



Joint Report of the Head of Democratic Services & Head of Digital & Customer Services

Council – 7 July 2022

Councillors ICT Allowances Policy – May 2022 & Beyond

Purpose:	<p>The Councillors ICT Allowances Policy – May 2022 & Beyond was adopted by Council on 27 January 2022.</p> <p>It is proposed that the Policy be amended slightly to resolve an issue relating to the Telephone element of the Data & Telephone Allowance.</p>
Policy Framework:	<p>Independent Remuneration Panel for Wales Annual Report. Local Government & Elections (Wales) Act 2021.</p>
Consultation:	<p>Access to Services, Finance, Legal.</p>
Recommendation(s):	<p>It is recommended that:</p> <ol style="list-style-type: none">1) Paragraph 4.5 of the Councillors ICT Allowances Policy – May 2022 & Beyond as outlined in Appendix A of the report be deleted.2) Paragraph 5.3 of the Councillors ICT Allowances Policy – May 2022 & Beyond be amended as outlined in Paragraph 3.3 of the report.3) The Policy be re-numbered accordingly.
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1. Introduction

- 1.1 Council adopted the Councillors ICT Allowances Policy – May 2022 & Beyond on 27 January 2022. The Policy is attached as **Appendix A**. The Policy has been reviewed by the Head of Democratic Services since then, to seek to address an issue relating to the Telephone element of the Data & Telephone Allowance.

2. Councillors / Co-opted Members' Data & Telephone Allowance

- 2.1 Paragraph 4.5 of the Policy relates specifically to the Telephone element of the Data & Telephone Allowance. It states:

*“4.5 The **Telephone element** of the Councillors / Co-opted Members' Data & Telephone Allowance, shall only be paid once per Councillor / Co-opted Member household (i.e. if there are 2 or more Councillors / Co-opted Members living at the address then only one person shall receive the Telephone element of the Allowance).”*

- 2.2 This paragraph relates to a time when home phones were far more prevalent than mobile phones and a rule was put in place limiting a Councillor / Co-opted Member to one payment per household.

- 2.3 We are now in an age where mobile phones are personal devices for so much of a Councillor / Co-opted Members needs and the Policy needs amending to reflect that fact.

- 2.4 It is proposed that Paragraph 4.5 of the Councillors ICT Allowances Policy – May 2022 & Beyond be deleted and the Policy be re-numbered accordingly.

3. Councillors' Mobile Phone Allowance

- 3.1 Paragraph 5.3 of the Policy outlines the Councillors entitled to the Councillors' Mobile Phone Allowance:

“5.3 There are 12 Qualifying Councillors: Cabinet Members, Presiding Member and the Leader of the Largest Opposition Group. The Councillors' Mobile Phone Allowance is currently set at £25 per Qualifying Councillor per month.”

- 3.2 The Local Government & Elections (Wales) Act 2021 introduced Job Share Cabinet Members. These Job Share Cabinet Members receive a pro-rata salary; however their workload is and requirement to use a Mobile Phone needs to be addressed. It is proposed that Policy be amended to ensure that the Job Share Cabinet Members receive the Mobile Phone Allowance in full.

- 3.3 It is proposed that Paragraph 5.3 of the Councillors ICT Allowances Policy – May 2022 & Beyond be amended to read:

~~“5.3 There are 12 Qualifying Councillors~~ are: Cabinet Members, Presiding Member and the Leader of the Largest Opposition Group. The Councillors’ Mobile Phone Allowance is currently set at £25 per Qualifying Councillor per month. **Note: Job Share Cabinet Members will receive this payment in full and not pro-rata.**”

4. Integrated Assessment Implications

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.
 - Consider opportunities for people to use the Welsh language.
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 4.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.
- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 4.4 An IIA Screening Form has been completed and no adverse implications have been noted.

5. Financial Implications

- 5.1 The amendment may lead to a slight rise in payments; however, it will be managed within existing budget.

6. Legal Implications

- 6.1 The proposals identified are in accordance with relevant legislation.

Background Papers: None.

Appendices:

Appendix A Councillors' ICT Allowances Policy – May 2022 & Beyond.

Councillors' ICT Allowances Policy - May 2022 & Beyond

1. Introduction

- 1.1 Data (Broadband), ICT and Voice Communications equipment and systems are essential to enable Councillors and Co-opted Members to carry out their responsibilities effectively and securely.
- 1.2 This Policy is regularly reviewed by the Head of Democratic Services and Democratic Services Committee in order to allow for new technologies to be made available and to align Councillors and Co-opted Members to the Digital strategy of the Authority. Councillors are part of the Authority's rollout of a Digital culture ambition aiming to make Swansea a lead Authority in the UK.
- 1.3 This Policy links with the determinations of the Independent Remuneration Panel for Wales (IRPW) by which the Authority is bound. Details of the latest IRPW Annual Report and other information may be viewed on their website. <https://gov.wales/independent-remuneration-panel-wales>
- 1.4 In addition to the Councillors' ICT Allowances, the Authority also provides Office 365 for Councillors to use and the Authority's main buildings are covered by WiFi. Each Political Group Room is fitted out with PC's and Telephones.

2. Supporting the Work of Local Authority Members - IRPW Determinations

- 2.1 The Independent Remuneration Panel for Wales set out determinations each year in their Annual Report. A number of these determinations relate to how an Authority should support the work of Councillors and Co-opted Members.
- 2.2 The determinations set out rules to ensure that the Authority provides as much support as is necessary to enable Councillors / Co-opted Members to fulfil their duties effectively by provided them with adequate telephone and email facilities and electronic access to appropriate information. Deductions must not be made from members' salaries by the respective Authority as a contribution towards cost of support.
- 2.3 These determinations apply to Councillors and the Statutory Co-opted Members. The IRPW have also determined that the Community / Town Council Representative on the Standards Committee is to be treated as a Co-opted Member for this purpose.
- 2.4 The Authority has **14** Statutory Co-opted Members and **1** Community / Town Council Representative:
 - Chair of Governance & Audit Committee **x 1**.
 - Ordinary Member of the Governance & Audit Committee **x 4**.
 - Chair of Standards Committee **x 1**.
 - Ordinary Members of the Standards Committee **x 4**.

- Ordinary Members of Scrutiny Programme Committee x 4.
- Community / Town Councillor Representative of the Standards Committee x 1.

3. Councillors' & Co-opted Members ICT Allowances

3.1 There are 3 types of ICT Allowances available to Councillors / Co-opted Members. They are defined in their relevant sections within this Policy:

- a) Councillors / Co-opted Members' Data & Telephone Allowance;
- b) Councillors' Mobile Phone Allowance;
- c) Councillors / Co-opted Members' ICT Allowance.

3.2 As Statutory Co-opted Members do not have the same time commitment of a Councillor, the Councillors / Co-opted Members' Data & Telephone Allowance and the Councillors / Co-opted Members' ICT Allowance element for Co-opted Members has been set at 20% of that of a Councillor.

4. Councillors / Co-opted Members' Data & Telephone Allowance

4.1 The digital era has led to people including Councillors / Co-opted Members working in different ways to address their various connectivity requirements. Some people choose to have a broadband connection at home, others choose to have access to the internet on their mobile device or utilise a data dongle.

4.2 The Authority pays a monthly Data & Telephone Allowance to all Councillors / Co-opted Members providing:

- a) They produce proof twice in their 5-year term of Office of their Data and Telephone connection at their home in line with the instructions of the Head of Democratic Services;
- b) They are not in receipt of a payment for Data and Telephone at their home from a third party due to their employment or via an election;
- c) They allow for their telephone number to be published on the Authority's website and promoted as necessary save in exceptional circumstances.

4.3 As Statutory Co-opted Members do not have the same time commitment of a Councillor, the ICT Allowance and Data & Telephone Allowance for a Co-opted Member be set at 20% of that of a Councillor.

4.4 The Councillors / Co-opted Members' Data & Telephone Allowance is set out below:

	Data	Telephone
Councillor	£17.50	£10.00
Co-opted Member	£3.50	£2.00

- ~~4.5 The **Telephone element** of the Councillors / Co-opted Members' Data & Telephone Allowance, shall only be paid once per Councillor / Co-opted Member household (i.e. if there are 2 or more Councillors / Co-opted Members living at the address then only one person shall receive the Telephone element of the Allowance).~~
- 4.6 The **Data element** of the Councillors / Co-opted Member's Data & Telephone Allowance shall be paid for either one broadband or one mobile data contract per Councillor / Co-opted Member. This will be limited to one static broadband contract per household; however more than one Mobile Data Contract per household is permissible.
- 4.7 Under HM Revenue and Customs (HMRC) rules, the Councillors / Co-opted Members' Data & Telephone Allowance shall be subject to Tax and National Insurance deductions.
- 4.8 Should a Councillor / Co-opted Member cease to remain a Councillor / Co-opted Member the Councillors / Co-opted Members' Data & Telephone Allowance shall cease and any Data / Telephone contract taken out by the Councillor / Co-opted Member shall remain their sole responsibility as will any repayments. Please also refer to the section relating to **“What happens if a Councillor / Co-opted Member ceases to hold Office?”**

5. Councillors' Mobile Phone Allowance

- 5.1 The Authority currently pays a monthly Councillors' Mobile Phone Allowance to qualifying Councillors in order to supplement their mobile phone bills due their increased use for Council business providing:
- a) Councillors produce proof twice in their 5-year term of Office of their Mobile Phone contract in line with the instructions of the Head of Democratic Services
 - b) Councillors in receipt of the Councillors' Mobile Phone Allowance must allow their mobile telephone number to be published on the Authority's website and promoted as necessary save in exceptional circumstances.
- 5.2 Under HM Revenue and Customs rules, the Councillors' Mobile Phone Allowance shall be subject to Tax and National Insurance deductions.
- 5.3 ~~There are 12~~ Qualifying Councillors **are**: Cabinet Members, Presiding Member and the Leader of the Largest Opposition Group. The Councillors' Mobile Phone Allowance is currently set at £25 per Qualifying Councillor per month. **Note: Job Share Cabinet Members will receive this payment in full and not pro-rata.**
- 5.4 The Councillors' Mobile Phone Allowance is payable from the date when the Councillor is appointed by Council / Leader of the Council to a Qualifying Councillor position.

5.5 Should a Councillor cease to remain a Qualifying Councillor (as defined above) the Councillors' Mobile Phone Allowance shall cease and any Mobile Phone contract taken out by the Councillor shall remain their sole responsibility as will any repayments.

5.6 Should a Councillor cease to remain a Councillor the Councillors' Mobile Phone Allowance shall cease and any Mobile Phone contract taken out by the Councillor shall remain their sole responsibility as will any repayments. Please also refer to the section relating to **“What happens if a Councillor / Co-opted Member ceases to hold Office?”**

6. Councillors / Co-opted Members' ICT Allowance

6.1 The Councillors / Co-opted Members' ICT Allowance allows Councillors / Co-opted Members to purchase their own ICT equipment such as desktop or laptop PC, Tablet Computer, Printer and Software, ICT Peripherals such as storage, backup facilities, printer paper and ink and ICT Support.

6.2 The Authority recommends that an element of this allowance be used to purchase an ICT support service. **ICT Support is defined as:** Either an ad-hoc or fixed contract with a third party (Not the Authority) aimed at providing ICT support should any element of your ICT equipment fail.

6.3 The Authority will only provide ICT Support for issues directly linked to the Authorities systems, such as Password Reset, Access to Office 365 and Oracle. The Authority will also provide general guidelines should the issue relate to an issue with the Councillors device, in order to aid them when having to contact an external ICT Support supplier.

6.4 The Councillors / Co-opted Members' ICT Allowance system is effectively a “Bring Your Own Device” (BYOD) arrangement. Councillors / Co-opted Members are able to purchase whichever device they find beneficial for their work; however, they should be mindful that it is highly recommended that their device is compatible with **Microsoft Office**.

6.5 Should a device not be compatible with Microsoft Office, Councillors / Co-opted Members may not be able to open documents sent to them by the Authority and in turn the Authority may not be able to open documents which the Councillor / Co-Opted Member sends them.

6.6 The Councillors / Co-opted Members' ICT Allowance is paid to all Councillors / Co-opted Members on request providing:

a) They produce a receipt proving their purchase of relevant ICT items;

b) They submit their claim on the Councillors' and Co-opted Members ICT Allowance Claim Form which is outlined at **Appendix 1** and / or by providing the bill as proof.

- 6.7 Under HM Revenue and Customs rules, the Councillors' and Co-opted Members ICT Allowance shall be subject to Tax and National Insurance deductions.
- 6.8 The following table sets out the total amounts that can be claimed under the Councillors / Co-opted Members' ICT Allowance:

Councillors / Co-opted Members' ICT Allowance Amounts	Councillor	Co-opted Member
The figure sets out the amount permitted to be sent over the 5-year terms of Office. It equates to £400 per annum for Councillors & £80 per annum for Co-opted Members. Note: The Authority will not pay any additional monies until the following Local Government Election.	£2,000	£400

7. What happens if a Councillor / Co-opted Member ceases to hold Office?

- 7.1 If a Councillor / Co-opted Member ceases to hold Office for whatever reason during their Term of Office, the Authority will immediately cease payment of any Allowance that they had previously been entitled to.
- 7.2 Any contract taken out by the Councillor / Co-opted Member during their period of Office will be their sole responsibility. The Authority will not make any payments towards the remaining period of the contract(s).
- 7.3 Any ICT equipment and ICT support purchased during a Councillors / Co-opted Members Term of Office shall automatically become their property. The Authority shall have no legal claim to it.
- 7.4 Should the Councillor / Co-opted Member cease to hold Office within the first 12 months of being elected / appointed they must repay any ICT Allowance which they received on a complete month pro rata basis. This paragraph is waived should a Councillor / Co-opted Member die during their Term of Office.

8. Data Protection Act / Security Advice (Anti-Virus, Anti-Spam, Firewall and Encryption)

- 8.1 Councillors are likely to handle personal information about individuals; as such they have a number of legal obligations to protect that information under the Data Protection Act 2018. Should a Councillor fail to comply with this Act then they would be liable to a fine of up to £5,000.
- 8.2 The Authority strongly advises that Councillors / Co-Opted Members install Anti-Virus, Anti-Spam and Encryption software and use password protection on any PC, Laptop, Tablet, Mobile Phone etc. used for Councillor Business. The use of a personal Firewall should also be considered. For advice in this area,

Councillors should take appropriate security advice from their external ICT Support provider.

9. Claiming of Allowances and Providing Receipts / Proof of Purchase

- 9.1 Councillors / Co-opted Members must produce proof of Data, Telephone connection at their home, Mobile Phone (for relevant Councillors) twice in their 5-year term of Office in line with the instructions of the Head of Democratic Services to receive this monthly allowance. Proof shall be required during May / June each year and should be given to the Cabinet Office / Democratic Services Team as appropriate.
- 9.2 Failure to provide proof of a Data / Telephone / Mobile Phone contract during May / June each year will result in payments being stopped until proof is provided. The Authority shall not backdate any payments beyond 3 months.
- 9.3 **Claiming the Councillors / Co-opted Members' ICT Allowance.** Councillors / Co-opted Members should purchase the ICT equipment they require and complete the Councillors / Co-opted Members' ICT Allowance Claim Form as shown in **Appendix 1**. The Claim Form should be returned to the Cabinet Office / Democratic Services Team as appropriate.

10. Councillors Self Service

- 10.1 Councillor Self Service allows Councillors to view, amend and apply for things via relevant software including:
- Payslips, P60's and P11d's;
 - Changes to personal details (address, bank etc.);
 - Car Parking Permits;
 - Mileage and Expenses Claims.
- 10.3 Self Service, will reduce printing costs, save administration time and costs and allow Councillors to update their information in real time.
- 10.4 User Guides are available on the Authority's StaffNet site <http://www.swansea.gov.uk/staffnet/mileageandexpenses>
- 10.5 Modern.gov is the Authority's software solution for meeting management including placing agendas, reports and minutes online. It is an integrated package which aims to simplify websites for Councillors, Officers and the public.

Appendices:

Appendix 1	Councillors / Co-opted Members ICT Allowance Claim Form.
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Councillor / Co-opted Members Name:	
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Provide details of ICT items or support purchased. In accordance with the Independent Remuneration Panel for Wales (IRPW) Councillors' ICT Allowance payments will only be made to Councillors following the completion of this form **together with the relevant receipt(s)**.

Date Purchased (DD/MM/YEAR)	Cost
Total Amount Claimed	£

Note:

- i) *I have incurred these costs to enable me to fulfil my duties as a Councillor in accordance with the IRPW.*
- ii) *Councillors' ICT Allowance. **Councillors:** £2,000 (over 5-years i.e. £400 p.a.). **Co-opted Members:** £400 (over 5-years i.e. £80 p.a.). The sums may be taken as a lump sum providing a receipt is provided. The Authority will not pay any additional monies until the following Local Government Election.*

For Office Use	Checked By:	Month Paid:	
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Not for Publication

Councillor Signature:	Date:	
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Address:	
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Post Code:	Payroll No.
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Item(s) / Service(s) Purchased	