlines the salary figures of Group A Council's to which the City and County of Swansea belongs.

#### General Observations

1)	Use of the terms "Elected Member" and "Elected Members. The Authority suggests that the terms "Councillor" and "Councillors" be used instead, to make the document more user friendly for the public.
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#### Section 3 - Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries

<b>Determination 1</b>	<b>Basic salary in 2019/20 for elected members of principal councils shall be £13,868.</b>
<b>Comments</b>	This is a rise of £268 per Councillor. No comment.

<b>Determination 2</b>	<b>The Panel has determined that senior salary levels in 2019/20 for members of principal councils shall be as set out in Table 4 (of the IRPW Report).</b> <i>The proposed and current levels are outlined below for ease.</i>
<b>Comments</b>	Senior Salaries include the Basic Salary element. They have all raised by £268 in line with Determination 1. However Senior Salary Payments in Band 1 and Band 2 have increased by £800 per Councillor (Inclusive of the £268 Basic Salary amount quoted above). There has been no further change to Senior Salaries. No comment. Determination 2 of the IRPW would have the following effect:

<b>Senior Salaries (inclusive of basic salary) - Group A Councils</b>	<b>Current 2018/19</b>	<b>Proposed 2019/20</b>
<b>Band 1</b>		
Leader	£53,300	£54,100
Deputy Leader	£37,300	£38,100
<b>Band 2</b>		
Executive Members	£32,300	£33,100
<b>Band 3</b>		
Committee Chairs (if remunerated)	£22,300	£22,568
<b>Band 4</b>		
Leader of the Largest Opposition Group	£22,300	£22,568
<b>Band 5</b>		
Leader of Other Political Groups	£17,300	£17,568

<b>Determination 3</b>	<b>The Panel has determined that (where paid) a Civic Head must be paid a Band 3 salary of £22,568 and (where paid) a Deputy Civic Head must be paid a Band 5 salary of £17,568.</b>
<b>Comments</b>	Civic Salaries include the Basic Salary element. They have all raised by £268 in line with Determination 1. There were formally 3 Responsibility Levels set for Civic Salaries; however following feedback from Council's the IRPW have agreed to remove these. They are now replaced by single fixed payment which is lower than the current Level 1 which this Authority pays. This determination would lead to the Civic Head (Lord Mayor) seeing a £1,732 reduction and the Deputy Civic Head (Deputy Lord Mayor) seeing a £732 reduction. No comment.

<b>Civic Salaries (inclusive of Basic Salary)</b>	<b>Current 2018/19</b>		<b>Proposed 2019/20</b>	
	<b>Civic Leader</b>	<b>Dep Civic Leader</b>	<b>Civic Leader</b>	<b>Dep Civic Leader</b>
<b>Responsibility Level</b>	£24,300	£18,300	£22,568	£17,568

<b>Determination 4</b>	<b>The Panel has determined that, where appointed and if remunerated, a Presiding Member must be paid a Band 3 senior salary of £22,568.</b>
<b>Comments</b>	This determination does not alter the salary of a paid Presiding Member other than the element of £268 included in the Basic Salary. The Presiding Member within the City and County of Swansea is not remunerated. No comment.

<b>Determination 5</b>	<b>The Panel has determined that the post of Deputy Presiding Member will not be remunerated.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 6</b>	<b>The Panel has determined that each Authority, through its Democratic Services Committee, must ensure that all its Elected 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, email and internet facilities giving and electronic access to appropriate information.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 7</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 8</b>	<b>The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.</b>
<b>Comments</b>	No Change. Agreed.

## Section 5 - Pension provision for Elected Members of Principal Councils

<b>Determination 9</b>	<b>The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.</b>
<b>Comments</b>	No Change. Agreed.

## Section 6 – Entitlement to Family Absence

<b>Determination 10</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 11</b>	<b>When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 12</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

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<b>Determination 13</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 14</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 15</b>	<b>The Council's schedule of remuneration must be amended to reflect the implication of the family absence.</b>
<b>Comments</b>	No Change. Agreed.

## Section 7 - Payments to Members of National Park Authorities

Determinations 16-22 relate to Members of National Park Authorities. The Authority does not have any Councillors that are Members of National Park Authorities. No comment.

## Section 8 - Payments to Members of Welsh Fire and Rescue Authorities

<b>Determination 23</b>	<b>The basic salary for FRA ordinary members shall be £1,780.</b>
<b>Comments</b>	There are 7 Swansea Councillors that are Members of Welsh Fire and Rescue Authorities. This determination would lead to an increase of £35 per Councillor. No comment.
<b>Determination 24</b>	<b>The senior salary of the Chair of an FRA shall be £10,480.</b>
<b>Comments</b>	This determination would lead to an increase of £35 per Councillor. No comment.
<b>Determination 25</b>	<b>An FRA senior salary can be paid to the Deputy Chair and up to two Chairs of committees where there is significant and sustained responsibility. This shall be paid at £5,480.</b>
<b>Comments</b>	This determination would lead to an increase of £35 per Councillor. No comment.
<b>Determination 26</b>	<b>The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.</b>
<b>Comments</b>	No Change. Agreed.
<b>Determination 27</b>	<b>Members must not receive more than one FRA senior salary.</b>
<b>Comments</b>	No Change. Agreed.
<b>Determination 28</b>	<b>An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.</b>
<b>Comments</b>	No Change. Agreed
<b>Determination 29</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

## Section 9 - Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire and Rescue Authorities

<b>Determination 30</b>	<b>Principal Councils, NPAs and FRAs must pay the following fees to Co-opted Members (who have voting rights)</b>
<b>Comments</b>	The Authority welcomes the amendment in the table below which clarifies that a payment can only be made to Community / Town Councillors sitting on Principal Council Standards Committees. No Change. Agreed.

Chairs of Standards, and Audit Committees	£256 (4 hours and over) £128 (up to 4 hours)
Ordinary members of Standards Committee who also Chair Standards Committees for Community / Town Councils	£226 daily fee (4 hours and over) £113 (up to 4 hours)
Ordinary members of Standards Committees; Education Scrutiny Committee, Crime and Disorder Scrutiny Committee and Audit Committee	£198 (4 hours and over) £99 (up to 4 hours)
Community and Town Councillors sitting on Principal Council Standards Committees	£198 (4 hours and over) £99 (up to 4 hours)

<b>Determination 31</b>	<b>Reasonable time for pre meeting preparation is 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.</b>
<b>Comments</b>	Minor change aimed at strengthening the determination. Agreed.

<b>Determination 32</b>	<b>Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).</b>
<b>Comments</b>	Minor change aimed at strengthening the determination. Agreed.

<b>Determination 33</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 34</b>	<b>Fees must be paid for meetings and other activities including 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.</b>
<b>Comments</b>	Minor change aimed at strengthening the determination. Agreed.

<b>Determination 35</b>	<b>The Panel has determined that each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.</b>
<b>Comments</b>	This is a new determination aimed at ensuring that Co-opted Members receive appropriate support from the Authority in the same way that a Councillor would. The Authority already complies with this determination. Agreed.

## Section 10 – Reimbursement of Costs of Care

<b>Determination 36</b>	<b>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 must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.</b>
<b>Comments</b>	No Change. Agreed.

## Section 13 - Payments to Members of Community and Town Councils

Determinations 37-45 relate to Community / Town Councils. They are listed below for information only. No Comment.

<b>Determination 37</b>	<b>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.</b>
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<b>Determination 38</b>	<b>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.</b>
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<b>Determination 39</b>	<b>Community and town councils in Groups B or C can make an annual payment of £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.</b>
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<b>Determination 40</b>	<p><b>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:</b></p> <ul style="list-style-type: none"> <li>• <b>45p per mile up to 10,000 miles in the year.</b></li> <li>• <b>25p per mile over 10,000 miles.</b></li> <li>• <b>5p per mile per passenger carried on authority business.</b></li> <li>• <b>24p per mile for private motor cycles.</b></li> <li>• <b>20p per mile for bicycles.</b></li> </ul>
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<b>Determination 41</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• £28 per 24-hour period allowance for meals, including breakfast where not provided.</li> <li>• £200 - London overnight.</li> <li>• £95 - elsewhere overnight.</li> <li>• £30 - staying with friends and/or family overnight.</li> </ul>
<b>Determination 42</b>	<p>Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>• Up to £54.00 for each period not exceeding 4 hours.</li> <li>• Up to £108.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
<b>Determination 43</b>	<p>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. Reimbursement must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.</p>
<b>Determination 44</b>	<p>Community and town councils can provide a Civic Head payment to the mayor/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.</p>
<b>Determination 45</b>	<p>Community and town councils can provide a Deputy Civic Head payment to the deputy mayor/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.</p>

# Agenda Item 5



## Report of the Head of Democratic Services

Democratic Services Committee - 6 November 2018

### Review of Councillors Handbook

<b>Purpose:</b>	To review Section A “Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)” of the Councillors Handbook.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The amendments suggested by the Head of Democratic Services be considered by the Committee; 2) Section A of the amended Councillors Handbook be recommended to Council for adoption.
<b>Report Author:</b>	Huw Evans
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 The Councillors Handbook provides information to Councillors / Co-opted Members. Section A of the Councillors Handbook was last reviewed by the Democratic Services Committee on 7 November 2017 with Council adopting the proposed changes at its meeting on 14 December 2017.
- 1.2 The Head of Democratic Services has undertaken a further review of Section A of the Councillors Handbook in order to ensure that it is in line with the determinations of the Independent Remuneration for Wales (IRPW), workable with the Councillors Self Service (Oracle) system and avoids duplication of content with the Members’ Schedule of Remuneration.
- 1.3 The Members’ Schedule of Remuneration, sets out the regulations and payments made to Councillors and Co-opted Members as determined by the IRPW and the Authority has a duty to publish it.

**2. Section A “Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)”**

2.1 **Appendix A** below sets out a tracked changes version of the changes proposed by the Head of Democratic Services to Section A “Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)”.

2.2 The entire Councillors Handbook may be viewed at [www.swansea.gov.uk/cllrshandbook](http://www.swansea.gov.uk/cllrshandbook)

**3. Equality and Engagement Implications**

3.1 There are no equality or engagement implications associated with this report.

**4. Financial Implications**

4.1 There are no financial implications associated with this report.

**5. Legal Implications**

5.1 There are no specific legal implications associated with this report.

**Background Papers:** None.

**Appendices:**

<b>Appendix A</b>	Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses).
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### Councillor and Co-opted Member Remuneration (Salaries, Allowances & Expenses)

#### 1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) determines the remuneration of Councillors on an annual basis. Whilst Councillors & Co-opted Members are not employees, the treatment of their remuneration for most purposes is the same as if they were employees.
- 1.2 This document provides Councillors and Co-opted Members with practical information relating to Salaries, Allowances and Expenses. For further information, please contact the Head of Democratic Services, Cabinet Office, Democratic Services or Payroll.
- 1.3 Additional information and guidance may be found at:

- i) [Members' Schedule of Remuneration;](#)
- ii) [www.swansea.gov.uk/travelandexpenses;](http://www.swansea.gov.uk/travelandexpenses)
- iii) [Independent Remuneration Panel for Wales \(IRPW\) Annual Report.](#)

#### 2. Councillors Salaries, Allowances and Expenses

- 2.1 The ~~Members' Schedule of Remuneration Council Constitution (Part 6 "Members Allowances Scheme")~~, sets out the ~~payments made to Councillors and Co-opted Members as determined by the Independent Remuneration Panel for Wales (IRPW). Salaries, and Expenses set by the IRPW.~~
- 2.2 ~~The Councillors' ICT Allowances - May 2017 & Beyond Policy (Hyperlink) sets out and the Allowances set by the Council aimed at supporting the work of Councillors and Co-opted Members.~~
- 2.3 ~~Councillor Salary payments are paid automatically on a monthly basis.~~
- 2.4 ~~Councillor / Co-opted Member Allowance claims must be made by completing the appropriate forms:~~
- ~~• ICT Allowance;~~
  - ~~• Reimbursement of Costs of Care.~~
- 2.4 ~~Claims for the following allowances must be made by providing the Cabinet Office / Democratic Services Team with evidence of the bill including your address and telephone number on an annual basis:~~
- ~~• Broadband & Telephone Allowance;~~
  - ~~• Mobile Phone Allowance.~~

2.3 Councillor Expenses claims must be made via the Authority's Oracle system. Co-opted Members should submit their claims in writing via Democratic Services. [www.swansea.gov.uk/staffnet/mileageandexpenses](http://www.swansea.gov.uk/staffnet/mileageandexpenses)

2.4 Councillors / Co-opted Members may claim for travel expenses incurred when undertaking an Approved Duty / Official Business ([See Members' Schedule of Remuneration for definition](#))~~Defined below~~).

2.5 Attendance at Meetings. Councillors must sign the Attendance Book and should check the published minutes to ensure that their presence was recorded. If the minute is incorrect the Councillor should inform Democratic Services before the next meeting. For ease of reference, Councillors are required to print their name along with their signature.

2.6 Representation on Outside Bodies. Councillors may not claim for meetings of 'Outside Bodies' unless they are the named representative or the named substitute. When claiming for attendance at Outside Bodies the onus is on the Councillor to be able to provide adequate evidence of attendance at the meetings claimed.

2.7 Examples where meetings would NOT constitute an approved duty:

- Political, Political Group, Private Matters / Personal Meetings;
- Electoral Division Meetings where Officers are not present;
- An Invitation to a function;
- School Governors meetings (Unless you are the Local Authority (LA) Representative. You may be able to claim from the school.

~~2.7 Further information relating to Councillors / Co-opted Members' Salaries, Allowances and Expenses are set out in:~~

- ~~Published Schedule of Remuneration;~~
- ~~Constitutional Matters Report;~~
- ~~IRPW Annual Report.~~

### 3. Reimbursement of Costs of Care

~~3.1 Information relating to the Reimbursement of Costs of Care may be viewed at Members' Schedule of Remuneration. The Independent Remuneration Panel for Wales (IRPW) have determined that 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 to a set maximum per month.~~

~~3.2 Further information relating to the Reimbursement of Costs of Care may be viewed at IRPW Annual Report Publication Page.~~

3.2 For Councillor / Co-opted Member reimbursement they must complete the Reimbursement of Costs of Care Claim form which must be accompanied by a receipt from the carer. These documents are available [here](#).

## ~~4. Foregoing of Salary and / or Allowance~~

~~4.1 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the Authority's Proper Officer to forego all or any element of the payment. It is fundamental that there is transparency in this process so that any possible suggestion that Members are put under pressure to forego some of the salaries is avoided.~~

## ~~5. Approved Duties / Official Business~~

~~5.1 Official Business is defined in Section 142 (10) of the Local Government (Wales) Measure 2011.~~

~~5.2 The list of approved duties is laid out in each Independent Remuneration Panel for Wales Annual Report which may be viewed at the [IRPW Annual Report Publication Page](#).~~

~~5.3 **Attendance at Meetings.** Councillors must sign the Attendance Book and should check the published minutes to ensure that their presence was recorded; otherwise, they will be deemed not to have attended the meeting. For ease of reference, Councillors are required to print their name along with their signature.~~

~~5.4 **Representation on Outside Bodies.** Councillors may not claim for meetings of 'Outside Bodies' unless they are the named representative or the named substitute. When claiming for attendance at Outside Bodies the onus is on the Councillor to be able to provide adequate evidence of attendance at the meetings claimed.~~

~~5.5 Examples where meetings would **NOT** constitute an approved duty:~~

- ~~• Political, Political Group, Private Matters / Personal Meetings;~~
- ~~• Electoral Division Meetings where Officers are not present;~~
- ~~• An Invitation to a function;~~
- ~~• School Governors meetings (Unless you are the Local Authority (LA) Representative. You may be able to claim from the school.~~

## **4. Travel**

4.1 Councillors and Co-opted Members must always be mindful of choosing the most cost effective method of travel. This means that Economy Class Travel will be the norm for Rail, Road, Air or any other method of travel. The Chief Executive in consultation with the Section 151 Officer may allow an alternative class of travel in exceptional circumstances only.

- 4.2 Should a Councillor or Co-opted Member wish to pay to upgrade to a higher class of travel, they may do so, providing them pay for the total difference from Economy Class.

## **5. Travel by Rail**

- 5.1 Councillors may not use First Class Rail Travel unless they have outlined a genuine business case in writing (preferably e-mail) to the Head of Democratic Services. The Head of Democratic Services shall review the request in consultation with the Section 151 Officer and decide accordingly.
- 5.2 Authorisation from the Budget Holder / Head of Service who will be paying for Rail Travel will be required in writing (preferably e-mail) prior to any bookings being made by the relevant Officers.
- 5.3 The Cabinet Office or Democratic Services Team should make all rail bookings for journeys beyond Cardiff on behalf of Councillors / Co-opted Members. Where possible, costs shall be paid by the use of the Authority's Corporate Purchasing Card. If the purchase card method is not possible, the council standard ordering and payment processes should be applied.
- 5.4 Should the event which led to the need for Rail Travel be cancelled or the Councillor can no longer attend then the cost incurred by the Authority will still be attributed to that Councillor and reported to Council via the annual "Councillors Allowances and Expenses" report.
- 5.5 **Rail Cards** may be purchased for Councillors who travel on Council business, if it reduces the cost to the Council. The Councillor must provide all necessary documentation for the railcard to the DS Team / Cabinet Office who will obtain the railcard on the Councillors behalf. Privately purchased rail cards may be reimbursed providing it is deemed to be of benefit to the Authority. Should a Councillor lose their Authority purchased Railcard, the Councillor will have to pay the charge for a replacement.
- 5.6 An Oyster Card has been purchased for Councillors to use for tube travel in London instead of having to purchase daily Travel Cards for this purpose. The Oyster Card can be "topped up" as and when necessary by the DS Team / Cabinet Office. Should a Councillor lose the Authority purchased Oyster Card they will have to pay the remaining balance currently on the card in order for a new card to be purchased.
- 5.7 Should a Councillor wish to repay any monies owed to the Authority in relation to travel, i.e. cancelled tickets, upgrading to first class travel or paying for a lost Railcard or Oyster Card then the payment **MUST** be by cheque or cash made payable to the City & County of Swansea (Salary deduction is not permitted).

## 6. Travel by Private Car

- 6.1 Councillors must consider what is the most cost effective and efficient form of travel prior to using their own car. They should seek the optimum match between the efficient use of time, a fair reimbursement of costs and the economical use of public resources. Distances will be calculated using the RAC Route Planner website. <http://route.rac.co.uk/>
- 6.2 Councillors shall personally cover the cost of their travel:
- For direct journeys between their home and private place of work;
  - When attending any venue in a private capacity;
  - When undertaking their Electoral Ward duties.
- 6.3 The Authority will hold a list of the distances relating to the most frequent or routine journeys undertaken by each Councillor (usually home to Civic Centre and return). This list will be reviewed and updated at the First Annual Meeting of Council following an election. For all mileage claims checked using the RAC Route Planner, distances will be rounded up or down to the nearest mile.
- 6.4 Mileage Claims from a Councillors Private Place of Work (excluding qualifying address)**
- 6.5 The maximum allowance for journeys from a Councillor's workplace to the location of approved duty will be for the amount the Councillor would have claimed if they were travelling from their home.
- 6.6 Site Visits** - Councillors are expected to use the transport provided to attend Site Visits. Where the distance to the Guildhall would be in excess of the mileage to the Site Visit itself a car can be used and mileage claimed for that shorter journey. This must be made clear on the claim form. Councillors should travel together wherever possible. **Note: Mileage cannot be claimed if transport is provided, unless agreed in advance and in writing by the Head of Democratic Services.**
- 6.7 Authorised **journeys** are reimbursed at the approved mileage rates as set by the IRPW.
- 6.8 **For journeys over 150 miles in total** (from a starting point of the Guildhall, Swansea, SA1 4PE) then the Councillor should **consider the most financially viable and economic form of transport available**. If that Councillor chooses to use their own vehicle they would only receive the cost of the most financially viable and economic form of transport for that journey. If travelling outside of the Swansea & Neath Port Talbot areas, please check travelling arrangements with the DS Team / Cabinet Office in advance of the journey as train travel may be cheaper.

- 6.9 **Incidental costs** (e.g. fuel, tolls, ferries and parking fees) will be reimbursed subject to production of receipts and the completion of Oracle / claim form. Relevant VAT receipts for fuel are required to be kept by Councillors / Co-opted Members for a period of 7 years for all mileage claims for potential inspection by HMRC. Dates on receipts must reflect the period of the claim.
- 6.10 If using a private vehicle whilst on Council business, Councillors should ensure that they have comprehensive vehicle insurance specifically including business and commuting use. The Authority will be unable to financially support Councillors in the event of an accident without comprehensive cover.

## 7. Travel by Hired / Pool Car

- 7.1 Councillors and Officers may hire a B Class vehicle (currently Ford Focus style of car). A larger style car may be booked depending on distance travelled and number of passengers in the car. Authorisation to hire a larger car must be obtained in advance in writing (e-mail) from the Head of Democratic Services. Information regarding Pool Cars is available on StaffNet [here](#).

## 8. Travel by Taxi

- 8.1 Travel by Taxi claims for journeys taken **within** the City and County of Swansea shall only be allowed with the production of a relevant receipt and with prior authorisation in writing (e-mail) from the Head of Democratic Services in consultation with the Section 151 Officer.
- 8.2 Travel by Taxi claims for journeys taken **outside** of the City and County of Swansea shall only be allowed with the production of a relevant receipt and if it is a reasonable journey to have made i.e. from event to Train Station.

## 9. Travel by Air

- 9.1 Flights will be arranged via the DS Team / Cabinet Office. Councillors and Officers will travel Standard Class. Permission to fly must be obtained in advance and in writing (e-mail) from the relevant Head of Service. The relevant Service Unit shall fund the Airfare costs. **Note:** Foreign travel must be approved by the Chief Executive in advance and in writing (e-mail).

## 10. Travel by Bicycle

- 10.1 A cycling allowance is available as outlined by the Independent Remuneration Panel for Wales.

## 11. Travel by Bus

- 11.1 Bus fares will be reimbursed subject to the production of the appropriate tickets.

## **12 Subsistence**

12.1 Councillors are able to claim for subsistence expenses incurred when undertaking an Approved Duty. Subsistence is paid in addition to the Basic, Civic and Senior Salaries **and are subject to the following rules:**

12.2 Subsistence within the Authority's area will not be paid.

12.3 Subsistence for approved duties outside the Authority's area are payable up to a maximum and in line with the IRPW determinations. **Claims without a valid receipt will not be authorised.**

### **12.4. Overnight Costs**

12.5 Where an approved duty involves an overnight stay the accommodation should be organised via the Cabinet Office / Democratic Services.

12.6 The Head of Democratic Services has discretion in this area but the decision is mainly based on:

- Where the round trip is more than 250 miles and the relevant meeting / duty starts before 12.00 noon (for the night before) and / or where the relevant meeting / duty finishes after 4.00 pm (for the night after);
- Where the round trip is more than 500 miles and the relevant meeting / duty starts before 1.00pm and / or finishes after 3.00pm.

12.7 Councillors should obtain prior written authorisation (e-mail) from the relevant Head of Service in relation to overnight expenditure.

### **12.8 Accommodation**

12.9 Accommodation should be booked in advance by the Cabinet Office / Democratic Services Team.

## **13. Overseas (Foreign) Travel, Foreign Currency and Council Related Business Communication**

13.1 Councillors **MUST** gain written (e-mail) authority from the Chief Executive prior to travelling abroad. A detailed itinerary of the trip giving the names of all people travelling, modes of transport between venues and specifying items of expenditure which have been paid in advance by the Authority or likely to be paid by the Authority or provided by an outside body must also be provided to the Chief Executive. In any cases of urgency, approval must be obtained under the Chief Executive's delegated powers, exercised after consultation with the Leader of the Council.

- 13.2 **Foreign Currency.** To obtain foreign currency a Councillor can obtain a cash advance from Cashiers and arrange to have the money converted into the appropriate currency themselves. The expenditure receipt(s) should be retained for submission with the Oracle expense claim. Any surplus money left over from an overseas visit need not be returned to the Authority as the cash advance amount has already been deducted from the Councillors salary and reimbursed to Cashiers.
- 13.3 **Council related business communication.** The Head of Democratic Services will consider all reasonable requests for other valid business costs relating to the trip providing relevant receipts are attached.

## 14. Claiming

- 14.1 Councillor Expenses claims must be made via the Authority's Oracle system. Co-opted Members should submit their claims in writing via Democratic Services. [www.swansea.gov.uk/staffnet/mileageandexpenses](http://www.swansea.gov.uk/staffnet/mileageandexpenses)
- 14.2 The responsibility lies with the Councillor / Co-opted Member for the accuracy of the claim. Councillors need to keep an accurate record of expenses claimed to avoid duplication of claims. They should ensure that they actually attended the events that they are claiming for otherwise it could be deemed as a fraudulent claim.
- ~~14.3 The Head of Democratic Services in consultation with the Section 151 Officer may waive any of the rules on claiming in exceptional circumstances by giving authorisation in writing (e-mail).~~
- ~~16.3 When attending more than one meeting a day and claiming more than one journey, the times and place of 'commencement' and 'completion' of duties must be inserted for every journey.~~
- ~~16.4 If the period between meetings spent is less than 1 hour then Councillors will only be entitled to claim one return journey.~~
- ~~16.5 Councillors must therefore judge whether it would be constructive whenever possible to remain within the area if meetings are within a reasonable period of one another. This also applies to rota visits. Councillors are requested where possible to visit establishments in the same vicinity at the same time.~~
- 14.4 No payment shall be made without a valid receipt.
- 14.5 Co-opted Member claims should be submitted no later than **5<sup>th</sup> of the month for payment on the 25<sup>th</sup> of the month** (or the previous working day if falling on a Saturday, Sunday or Bank Holiday). Councillor claims should be made via Oracle.

14.6 Claims must be submitted within 3 months of the meeting claimed for save for any exceptional circumstances which will be considered by the Head of Democratic Services in conjunction with the Section 151 Officer. Ideally Councillors should submit their claim forms on a monthly basis.

14.7 If a Councillor attempts to claim more mileage than set by Council, the mileage will be amended to the maximum level approved by Council.

#### **14.8 Checking of Travelling and Subsistence Allowances**

14.9 The Cabinet Office / Democratic Services Team will carry out a random 10% audit check of submitted claims. However, the duty remains on the person submitting the claim that it is a valid claim. They will check:

- Accurate Mileage;
- The claim matches the correct name of the Meeting;
- The Date of the Meeting;
- The Councillor / Co-opted Member actually attended;
- ~~Attendance Records at Outside Bodies and Officer meetings;~~
- Other checks as necessary to clarify any ~~on other~~ unclear claim entries.

#### **14.10 Cash Advances**

14.11 Cash advances of Travelling and Subsistence Allowances ~~can only be obtained if the amount is £56 or over and~~ must be authorised by the Section 151 Officer (normally £56 is the minimum, however the Head of Democratic Services may consider each case on merit). The cash advance can then be made via the Cashiers Office.

14.12 Any unused monies from a cash advance must **not** be returned to the Authority (Cashiers) but kept by the Councillor as the original advance amount has already been deducted from their salary and reimbursed to Cashiers.

### **15. Car Parking Permits**

15.1 As a result of a scheme introduced by Cabinet in January 2011, Councillors will have to apply for a permit to enable them to park in Council car parks, whilst on Council duties.

15.2 Councillors are entitled to reclaim the cost incurred for their car parking permit by using the reclaim. If Councillors re-claim this charge it will be included on the Councillors Annual Allowances & Expenses spreadsheet which is presented to Council and published on the City & County of Swansea website. All applications for car parking permits and any amendments or cancellations should be made via [the self-service option in Oracle](#).

15.3 There is a charge to be paid by Councillors to replace a lost car parking permit.

## **16. Interests, Gifts and Hospitality of Councillors**

- 16.1 Information on Interests, Gifts and Hospitality of Councillors is laid out within the Council Constitution under Council Procedure Rules and within the [Councillors Code of Conduct](#).

## **17. Income Tax**

- 17.1 Basic Salaries, Civic Salaries, Senior Salaries, Broadband and Telephone Allowance, Mobile Phone Allowance, ICT Allowance and the Reimbursement of Costs of Care are all taxable. Councillors will be automatically taxed under the normal Pay as you Earn (PAYE) system. The tax code applied will depend on the statement ticked on the Councillor Personal Information Sheet at the time of starting. Any changes to the initial code operated would be on instruction from HMRC.
- 17.2 Additionally, Councillors should contact the Payroll section of the Service Centre if they are aware they should be taxed at a rate higher than the basic rate.
- 17.3 Currently there is no “profit” element on Mileage due to the fact that the Council pays the rate determined by the IRPW. As it is deemed there is no profit, no end of year report (P11D) is submitted.

## **18. National Insurance Contributions**

- 18.1 Since the current levels of Councillors Allowances exceeds the current lower earnings limit for all Councillors under 65 years of age (Sliding scale from Age 60 for women depending on Date of Birth), there is a liability for Class 1 National Insurance contributions at the standard rate. Any Councillor over 65 years of age (Sliding scale from Age 60 for women depending on Date of Birth) will need to provide a copy of their passport or birth certificate for exemption from National Insurance.
- 18.2 Married women and certain widows who have exercised their right not to pay the full rate will need to produce their reduced liability certificate.
- 18.3 Each employment is considered separately for contribution purposes and no account is taken of the fact that a Councillor may have another job or be self-employed.
- 18.4 However, there is an annual maximum for contribution liability and in certain instances a Councillor may be entitled to a refund. Information regarding this can be obtained from the DWP.

## **19. Social Security Benefits**

- 19.1 Social Security benefits is an area of growing complexity and detailed specialist advice must be obtained from the local office of the relevant Benefits Agency.
- 19.2 Councillors must notify the Department of Social Security Office from which they receive the benefits that they are an elected Councillor.
- 19.3 If a Councillor is minded to renounce his / her Basic Salary, Civic Salary or Senior Salary, because of the potential impact on benefit entitlement, s/he should consult the Benefits Agency before doing so. In most cases it is the amount to which a Councillor is entitled, not the amount actually claimed, which will be taken into account in calculating benefit.
- 19.4 The treatment of Councillor's Allowances varies from benefit to benefit. For some benefits, the very fact that they are undertaking Council duties (whether or not they get paid for them) can affect their rights to claim. In other cases, it is the level of income from the Allowance that affects entitlement.

## **20. Insurance**

- 20.1 Brief details of the 'Personal Accident & Travel Policy' are as follows:

Under the Personal Accident section, this insurance provides cover to the Insured for accidental bodily injury to an insured person, which results in death, a permanent disability or temporary disability within 24 months of an accident. Under the Travel section, this insurance provides cover to the Insured for medical and emergency travel expenses, medical repatriation, political and natural disaster evacuation expenses, personal liability, loss of or damage to personal property, business equipment or money, cancellation, curtailment, alteration expenses and hijack, kidnap and ransom costs for an insured person. There are also sections providing cover for legal expenses, crisis containment expenses and vehicle rental expenses.

- 20.2 For full details of the policy and a copy of the Lifeline Plus Travel Pack to use on business trips away from the office and abroad contact:

**Principal Insurance Officer**

Insurance Team, Financial Services & The Service Centre, Civic Centre,  
Swansea, SA1 3SN

01792 63 6741

**Huw Evans**  
**Head of Democratic Services**