Web site

PRESTATYN TOWN COUNCIL

7 Nant Hall Road
Prestatyn
LL19 9LR

10th March 2021

Dear Councillor

You are invited to attend a meeting of **FINANCE AND MANAGEMENT COMMITTEE** on **Wednesday 17th March 2021** upon rise of Town Planning Committee

Yours sincerely

Nigel Acott

Town Clerk

PLEASE NOTE DUE TO THE CURRENT RESTRICTIONS ON TRAVEL AND THE REQUIREMENT FOR SOCIAL DISTANCING THIS MEETING WILL NOT BE HELD IN ITS USUAL LOCATION. THIS WILL BE A REMOTE MEETING BY VIDEO CONFERENCE AND NOT OPEN TO THE PUBLIC.

1 APOLOGIES

2 DECLARATIONS OF INTEREST
To receive notice of Councillors personal and / or prejudicial interests in tonight's meeting

3 PAID ACCOUNTS
Copy attached

4 COUNCIL'S INTERNAL AUDITOR APPOINTMENT 2020/21 PM 93
Copy attached

5 COUNCIL RISK ASSESSMENT
Copy attached

6 COUNCIL ASSET REGISTER
Copy attached

CYNGOR TREF PRESTATYN

7 Ffordd Llys Nant
Prestatyn
LL19 9LR

10 Mawrth 2021

Annwyl Gynghorydd

Fe'ch gwahoddir i gyfarfod y **PWYLLGOR CYLLID A RHEOLAETH** ar **Ddydd Mercher 17 Mawrth 2021** pan ddaw'r Pwyllgor Cynllunio Tref i ben

Yr eiddoch yn gywir

Nigel Acott

Clerc y Dref

SYLWCH, YN SGIL Y CYFYNGIADAU AR DEITHIO A'R ANGEN I GADW PELLTER CYMDEITHASOL, NI CHYNHELIR Y CYFARFOD HWN YN EI LEOLIAD ARFEROL. BYDD YN GYFARFOD O BELL DRWY FIDEO-GYNADLEDDA AC NI FYDD AR AGOR I'R CYHOEDD.

1 YMDDIHEURIADAU

2 DATGANIADAU O DDIDDORDEB
Derbyn hysbysiad am ddiddordebau personol a/neu ragfarnus y Cynghorwyr yn nhrafodion y cyfarfod heno

3 CYFRIFON A DALWYD
Mae copi wedi'i atodi

4 PENODI ARCHWILYDD MEWNOL Y CYNGOR 2021/21 PM 93
Mae copi wedi'i atodi

5 ASESIAD RISGIAU'R CYNGOR
Mae copi wedi'i atodi

6 COFRESTR ASEDAU'R CYNGOR
Mae copi wedi'i atodi

7 INDEPENDENT REMUNERATION PANEL FOR WALES
Extracted copy attached
Financial /Legal Implications: Statutory payments 2021/22 Budget Provision £3,500

8 LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 FOR COMMUNITY AND TOWN COUNCIL SECTOR
Copy attached

9 EXCLUSION OF PUBLIC AND PRESS
To consider exclusion of Public and Press in accordance with Local Government Act 1972 Schedule 12A Part 1 and 8

10 HR SUPPORT SERVICES
To consider future of contracted services

11 COMMUNITY HEALTH DEVELOPMENT OFFICER
Copy attached

12 STAFF RECRUITMENT PROCESS
Cllr J Thompson Hill to report

To: All Town Councillors
Website

7 PANEL TALIAD CYDNABYDDIAETH ANNIBYNNOL I GYMRU
Mae copi o ran ohono wedi'i atodi
Goblygiadau Ariannol / Cyfreithiol: Taliadau statudol 2021/22 Darpariaeth y Gyllideb £3,500

8 DEDDF LLYWODRAETH LEOL AC ETHOLIADAU (CYMRU) 2021 I'R SECTOR CYMUNED A CHYNGOR TREF
Mae copi wedi'i atodi

9 EITHRIO'R CYHOEDD A'R WASG
Ystyried eithrio'r Cyhoedd a'r Wasg yn unol â Deddf Llywodraeth Leol 1972 Atodlen 12A Rhan 1 ac 8

10 GWASANAETHAU CYMORTH ADNODDAU DYNOL
Ystyried dyfodol gwasanaethau ar gontract

11 SWYDDOG DATBLYGU IECHYD CYMUNEDOL
Mae copi wedi'i atodi

12 Y BROSES BENODI STAFF
Cyng J Thompson Hill i roi adroddiad

I'r: Cynghorwyr Tref i gyd
Y wefan

PRESTATYN TOWN COUNCIL

CYNGOR TREF PRESTATYN

JANUARY 2021

COMMUNITY DEVELOPMENT & REGENERATION COMMITTEE

EXPENDITURE

		Total Excluding VAT	VAT	Total
A General Services				
BACS/Chq No.		£	£	£
877	Hire of Salford Children's Camp Hall - SPEN HLAP Programme (x3)	90.00		90.00
		90.00	**0.00**	**90.00**
B Service Organisation / Grants s.137				
880	Elin Hughes-Jones - Events & Social Media Contractor (December 20) & x3 days Zoom Call with Father Christmas	350.00		350.00
B/Card	Amazon - Xmas Decoration re: Virtual Xmas Grotto	9.16	1.83	10.99
		359.16	**1.83**	**360.99**
C Community / Environmental Services				
868	Ruth Moore-Williams - Mind Music Zoom Singing Sessions (December x2wks)	100.00		100.00
891	Northern Polytunnels (JS) re: Polytunnel Repair Tape	14.50	2.91	17.41
892	Curry's PC World Business - x17 Galaxy Tablest re: G.Y.M. Project	3,613.49	722.69	4,336.18
		3,727.99	**725.60**	**4,453.59**
	Total Community Development & Regeneration Committee	**4,177.15**	**727.43**	**4,904.58**

FINANCE AND MANAGEMENT COMMITTEE

EXPENDITURE		Total Excluding VAT	VAT	Total
D	**General Administration**			
BACS/Chq No.		£	£	£
Transfer	Barclays Bank Commission (13th Nov to 13th Dec 2020)	8.90		8.90
871	Vodafone (CE) - PTC Mobile Phone (December 2020)	14.52	2.90	17.42
874	The Paper Shop - Newspapers (x4 wks @ 12th December 2020)	29.00		29.00
876	Lloyds (Charterhouse Voice & Data Ltd) - Telephone Line Rental / Broadband / Hosting & Calls (November 2020)	181.40	36.28	217.68
879	Society of Local Council Clerks - Annual Membership 2021	317.00		317.00
883	Canda Copying Ltd - Photocopier Rental & Copies	220.03	44.01	264.04
884	Vodafone (CE) - PTC Mobile Phone (January 2021)	14.52	2.90	17.42
885	The Paper Shop - Newspapers (x4 wks @ 9th January 2021)	30.87		30.87
886	Lloyds (Charterhouse Voice & Data Ltd) Telephone Calls/Hosting/BroadBand	181.40	36.28	217.68
D/D	Francotyp Postalia Ltd - Franking Machine Rental	114.00		114.00
889	Daydream Designs - Annual Hosting of AtPrestatyn.co.uk Website (Feb 2021) and Annual Domain Name Fee	172.00	34.40	206.40
		1,283.64	**156.77**	**1,440.41**
E	**Democracy**			
				0.00
		0.00	**0.00**	**0.00**
F	**Personnel**			
870	Denbighshire County Council - Payroll Recharge (December 2020)	17,244.91		17,244.91
880	Elin Hughes-Jones - Events & Social Media Contractor - Response to Whats on Prestatyn Queries / Sharing Useful Resources / Promoting Events / Managing Instagram / Creating Content / General Admin re: November 2020	1,062.50		1,062.50
		18,307.41	**0.00**	**18,307.41**
G	**Office Accommodation**			
873	SSE - Gas & Electricity Charges (8th September to 9th December 2020)	473.78	23.68	497.46
875	Dwr Cymru Welsh Water - Water Charges (11th May to 25th November 2020)	162.82		162.82
882	JTJ Cleaning Services - Office Cleaning Services (Dec 2020 x3wks)	60.00		60.00
890	Restore Datashred - Confidential Waste Collection (14.01.21)	57.13	11.43	68.56
		753.73	**35.11**	**788.84**
H	**Other Expenses**			
869	Garnett-Hughes Developments Ltd - External Works at PTC Offices (Bollards)	2,012.00	402.40	2,414.40
		2,012.00	**402.40**	**2,414.40**
	Total for Finance and Management Committee	**22,356.78**	**594.28**	**22,951.06**

COMMUNITY DEVELOPMENT & REGENERATION COMMITTEE

EXPENDITURE		**Total Excluding VAT**	**VAT**	**Total**
I Town Regeneration (Services)				
BACS/Chq No.		**£**	**£**	**£**
872	Prestatyn Business Forum - Contribution to Whale Tail Calendar	785.02		785.02
878	SSE - Electricity Charges re: Ty Pendre Community Building (September to December 2020)	115.85	5.79	121.64
881	My Tidy Garden - General Grounds Maintenance (4th, 11th & 22nd Dec 2020)	600.00		600.00
887	LITE Ltd - Festive Lighting 2020	27,806.00	5,561.20	33,367.20
888	The Royal British Legion - Reimursement for Plant Purchases re: Annual Maintenance of Pendre Memorial Gardens	102.67		102.67
		29,409.54	**5,566.99**	**34,976.53**
J Town Regeneration (Development)				
				0.00
		0.00	**0.00**	**0.00**
	Total Community Development & Regeneration Cttee (Services/Development)	**29,409.54**	**5,566.99**	**34,976.53**
	TOTAL EXPENDITURE @ 31st January 2021	**55,943.47**	**6,888.70**	**62,832.17**

JANUARY 2021

INCOME

		A - C E & C	D - H Policy	I TRC (s)	J TRC (d)	VAT	Total Income £
07.01.21	Barclays Bank Loyalty Reward (13th Nov - 13th Dec 20)		0.72				0.72
05.01.21	Project Grant - Gwynt y Mor (G.Y.M.) - Enabling Virtual Communities Grant	7,436.22					7,436.22
28.01.21	Gwynt y Mor (G.Y.M) - CCTV Project - Grant				50,000.00		50,000.00
		7,436.22	**0.72**	**0.00**	**50,000.00**	**0.00**	**57,436.94**

PRESTATYN TOWN COUNCIL

CYNGOR TREF PRESTATYN

FEBRUARY 2021

COMMUNITY DEVELOPMENT & REGENERATION COMMITTEE

EXPENDITURE

		Total Excluding VAT	VAT	Total
A	**General Services**			
	BACS/Chq No.	£	£	£
				0.00
		0.00	**0.00**	**0.00**

		Total Excluding VAT	VAT	Total
B	**Service Organisation / Grants s.137**			
				-
		0.00	**0.00**	**0.00**

		Total Excluding VAT	VAT	Total
C	**Community / Environmental Services**			
895	Ruth Moore-Williams - Mind Music Zoom Singing Sessions (January 21 x 3wks)	150.00		150.00
896	Amazon (DH) - x2 10" Heavy Duty Laptop Cases (re: G.Y.M. Laptop Project)	24.98	5.00	29.98
897	Amazon (DH) - x10 10" Heavy Duty Laptop Cases (re: G.Y.M. Laptop Project)	124.92	24.98	149.90
		299.90	**29.98**	**329.88**
	Total Community Development & Regeneration Committee	**299.90**	**29.98**	**329.88**

FINANCE AND MANAGEMENT COMMITTEE

EXPENDITURE

			Total Excluding VAT	VAT	Total
D	**General Administration**				
	BACS/Chq No.		£	£	£
	Transfer	Barclays Bank Commission (14 December 2020 to 12 January 2021)	7.40		7.40
	899	Information Commissioners Office (GDPR/Data Protection Registration Fee	40.00		40.00
	900	The Paper Shop - Newspapers (x3wks Jan & 1wk February 21)	33.00		33.00
	905	Vodafone (CE) - PTC Mobile Phone (February 2021)	14.52	2.90	17.42
	907	Francotyp Póstalia Ltd - Annual Agreement (20.03.21 to 19.03.22)	182.00	36.40	218.40
	908	Lloyds (Charterhouse Voice & Data Ltd) - Telephone Line Rental / Hosting / Broadband - February 2021	181.40	36.28	217.68
			458.32	**75.58**	**533.90**
E	**Democracy**				
					0.00
			0.00	**0.00**	**0.00**
F	**Personnel**				
	898	Elin Hughes-Jones - Events & Social Media Contractor - Zoom Meetings / Daydream Design Mtg / Sharing the Love Campaign - January 2021	912.50		912.50
	904	Denbighshire County Council - Payroll Recharge (January 2021)	17,235.12		17,235.12
	906	Denbighshire County Council - Payroll Recharge (December 2020)	17,231.81		17,231.81
			35,379.43	**0.00**	**35,379.43**
G	**Office Accommodation**				
	902	Denbighshire County Council - Trade Waste Collection (Sept 20 to January 2021)	74.36		74.36
	903	Restore Datashred - Confidential Waste Collection (03.02.21)	10.46	2.09	12.55
			84.82	**2.09**	**86.91**
H	**Other Expenses**				
	893	Garnett-Hughes Developments Ltd - Redecorate Post Flood / Replace Flood Damaged Doors & Decorate / Supply & Fit x2 Floodgates	2,585.00	517.00	3,102.00
			2,585.00	**517.00**	**3,102.00**
		Total for Finance and Management Committee	**38,507.57**	**594.67**	**39,102.24**

FEBRUARY 2021

INCOME

		A - C E & C	D - H Policy	I TRC (s)	J TRC (d)	VAT	Total Income £
04.02.21	Barclays Bank Loyalty Reward (14th Dec 2020 to 12th Jan 2021)		0.27				0.27
12.02.21	HMRC VAT Repayment - Oct, Nov & Dec 2021		3,704.24				3,704.24
							0.00
		0.00	**3,704.51**	**0.00**	**0.00**	**0.00**	**3,704.51**

FEBRUARY 2021

INCOME

		A - C E & C	D - H Policy	I TRC (s)	J TRC (d)	VAT	Total Income £
04.02.21	Barclays Bank Loyalty Reward (14th Dec 2020 to 12th Jan 2021)		0.27				0.27
12.02.21	HMRC VAT Repayment - Oct, Nov & Dec 2021		3,704.24				3,704.24
							0.00
		0.00	**3,704.51**	**0.00**	**0.00**	**0.00**	**3,704.51**

FM Agenda Item .7.

Local Councils in Wales Practitioner Guide 2019. Agenda Item 4. Extracted Copy

11. Internal audit

Statutory requirements

Accounts and Audit (Wales) Regulations 2014 (as amended)

7 Internal audit

(1) A relevant body must maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control.

(2) Any officer or member of that body must, if the body requires—

(a) make available such documents of the body which relate to its accounting and other records as appear to that body to be necessary for the purpose of the audit; and

(b) supply the body with such information and explanation as that body considers necessary for that purpose.

(3) A larger relevant body must, at least once in each year, conduct a review of the effectiveness of its internal audit.

(4) The findings of the review referred to in paragraph (3) must be considered, as part of the consideration of the system of internal control referred to in regulation 5(3), by the committee or body referred to in that paragraph.

Proper governance practices

1. The appointment of the internal auditor and agreement of the terms of reference **must** be approved by the council.
2. All councils **should** review the effectiveness of internal audit at least once in each year and consider the findings of this review as part of the consideration of the system of internal control.

Guidance

How does the council ensure that internal audit is adequate and effective?

11.1. In its annual governance statement, the council will state whether or not it has an adequate and effective system of internal audit in place. In order to provide this assertion, the council will need to ensure:

- It approves the appointment of the internal auditor;
- It is satisfied that the internal auditor has:
    - Adequate terms of reference;

- Completed the expected level of audit work to provide the agreed level of assurance; and
- Has provided the council with an appropriate report summarising the internal auditor's work, findings and recommendations

Appointment of the internal auditor

11.2. It is essential that the internal audit function is sufficiently independent of the financial controls and procedures of the council that are the subject of review. The person or persons carrying out the internal audit must also be competent to carry out the role in a way that will meet the business needs of each local council.

11.3. Independence means that the internal auditor must not be involved in the council's management or administrative roles. Members would find it difficult to demonstrate that they are sufficiently independent of the financial decision-making and procedures of the council. In order to maintain their independence such a member would need to exclude themselves from the council's key financial decisions.

11.4. In the same way, it would be inappropriate for someone engaged by the council to assist with bookkeeping or preparing the statement of accounts to be the internal auditor.

11.5. Councils should be aware of possible conflicts of interest when appointing an internal auditor. For example, providers of accounts software may offer internal audit services through an associate company, firm or individual.

11.6. Councils should not ask those charged with carrying out internal audit to offer consultancy or advice on the council's financial controls and procedures. For them to do so would prejudice their ability to give an objective and independent view on whether these meet the needs of the council.

11.7. There is no requirement for a person providing the internal audit role to be professionally qualified. However, the essential competencies needed for any internal audit service are an:

- understanding of basic accounting processes;
- understanding of the role of internal audit in reviewing systems rather than undertaking detailed checks that are more appropriately the responsibility of management;
- awareness of risk management issues; and
- understanding of accounting requirements of the legal framework and powers of local councils.

11.8. Local councils secure internal audit in various ways. The following table sets out a range of options. As stated above, it is for each local council to determine how best to meet the legal requirement for an internal audit having regard to its business needs and circumstances.

Exhibit 15: sources of internal audit

Local councils secure an internal audit in various ways including:
Appointing a local individual or a member of a panel of individuals. An individual will need to demonstrate adequate independence and competence to meet the needs of the local council.
Employing a competent internal auditor with sufficient organisational independence and status to undertake the role.
Purchasing an internal audit service from the principal authority where it is usual for a small team of employees to be established as internal audit.
Purchasing an internal audit service from a local firm or specialist internal audit practice. The firm needs an understanding of the local government framework and a number of professional firms offer a service to public bodies, authorities and commercial companies. For the largest of local councils, a specialist contractor appointment may be appropriate.

11.9. The duties of internal audit relate to reporting to the council on the adequacy of systems of control. Section 4 of the annual return includes an internal audit annual report. The guidance given within the annual return is necessarily brief.

13/01/2021
Expressions of Interest to be sought

FM Agenda Item 7.

Panel Annibynnol Cymru
ar Gydnabyddiaeth Ariannol
Independent Remuneration
Panel for Wales

Independent Remuneration Panel for Wales

Annual Report

February 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

WG42164 Digital ISBN 978-1-80082-823-0

ANNUAL REPORT 2021/2022

FOREWORD

As with very many organisations the coronavirus pandemic has impacted on the work of the Panel. However, we have continued to meet regularly to carry out our statutory function via Microsoft Teams.

We completely understand the implications that the pandemic has had and continues to have on all local authorities in Wales, so the proposals contained in the draft Annual Report published on the 28 September 2020 limited the extent of the changes to our Remuneration Framework 2021/2022. We consider that it is important that the payments to elected members of principal councils should not fall further behind average earnings so the modest increases in basic and senior salaries (with appropriate adjustments for members of other organisations) set out in the draft Report have not changed.

We received 39 responses to the consultation on the draft Report and are grateful to those organisations and individuals who provided comments. The majority of the responses indicated that the proposals were not inappropriate in the prevailing circumstances. Some suggested that the increases were insufficient and conversely others took the view that there should be no increases. We have acknowledged each of the responses and answered all of the queries that were raised.

The term of office of Greg Owens ended on 31 December 2020. Greg had been a long standing member and the vice chair since 2016. We wish to record our appreciation of the considerable contribution that Greg made to the work of the Panel during his membership.

John Bader
Chair

Panel Membership
John Bader, Chair
Saz Willey, Vice Chair
Claire Sharp
Joe Stockley

Detailed information about the members can be found on the website: Panel website

13. Payments to Members of Community and Town Councils

13.1 The Panel recognises a wide variation in geography, scope and scale across the 735 community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities.

13.2 The COVID pandemic limited the Panel's opportunities for face to face engagement in 2020/2021. However, the Panel attended RCT's Community Council liaison online meeting in November and a number of other constructive digital engagements throughout this period. The year before, the Panel met with over 304 Councillors and Clerks representing 302 community and town councils in 17 meetings it held across Wales. The discussions re-confirmed the widely held view that the roles individual councils undertake varied significantly and in accordance with this wide variation, the responsibilities and accountabilities of councillors must also vary. Councillors managing income or expenditure of £1million and those delivering significant services, including some that might have been delegated from principal councils, are operating in a much more complex environment than a council with an annual budget of less than £30,000.

13.3 In the 2018 Annual Report the Panel formed 3 groups of community and town councils to reflect these differences based on the level of income *or* expenditure, whichever is the highest, in the previous financial year. These remain unchanged as set out in Table 8.

Table 8: Community and Town Council Groupings

Community and Town Council Group	Income *or* Expenditure in 2020-2021 of:
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

13.4 In order to act and carry out duties as a member of a community or town council all persons are required to make a formal declaration of acceptance of office. Following this declaration, members of community or town councils are then holders of elected office and occupy a role that is part of the Welsh local government structure. It is important to note that a person who follows this path is in a different position to those in other forms of activity, for example such as volunteering or charitable work, typically governed by the Charity Commission for England and Wales.

13.5 Under the Local Government (Wales) Measure 2011, community and town councils are relevant authorities for the purpose of remuneration.

13.6 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 (usually the Council Clerk) to arrange for correct payments to be made to all individuals entitled to receive them.

13.7 Members 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.

13.8 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.

13.9 The Panel considers that any member who has personal support needs or caring responsibilities should be enabled to fulfil their role. Therefore, the Panel is mandating contribution towards costs of care and personal allowance for all members of community and town councils as set out in Determination 41.

13.10 Each community and town council must ensure that it does not create a climate which prevents persons accessing any monies to which they are entitled that may support them to participate in local democracy. Payments should be made efficiently and promptly.

13.11 Members in receipt of a Band 1 or Band 2 senior salary from a principal council 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. However, this does not preclude them from holding a senior role (Leader, Deputy Leader) without payment.

13.12 Table 9 sets out the actions that community and town councils must take annually in respect of each determination that follows.

Payments towards costs and expenses

13.13 The Panel continues to mandate a payment of £150 as a contribution to costs and expenses for members of all community and town councils.

13.14 For the avoidance of doubt this determination now includes all councils. Receipts are not required for these payments.

Determination 42: All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.

Senior roles

13.15 The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, will involve greater responsibility. It is also likely that larger councils will have a greater number of committees, reflecting its level of activity. The Panel has therefore determined that councils in Group A must make available a payment for a minimum of one senior role and a maximum of five senior roles of £500 each. Councils in Groups B and C can pay up to five responsibility payments (of up to £500) for specified roles.

13.16 In all cases, a Councillor can only have one payment of £500 regardless of how many senior roles they hold within their Council.

Determination 43: Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.

Determination 44: Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.

13.17 Where a person is a member of more than one community or town council, they are eligible to receive the £150 and, if appropriate, £500 from each council of which they are a member.

Contribution towards costs of care and personal assistance

13.18 The purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel's determinations in section 10 apply to Community and Town Councils.

Reimbursement of travel costs and subsistence costs

13.19 The Panel recognises there can be significant travel and subsistence costs associated with the work of community and town council members, especially where the council area is geographically large and/or when engaging in duties outside this area. Each council has an option to pay travel and subsistence costs including travel by taxi if this is the only, or most appropriate, method of transport. Where a council does opt to pay travel and subsistence costs, the following determinations apply.

Determination 45: Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.[7] **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 motor cycles.**
- **20p per mile for bicycles.**

Determination 46: If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members 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.**

Compensation for financial loss

13.20 The Panel has retained the facility which councils may pay as compensation to their members where they suffer financial loss when attending approved duties. Members must be able to demonstrate that the financial loss has been incurred. Each council has an option to pay compensation for financial loss and where it does the following determination applies.

Determination 47: 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 £55.50 for each period not exceeding 4 hours**
- **Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours**

[7] Where a member who is on official business or an approved duty is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

Civic Head and Deputy Civic Head

13.21 Civic heads are senior posts within community and town councils. In addition to chairing major meetings the civic head is the 'ambassador' representing the council to a variety of institutions and organisations. The Panel requires that members should not have to pay themselves for any cost associated with carrying out these duties. This requirement also applies in respect of deputy civic heads.

13.22 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing – we consider these to be the council's civic budgets.

13.23 Funding decisions in relation to these civic budgets are not matters of personal remuneration for the post holder but relate to the funding required for the tasks and duties to be carried out. Councils remain free to set civic budgets at whatever levels they deem appropriate for the levels of civic leadership they have in place.

13.24 For the avoidance of doubt, costs in respect of, for example, transport (physical transport or mileage costs), secretarial support, charitable giving (purchasing tickets, making donations or buying raffle tickets) and clothing are not matters of personal remuneration for the individual holding the senior post. These should be covered by the civic budget.

13.25 Recognising that some mayors and chairs of community and town councils and their deputies are very active during their year of office, the Panel has determined that community and town councils can make a payment to the individuals holding these roles.

13.26 This is a personal payment to the individual and is entirely separate from covering the costs set out above.

13.27 The Panel has determined that the maximum payment to a chair or mayor of a community or town council is £1,500. The maximum payment to a deputy mayor or chair is £500.

Determination 48: 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 49: 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.

Making Payments to members

13.28 Table 9 sets out each of the above determinations and if a decision is required by the council in respect of each one.

13.29 In respect of the mandated payments where no decision is required by a council, members should receive monies to which they are properly entitled as a matter of course.

13.30 Where a decision is required by the council, this should be done at the first meeting following receipt of the Annual Report.

13.31 A council can adopt any, or all, of the non-mandated determinations but if it does make such a decision, it must apply to all its members.

13.32 When payments take effect from is set out in paragraphs 13.36 to 13.38 below.

13.33 On receipt of the draft Annual Report the previous autumn, councils should consider the determinations for the next financial year and use this to inform budget plans.

Table 9

Determination Number	Is a decision required by council?
42 All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.	No - the payment of £150 is mandated for every member unless they advise the appropriate officer that they do not want to take it in writing.
43 Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – a council must decide how many payments of £500 it will make – to between 1 and 5 members.
44 Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – it is optional to pay it for up to 5 members and, if it is paid, the amount (up to £500) must be decided.
45 Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.	Yes – the payment of travel costs is optional.

Determination Number	Is a decision required by council?
46 If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members.	Yes – the payment of overnight subsistence expenses is optional.
47 Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties.	Yes – the payment of financial loss allowance is optional.
48 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.
49 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.
50 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.	No - Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) can only receive travel and subsistence expenses and contribution towards costs of care and personal assistance; if they are eligible to claim, and wish to do so.

13.34 All members are eligible to be paid the £150 as set out in Determination 42 from the start of the financial year; unless they are elected later in the financial year, in which case they are eligible for a proportionate payment from that date.

13.35 Other amounts payable to members in recognition of specific responsibilities or as a civic head or deputy civic head as set out in Determinations 43,44, 48 and 49 are payable from the date when the member takes up the role during the financial year.

13.36 It is a matter for each council to make, and record, a policy decision in respect of:

- when the payment is actually made to the member;
- how many payments the total amount payable is broken down into;
- and whether and how to recover any payments made to a member who leaves or changes their role during the financial year.

13.37 Payments in respect of Determinations 43, 44, 45 and 46 are payable when the activity they relate to has taken place.

13.38 As stated in paragraph 13.8 any individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these payments by giving notice in writing to the proper officer of the council.

Determination 50: 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.

Publicity requirements

13.39 There is a requirement on community and town councils to publish details of all payments made to individual members in an annual Statement of Payments for each financial year. This information must be published on council noticeboards and or websites (with easy access) and provided to the Panel by email or by post no later than 30 September following the end of the previous financial year. The Panel draws attention to the requirements stipulated at Annex 4. The Panel is concerned that a significant number of councils are still in breach of this requirement.

FM Agenda Item. 8.

Summary of key provisions of the Local Government and Elections (Wales) Act 2021 for the Community and Town Council Sector

Introduction

The Local Government and Elections (Wales) Act 2021 ("the Act") provides for the establishment of a new and reformed legislative framework for local government elections, democracy, performance and governance.

The major package of reforms includes electoral reform, a general power of competence for principal councils and eligible community councils; more consistent and coherent collaboration and joint working; voluntary mergers and increasing public participation in local government.

The Act received Royal Assent on 20 January 2021 and provides for a phased approach to introducing various provisions. Where dates of coming into force for particular provisions are known, they have been specified in the summary below.

The following summary identifies areas that are likely to be of interest for community and town councils.[1]

Elections

Votes for 16 and 17 year-olds and EU Citizens and citizens of other countries

The Act provides for the extension of the local government franchise to allow 16 and 17 year-olds to be able to register to vote in Welsh local government elections and any poll in Wales which uses the local government franchise such as mayoral elections and referendums.

For the first time in May 2021, 16 and 17 year olds and legally resident foreign citizens are allowed to vote in the Senedd elections. They will also be able to vote in the 2022 local government elections. They will not be able to vote in any local government by-elections taking place before May 2022.

The Act extends the local government franchise to citizens from any country provided that they meet the criteria set out in Section 4(3) of the *Representation of the People Act, 1983 (RPA)* and can satisfy the local Election Registration Officer (ERO) that they are resident in the area in which they wish to register and vote, under Section 5 of RPA 1983.

[1] This is not a complete list of the provisions in the Act. For the full Act please see: https://www.legislation.gov.uk/asc/2021/1/section/47/enacted. For the full explanatory memorandum see: https://senedd.wales/laid%20documents/pri-ld12877-em/pri-ld12877-em-e.pdf

The voting system for county and county borough council elections - offering a choice: First Past the Post or Single Transferable Vote

The Act provides that each principal council may decide for itself on the voting system to use, whether FPTP or STV. A principal council will continue to use the existing FPTP voting system until such time as it may decide to change. A decision to change a voting system will require the support of at least two-thirds of the total number of councillors on the council (whether or not present and voting on a proposal to change). If a council has considered and rejected a proposal to change the voting system, the council may not re-visit the issue during the same electoral cycle.

Having changed to a different voting system a principal council is prevented from moving back until at least two ordinary elections have been held under the new system.

A change from one voting system to another would require a fresh electoral arrangements review of the council area, which would be undertaken by the Local Democracy Boundary Commission Wales (LDBCW).

The first election a principal council could use the STV system for is the ordinary local government elections in 2027.

The voting system for community council elections remains First Past the Post.

Five Year Terms

The Act changes the electoral cycle of principal councils and community councils from four to five-year terms. This would bring local government elections into line with the five-year terms for the UK Parliament (as set in the Fixed Term Parliaments Act 2011) and for the Assembly in GoWA 2006.

Electoral registration

The Act provides for a power for EROs to add an individual to the electoral register without the need for them to apply. EROs would be encouraged to obtain information/data of individuals not included on the electoral register from sources such as council tax records. Where the registration officer is satisfied that the information about a person not in the register of local government electors is correct and is entitled to be registered, the officer may decide to register the person without an application, subject to certain requirements. The registration office would be required to notify the individual that they will be included on the register. These provisions are not currently in force, the Welsh Government will continue to work with the electoral community to ensure any and all issues have been considered and resolved before enacting these provisions by Order.

Candidacy

The Act amends the eligibility criteria for candidates at local government elections to allow a citizen of any country to stand for election. This is subject to the other qualifying criteria, such as age and residence. All disqualification criteria will continue to apply.

Allowing council staff to stand for their own council

The Act provides that council officers and employees, other than those holding politically restricted posts, will be entitled to stand for election to their own council. They will only be required to resign their paid employment with the council if they are elected. This will widen the pool of potential candidates while ensuring there is no conflict of interest once the candidate is elected.

Disqualification criteria for standing as a councillor

The Act amends the disqualification provisions in Wales to disqualify individuals, from standing for election, or holding office as a member of a principal council or community council in Wales, if they are subject to a the notification requirements of, or an order under, the Sexual Offences Act 2003.

General Power of Competence

The Act provides eligible community councils with a general power of competence, with the aim of bringing about more effective, capable and innovative local government.

The general power will allow eligible community councils to act in their communities' best interests, generate efficiencies and secure value for money outcomes. They will also be able to raise money by charging for discretionary services and to trade.

It is considered the general power will allow eligible community councils to be more innovative, and move away from a position where they have to identify a specific power in order to undertake a particular activity, to one in which it is assumed they can do something unless there is a statutory restriction preventing it.

The conditions which community councils must meet, in order to be able to resolve themselves an 'eligible community council' are:

- at least two-thirds of the total number of members of the council have been declared to be elected whether at an ordinary election or at a by-election,
- the clerk to the council holds such qualification or description of qualification as may be specified by the Welsh Ministers by regulations, and
- the council satisfies the audit condition.

The audit condition is satisfied if:

➢ the most recent Auditor General for Wales' (AGW) opinion on the council's accounts:

- is an unqualified AGW opinion on the council's accounts, and
- was received by the council during the 12 month period ending on the day on which the council passes the resolution to become an eligible community council

- the AGW's opinion on the council's accounts which immediately preceded the opinion mentioned above is also an unqualified opinion.

The power to exercise the general power of competence for eligible community councils will come into force on 5 May 2022. Ahead of this, there will be consultation on guidance and the regulations specifying a 'relevant professional qualification' for a clerk. It is envisaged that this will be a sector specific qualification such as the Certificate in Local Council Administration (CiLCA).

It is intended that the well-being power, provided in section 2 of the Local Government Act 2000, will be repealed when the provisions relating to the general power of competence are brought into force for eligible community councils on 5 May 2022. Until the well-being power is repealed community councils can continue to use the power. Anything which is started by councils before, and is ongoing at, the time the well-being power is repealed can continue under this power until that thing is completed or until a council resolves to become an eligible community council. However nothing new may be started using the well-being power after it is repealed.

Public participation

The intention is to encourage a more diverse range of members of the public to engage with local democracy. Principal councils are required to prepare, consult on, publish and review a 'public participation strategy', with the aim of making it easier for members of the public to understand how local government functions; how it makes decisions; and how local people can follow proceedings, input their views, and have them taken into account. These provisions will come into force in May 2022. There is no requirement for a community council to make a public participation strategy; though they should consider how they enable public participation to take place.

Petition Scheme

Principal council are also required make a petition scheme setting out how it will handle and deal with petitions, including e-petitions. These provisions will come into force in May 2022. There is no requirement for a community council to have a petitions scheme.

Access to meetings

The Act makes it easier for meetings to take place through a variety of arrangements, including multi-location meetings where all individuals are attending virtually and hybrid meetings - where a number of individuals are attending in person at a designated location and others are attending virtually from a range of other locations. The Act makes permanent provision for remote meetings (multi-location) and electronic publication of documents, currently provided through The Local

Authorities, (Coronavirus) (Meetings) (Wales), Regulations 2020 Act and it is intended to have effect from 1 May 2021 to dovetail with the expiry of The Local Authorities, (Coronavirus) (Meetings) (Wales), 2020 Regulations. These provisions will also apply to community councils.

The electronic publication of documents extends to include making available key information as soon as reasonably practicable, and within seven working days of the community council meeting taking place, and must include: the names of members who attended; apologies for absence; declarations of interest; any decisions taken and the outcome of any votes. This would not apply to any decisions taken in private, or where disclosure of the information would be contrary to any enactment.

Participation

From 5 May 2022 people presiding over community and town council meetings that are open to the public must give members of the public in attendance reasonable opportunity to make representation about any business being discussed at the meeting, unless this is likely to prejudice the effective conduct of the meeting.

Community Council Annual Reports

From April 2022 community and town councils will have a duty to prepare and publish a report about the council's priorities, activities and achievements. The first report must relate to the financial April 2021- March 2022 and be published as soon as reasonably practicable after April 2022.

Conduct of members

The duty on political group leaders in principal councils, as outlined here does not extend to community and town councils. From May 2022 Leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by the members of their group. In doing so, a group leader must co-operate with the principal council's standards committee in the exercise of its functions to promote and maintain high standards of conduct. In turn, a principal council's standards committee has new functions under the Act to ensure group leaders have access to advice and training to support their new duties and to monitor group leaders' compliance with those duties.

It is already the case that all community councils are required to adopt a code of conduct and all community councillors are expected to have high standards of conduct whether they are part of a political group or not

Training of members and staff of community councils

Community and town councils will have a duty to consider training from 5 May 2022 for councillors and community council staff, and publish the first training plans by November 2022.

It is not the intention to ensure that each and every councillor necessarily receives training on the same subjects but to seek to bring about a situation where the councillors as a group, and the staff collectively, possess the knowledge and awareness they need to operate effectively. This takes into account that some community councils have only one member of staff, the clerk, and some smaller community councils actually share their clerk with one or more other community councils.

Abolition of community polls

The Act provides for the abolition of community polls, and implementation of a system of petitions in their place. The exception is community governance polls, those which enable a community to hold a poll in respect of a proposal to establish or dissolve a community council or to group with other communities under a common community council.

Local Democracy and Boundary Commission

The LDBCW has the power to make recommendations to the Welsh Ministers about changes to areas and electoral arrangements following a review. The Act gives the LDBCW the responsibility of appointing its own chief executive, although it also provides powers for the Welsh Ministers to appoint the chief executive where the position has been vacant for six months or more, consulting with the LDBCW before making the appointment.

The Act also amends section 48 of the 2013 Act to provide a power for the Welsh Ministers to direct the LDBCW not to conduct or stop a review under the 2013 Act.

Public Services Boards

The WFGA (Wales) 2015 Act provides for PSBs to merge if they wish to do so but it does not enable PSBs which have merged, to demerge, or partially demerge at a later date. The Act takes steps to address this inflexibility and to provide for steps to be taken following merger and demerger.