

15 November, 2023

LLANELLI RURAL COUNCIL

Minute Nos: 233 – 243

At a Meeting of the **POLICY AND RESOURCES COMMITTEE** of the Llanelli Rural Council held at the Council Chamber, Vauxhall Buildings, Vauxhall, Llanelli, and via remote attendance on Wednesday, 15 November, 2023 at 4.45 p.m.

Present: Cllr. R. E. Evans (Chairman)

Cllrs.

S. R. Bowen	J. P. Hart
D. M. Cundy	S. N. Lewis
A. Evans	J. S. Phillips
N. Evans	W. E. Skinner
S. M. T. Ford	A. G. Stephens
B. M. Williams	

233. APOLOGIES FOR ABSENCE

No apologies for absence were received.

234. MEMBERS' DECLARATIONS OF INTEREST

The following members declared an interest in the following matters:

<i>Minute No.</i>	<i>Councillor</i>	<i>Interest</i>
238	A. Evans	Personal interest – participated in the consultation process as a county councillor.
243	A. G. Stephens	Personal and prejudicial interest – Chamber of Trade and Commerce member representative of Llanelli and District Shopmobility.

235. COUNCIL CHAIRMAN ELECT AND VICE CHAIRMAN ELECT SELECTION FRAMEWORK

Cllr. N. Evans proposed the temporary suspension of the selection framework once the election of Cllr. M. V. Davies as Chairman of Council had taken place.

The proposal was put to the meeting, which entailed Cllr S. N. Lewis being nominated to serve as Vice Chairman elect of Council in anticipation of the forthcoming civic year in May 2024, Cllr T. M. Donoghue subsequently agreeing to defer acceptance of the role for a period of twelve months, with Cllr D. M. Cundy being nominated to serve in the same capacity the year after.

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Cllr. Evans stated both Cllr. Lewis and Cllr. Cundy had indicated they would not be seeking re-election to the council in the local government elections in May 2027 and between them they had accumulated 30 years of service to the council. Therefore, it would be appropriate to recognise their service to the council by allowing them to serve in a civic capacity before standing down.

Cllrs. D. M. Cundy and S. N. Lewis left the meeting prior to the proposal being debated.

Following discussion, it was

RECOMMENDED that the council supports the proposal to temporarily suspend the selection framework accordingly.

Cllrs. D. M. Cundy and S. N. Lewis returned to the meeting.

236. FINANCIAL ASSISTANCE

Further to Minute No. 173, members considered the following referral from the Finance and General Purposes Committee:

“The issue of providing financial assistance to schools within the council’s administrative area be referred to the Policy and Resources Committee with a view to seeking parity and fairness, with standard sums being allocated in each and every case and not necessarily on application to the council but instead through proactive promotion through council notification to the schools”.

During discussion of the matter there was general consensus amongst members that the current practice of providing financial assistance to schools was satisfactory and it was

RESOLVED that the current practice be re-affirmed whereby schools along with all other applicants seeking financial assistance from the council shall continue to formally submit requests in writing to the Finance and General Purposes Committee for determination, whereupon the committee can subsequently determine whether to support the request directly from its set financial assistance budget or refer the matter to local ward members for consideration; alternatively the committee may determine whether the school event/activity can be supported through a standard donation from the Chairman of Council’s budget by the chairman being invited to participate in the said event/activity or ultimately the committee may simply elect to note the application.

237. INDEPENDENT REMUNERATION PANEL FOR WALES (1) DRAFT ANNUAL REPORT 2024/2025

Members were circulated with the draft Annual Report 2024/2025 received from the Chairman, Independent Remuneration Panel for Wales (IRPW). In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011, the IRPW’s draft annual report set out proposals for member allowances which would take effect for the financial year 2024.

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Members' attention was drawn to Determination 6 of the report advising that the Independent Remuneration Panel had recommended that councils continue to make mandatory payments for extra costs of working from home and payments of office consumables.

Determination 6 advised all councils must pay their members £156 a year towards the extra household expenses (including heating, lighting, power and broadband) for working from home (equivalent to £3 a week).

Determination 6 also proposed that councils must either pay members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the cost of their office consumables. It was a matter for every council to make and record a policy decision in respect of when and how the payments were made. The policy should also state whether and how to recover any payments made to a member who leaves or changes their role during the financial year.

Attention was drawn to the report table which set out the level of payments to community and town councils. Members were informed the council was categorised in group 1 of the table because its electorate was over 14,000. Moreover, there were no planned changes to the type and level of payments. Therefore all other Determinations from the Panel's final report in relation to 2023/24 were valid and should continue to be applied in 2024/25.

RESOLVED that:

1. The draft annual report determinations be noted for budget preparation purposes for the forthcoming financial year and in anticipation of receiving the final annual report in February 2024.
2. The set £52 payment for consumables shall be discontinued from April 2024 and instead members shall be entitled to claim full reimbursement for the cost of their office consumables on production of paid receipts as prescribed within the remuneration framework.

(2) COUNCILLOR ALLOWANCES

Members also considered further correspondence from the Chair, Independent Remuneration Panel for Wales informing of the guidance that had been received from His Majesty's Revenue and Customs (HMRC) regarding the treatment of tax on councillor allowances.

The guidance confirmed that "*Section 316A of the Income Tax (Earnings and Pensions) Act 2003 states no liability to income tax arises in respect of a payment an employer makes to an employee in respect of reasonable additional household expenses which the employee incurs in carrying out duties of the employment at home under home working arrangements.*"

The Panel Chair clarified the exemption only applied to the £156 payment for extra household expenses made under Determination 6 (to which Minute No 237 (1)) above refers. It did not exempt any additional household expenses that a councillor may seek.

The following two conditions must apply to the exemption:

1. There must be a formal arrangement between the individual councillor and the community and town council.
2. Each councillor must declare they work from home regularly under these arrangements.

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Members were informed the Panel had provided a template letter which had been included in the correspondence bundle and which could be used to satisfy the above conditions.

Furthermore, in reference to the Panel's determination that councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the costs of their office consumables. The Panel had also received confirmation from HMRC that an exemption may also be applied from 5 April, 2023 to the flat rate consumables payment. Where a council had taken the decision to pay a flat rate reimbursement of £52, then this amount was considered exempt from PAYE arrangements.

Following discussion, it was

RESOLVED that the information be noted and that the template letter be adopted for future reference and use by the Responsible Financial Officer when communicating with council members in regard to the Panel's remuneration framework.

238. COMMUNITY REVIEW OF ALL TOWN AND COMMUNITY COUNCILS, CARMARTHENSHIRE COUNTY COUNCIL AREA

Cllr. A. Evans declared a personal interest in the following matter as he had participated in the consultation process as a county councillor.

Further to Minute No. 118, members received a consultation document from the Electoral Registration Officer, Carmarthenshire County Council.

As a result of a recent review under Section 31 of the Local Government (Democracy) (Wales) Act 2013, Carmarthenshire County Council (CCC) identified the need to further review certain community boundaries and their electoral arrangements.

The recommendations for boundary change could not be addressed when carrying out a Section 31 review but instead could be addressed by the county council recommending boundary changes in the course of a Section 25 Review under the same Act. It was also able to recommend changes to the community council and to electoral arrangements for the communities that were affected by the boundary changes.

A Section 25 review would be carried out in the following community councils:

- Llangydeyrn Community Council (Carway Ward) and Llanelli Rural Council (Glyn Ward)
- Llangydeyrn Community Council (Carway Ward) and Trimsaran Community Council
- Llangydeyrn Community Council (Llangydeyrn Ward) and Pontyberem Community Council

In regard to the review affecting the council's boundary with Llangydeyrn Community Council: Erwau'r Garn, Carway, Kidwelly was a new housing estate based around the Ffos Las Racecourse. Nos 5-61 and 2-20 fell within Llangydeyrn Community Council (Carway Ward). However, Nos 1 and 3 fell within the Llanelli Rural Council (Glyn Ward). It was

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proposed to address this anomaly by amending the council boundary so that property Nos 1 and 3 would also fall within Llangyndeyrn Community Council (Carway Ward).

Members were further informed that CCC was conducting the first stage of the Review process and was inviting residents and interested organisations to submit their view on existing and proposed arrangements for the community councils.

Following discussion, it was

RESOLVED that the clerk responds to the accompanying questionnaire highlighting member's views and observations supporting the transfer of the two properties Nos 1 and 3 Erwau'r Garn from the Llanelli Rural Council (Glyn Ward) to Llangyndeyrn Community Council (Carway Ward) and that Carmarthenshire County Council realigns the council boundary in the interests of effective and convenient local government.

239. REVIEW OF POLLING DISTRICT AND POLLING PLACES 2023

Further to Minute No. 164, members considered correspondence from the Chief Executive, Carmarthenshire County Council giving notice that in accordance with Section 18C of the Representation of the People Act 1983, Carmarthenshire County Council was to carry out a review of its polling districts and polling places.

Carmarthenshire was divided into 196 polling districts, with one or more polling districts making up a ward with a polling place being an area or building within a polling district in which a polling station was situated. Consequently, it was imperative that the views of the (Acting) Returning Officer were sought and considered.

Of the council's seven wards, the only recommended change affected the Hengoed Ward. Pwll Community Centre was no longer available and it was suggested that Pwll Pavilion could be used as a future polling station instead.

Following discussion, it was

RESOLVED that the information be noted and moreover the recommendation contained in the correspondence that Pwll Pavilion is to be used as a future polling station in the Hengoed Ward be supported.

240. DUTY TO PUBLISH TRAINING PLANS UNDER THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

Members received correspondence from the Legal Service Manager, Carmarthenshire County Council (CCC) informing that town and community councils were now under a duty to formally adopt and publish training plans setting out how they would address the training needs of both their members and officers.

The results of the recent members' code of conduct data exercise undertaken by CCC Standards Committee revealed that only half of town and community councils in the county were able to confirm that they had formally adopted a training plan in accordance with the statutory requirement.

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The clerk informed members that the council had published its training plan on the council's website in May 2022, six months ahead of the statutory deadline. The training plan had been appended to the agenda papers for general information.

Following discussion, it was

RESOLVED that the information be noted.

241. PUBLIC BODIES (ADMISSION TO MEETINGS) ACT, 1960

RESOLVED that in view of the confidential nature of the business to be transacted, the following matter set out in Minute No 242 below be considered in private and that the power of exclusion of the public under Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960 be exercised.

242. STAFFING MATTERS

Members considered the report of the Technical and General Operations Manager informing of staffing matters.

The clerk thanked the Technical and General Operations Manager for the recent work undertaken with a complex and lengthy staffing issue, and it was

RESOLVED that the report referenced 11:2023 be accepted.

243. LLANELLI AND DISTRICT SHOPMOBILITY

Cllr. A. G. Stephens declared a personal and prejudicial interest in the following matter as he was the Chamber of Trade and Commerce member representative serving on Llanelli and District Shopmobility and left the meeting before discussion commenced.

Further to Minute No. 173(8), members considered correspondence from the Chairman, Llanelli and District Shopmobility requesting financial assistance.

The clerk informed members that he had attended a meeting with stakeholders and members of Llanelli and District Shopmobility recently and confirmed that the committee had secured funding until August 2024, but a £5,000 funding gap jeopardised the sustainability of the service going forward after this time. The clerk then summarised the information garnered at the stakeholder meeting and stated further discussions were necessary and so it was a little premature to determine whether the council should support the financial assistance request at this particular time. Members noted that a similar financial assistance request had been made to Llanelli Town Council and that the town council was also participating in the ongoing discussions.

Following discussion, it was

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RESOLVED that the correspondence seeking financial assistance from the council be noted for the time being while the clerk to the council continues to hold discussions with stakeholders with a vested interest in the current operation and potential future management of the Shopmobility service.

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The meeting concluded at 5.55 p.m.

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The afore-mentioned Minutes were declared to be a true record of the proceedings and signed by the Chairman presiding thereat and were, on 12 December, 2023 adopted by the Council.