

### 13. Payments to Members of Community and Town Councils

- 13.1 The Panel has had responsibility for the remuneration of community and town councils since the Measure of 2011 and its first determinations for such members came into effect in the financial year 2013/2014. Subsequent Annual Reports have developed ideas for remuneration of community and town councillors, allowing flexibility to meet appropriate responsibilities.
- 13.2 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.
- 13.3 Since producing its last report, the Panel met with 104 Councillors and Clerks representing 68 Community and Town Councils in 4 meetings it held across Wales. The discussions confirmed the widely held view that the roles individual councils undertake varied significantly. Subsequent research the Panel undertook into councils' income and expenditure and councillor to population ratios further supported the wide variation.
- 13.4 The Panel is of the view that in accordance with this wide variation, the responsibilities and accountabilities of councillors must also vary. Councillors managing income or expenditure of £1m 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.
- 13.5 Therefore the Panel is proposing to form groups of Community and Town Councils to reflect these differences. The Panel examined a range of measures they could use as the basis for any groupings and it considers that 3 groups based on the level of income or expenditure, whichever is the highest, in the previous financial year, is most appropriate. Using income or expenditure figures better reflects the activity levels of a council than population ratios which the Panel found did not correlate to income or expenditure. It is also easy for councils to understand which group they belong to.
- 13.6 In the draft report the Panel proposed a range of mandatory payments for councils. As part of the consultation on the draft report, the Panel received some helpful feedback from councils with income or expenditure of less than £30,000 which outlined the disproportionate impact this would have on their precept and administrative costs. The Panel has considered this and adjusted its groupings as set out in table 7 below.

In creating these three groups it has reflected that councils with income or expenditure in excess of £200,000 are subject to section 40 of the Wellbeing of Future Generations Act; approximately 50% have income or expenditure

below £30,000; and those councils with income or expenditure of between £30,000 and £200,000 are likely to have a greater range of responsibilities.

The Panel has reflected different payment requirements for councils in each of these three groups as set out in the remainder of this report. The Panel will be considering further differentiations based on the groups in the future.

**Table 7: Community and Town Council Groupings**

<b>Community and Town Council Group</b>	<b>Income or Expenditure in 2017-18 of:</b>
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

- 13.7 The Panel is of the view that Community and Town Councillors are not volunteers because further to the democratic process they have accepted formal responsibilities and all face some degree of liability, in respect of the Council functions they are running. Also, the Panel wants any member who has personal support needs and / or caring responsibilities to be able to fulfil their role. To reflect this, the Panel is mandating payment of a contribution to costs and expenses for members of councils in Groups A and B; and authorising payment of a contribution to costs and expenses to be made available for members of councils in Group C as set out in determinations 44 and 45. The Panel is also mandating reimbursement of cost of care for all members of Community and Town Councils as set out in determination 51.
- 13.8 The Panel is also of the view that Councils in Group A are likely to have a greater number of committees reflecting its level of activity; and therefore is additionally mandating the payment for senior roles as set out in Determination 46.
- 13.9 Where not mandated, each determination requires a formal decision by each of these community or town councils annually. 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.
- 13.10 In all cases, 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.
- 13.11 In the event of a member of the council standing down during the year, it is a matter for the council to decide whether or not to reclaim any payments made.
- 13.12 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 reimbursement of costs of care. However, this does not preclude them from holding a senior role.

## **Payments towards costs and expenses**

- 13.13 The Panel is mandating payment of a contribution to costs and expenses for members of councils in Groups A and B; and authorising payment of a contribution to costs and expenses to be made available for members of councils in Group C. Receipts are not required for these payments.

**Determination 44: Community and town councils in Groups A and B must make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

**Determination 45: Community and town councils in Group C are authorised to make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

## **Senior roles**

- 13.14 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. Councils in Groups B and C are authorised to pay up to five responsibility payments for specified roles.

**Determination 46: 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 47: Community and town councils in Groups B or C are authorised to 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 if that is claimed.**

## **Reimbursement of travel costs and subsistence costs**

- 13.15 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.

**Determination 48: Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties.<sup>8</sup> 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 49: If a community or town council resolves that a particular duty requires an overnight stay, it may 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**

13.16 The Panel has retained the facility which councils may pay as compensation to their members where they suffer financial loss when attending approved duties.

**Determination 50: Community and town councils are authorised to pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:**

- Up to £34.00 for each period not exceeding 4 hours:
- Up to £68.00 for each period exceeding 4 hours but not exceeding 24

<sup>8</sup> Where a member who is on official business 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.

hours.

### Reimbursement of the costs of care

- 13.17 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 believes that the additional costs of care required to carry out approved duties should not deter people from becoming and remaining a member of an authority or limit their ability to carry out the role.
- 13.18 The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in the options for publication as set out in Annex 4. To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.

**Determination 51: 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.**

### Civic Head / Deputy Civic Head Honoraria

- 13.19 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 should be authorised to pay an honorarium for these roles. In previous annual reports the Panel did not determine a maximum level of payment to mayors/chairs and their deputies.
- 13.20 The Panel's consultation meetings this year, confirmed that the majority of community and town councils make no or very modest payments to their civic leaders and that some of them are reporting the budget allocated for civic functions and civic expenditure rather than the amount paid as personal senior salary to the individual.
- 13.21 The Panel is concerned only with the amount paid to the mayors/chairs as an honorarium to be used or retained at their discretion. This is separate from a budget for mayoral/chair activities. The Panel has determined that the maximum amount to be paid to a chair/mayor of a community or town council in this way shall be £1,500. The maximum amount to be paid to a deputy mayor/chair in this way shall be £500.

**Determination 52: Community and town councils are authorised to provide a Civic Head payment to the mayor/chair of the council up to a maximum of £1,500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

**Determination 53: Community and town councils are authorised to provide a Deputy Civic Head payment to the deputy mayor/deputy chair of the council up to a maximum amount of £500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

### **Publicity requirements**

- 13.22 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. 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 year to which the payments relate. The Panel draws attention to the requirements stipulated at Annex 4. The Panel is concerned that a significant number of councils are in breach of this requirement.