

Minutes



Liaison Meeting with Community Councils

Date: 6 December 2018

Time: 6.00 pm

Present: G Price (Head of Law and Regulation) (in the Chair), A Jenkins (Governance Team Leader) Pamela Tasker (Governance Support Officer), John Bader (IRPW), Julie May (IRPW)

N Tarr, T Appleton, P Gregory, A Whitfield, & S Davies (Graig), L Jones & T Ducroq (Nash), J Wagstaff (Penhow), N Hallett (Michaelstone), R Southall & J Davies (Bishton), V Dudley (Rogerstone), T Jeffery & H Jones (Langstone), J Foster, B Miles (Llanvaches) & M Kellawy (Llanwern)

Councillors

Cllr R White, (Wentloog), Cllr R Mogford (Llanvaches)

1 Apologies for Absence

S Mlewa

2 Minutes of the Previous Meeting: 20 September 2018

The Minutes of the meeting held on 20 September 2018 were submitted.

Agreed:

That the minutes were recorded as a true record.

Matters Arising

Boundary Commission

This will take place in January or February of 2019. All Town Councils were invited to attend. The Boundary Commission will come in and do a presentation to the Community Councils to take place in the Civic Centre approximately at 5pm in the evening to meet with Councils to be consulted

3 Independent Remuneration Panel Wales Annual Report

The IRPW Representative explained that the IRPW was responsible for determining the allowances payable to elected members of principal Councils, National Park Authorities, Fire and Rescue Authorities and Community and Town Councils in Wales.

It was explained that there were regular meetings with principal Councils and with National Parks and Rescue Authorities. Due to there being 735 Community Councils it was difficult to meet with them all.

Therefore, it was the aim that there was a better interaction between One Voice Wales and Community Councils, now that there was more of an opportunity to meet with Community Councils. This was the fourth meeting that has commenced and it was a chance for the IRPW to explain to Community Councils what they do and to hear feedback and current views.

The IRPW Representative explained that the IRPW published an annual report and that this was a requirement even if nothing changed from the previous year. The IRPW listened to responses from Community Councils to ascertain if any changes were to be made which were then published at the end of January.

The consultation phase was completed. Next week, responses to date will be looked at and checked to see if amendments needed to be made. The IRPW Representative stated that there had been changes introduced over the last few years due to the vast diversity in Town Councils. Some Community Councils were very large and had significant expenditure and individual powers. Other Councils were quite small, some with only 8-9 members. Therefore, there were some issues in getting people to stand for Council. There was a need to adapt due to the significant variation in Wales comprising of 7,500 Councillors so this was a very big task to meet with all clerks and Community Councils.

The IRPW Representative ran through the proposals they had along with changes in the draft paper.

Introductions from each Town Council representative were then made as agreed by the Chair.

The IRPW Representative May explained that the IRPW produced an annual report. Each clerk in the 735 Town Councils should have received a copy of the draft. A draft was produced in February and then feedback was taken to reflect on what was in the draft. There was huge differentiation between Community Councils which recognised that there was a huge variation of budgets between Councils ranging from £1million to £10,000 and a one size fits all grouping was not sufficient. Feedback provided last year did not propose any changes and there was not much changing in the coming year.

Councillor Payments

The IRPW Representative explained that Community and Town Councils in Groups A and B must make a £150 payment to the Member and the Member can take the decision themselves not to accept that payment. The change was made to make the payment mandated for groups A & B that earn above £30,000 and this change was made in the final report.

It was reported by some Community Councils that they were disappointed that this had been done. The IRPW Representative mentioned that some people did really like the change and it was requested by The IRPW Representative that Town Councils should be making the IRPW aware if they do or do not like something. It was reiterated that a Councillor can refuse the £150 payment given to them if they wished to do so.

The IRPW Representative also stated that there were no changes to the annual £500 payment that Community and Town Councils in Group A must make available to each member, up to a minimum of 1 and a maximum of 5 members that have specific responsibilities.

Town Councils in Group A that have a budget over £200,000 must make that payment. Groups B and C can make this payment available. Some members have many committees that they attend and some members do not have many.

The IRPW Representative clarified that it was a move to another change to Civic Head payments and a payment to the Civic Head and this could cause confusion. The Town Council was authorised to make a payment to the Civic Head-Mayor of £1500 to the individual to undertake the role, it was a payment for their time and extra commitment. It was

in addition to the £150 payment and if the member has another senior role then they can also have the £500, this was an individual payment. The £1500 payment was the maximum amount for the Civic Head and the IRPW confirmed that they have had a lot of enquiries about this.

The IRPW Representative mentioned that Community Councils were often reluctant to make payments, asking why they needed to be made. The IRPW Representative explained that in order to carry out their duties all members were asked to make a formal Declaration of Office and that the member occupied a different position to a volunteer. This was a completely different arrangement and so it was really clear elected members were not volunteers. This was why the payment had been included. The IRPW Representative confirmed that it was felt that it was important to try to get a diverse range of people to stand for office. Individuals could also not accept any or all of the payment but they were entitled to receive them.

Points made regarding payments:

- In relation to the budget setting process, clerks could make estimated budgets.
- Pro rata payments- It is up to the clerks when members were paid, at the beginning of office or in instalments etc.
- Payments were eligible to be paid from May and this would take effect unless the clerk was notified differently.
- On the 30th September all payments made to members were to be sent to the IRPW as an annual statement of payments proforma. Nil returns details also would need to be sent to the IRPW.
- There were no changes to the travel assistance and financial loss allowance and the reimbursement of care costs.

Questions from Community Councils

It was questioned why the amount £150 had to be paid and The IRPW Representative reiterated that not everyone had the same needs and if the IRPW received information that the amount was too low then it would be reviewed. It was all about increasing diversity in Members joining.

Cllr White from Wentlooge and a Representative from Rogerstone asked would they have to pay Community Councillors because it would be difficult to pay out especially now that concurrent expenditure had been removed and Community Councils would struggle. The IRPW Representative answered that a lot of members work a lot of hours for a small amount of money and some may not be able to afford not to have the payment. The ability to receive the payment would make the difference.

A Representative from Nash stated that there was an impact on rate payers with Concurrent Expenditure being slashed so it would be a financial burden.

The IRPW Representative also mentioned that there was an understanding that there had been previous coercion of members to not take the money and this was very concerning and quite unfair on those members who really needed the money.

The Nash representative asked whether the money paid to councillors was taxable? They had contacted the HMRC and enquired about this and it was confirmed that the money was payable and it was to be paid through payroll. However, this could be a barrier if the member was self-employed. The IRPW Representative stated that this was understandable and a lot of discussions has been had with One Voice Wales about this issue.

The Nash representative stated that a taxable statement would be a helpful item to have in the report. The IRPW Representative confirmed that the IRPW cannot get involved with the HMRC and Councils can therefore be signposted to One Voice Wales to assist with enquiries on this matter.

One representative asked whether the matter would be put to Council? The Chair stated that this was done individually and this was not secret.

The Langstone representative enquired whether there were other Community Councils apart from Langstone that paid out this amount? A Representative from Bishton stated that their Community Council was not on the payroll therefore do not give the allowance as they would get charged for a payroll provision. Therefore, they did not wish to create a payroll just for this amount, there were a lot of wage slips to create. The IRPW Representative confirmed that the Remuneration Panel cannot give tax advice but maybe One Voice Wales can look at this? It was discussed that the amount the member received was taxable and that it was up to them to declare it.

The Langstone representative stated that the payment changed the character of what the Councillor does and it extended the social involvement of Councillors and brought to light what it entails. He stated that expenditure clashes on the agenda and it made them feel uncomfortable.

The IRPW Representative stated that it was hard to introduce changes and the cost was very small overall. In relation to the membership of local authorities, 30% of new members were coming into principal Councils who were younger and this made it more diverse and this was very encouraging.

The Rogerstone Representative mentioned that Councillors do not see themselves as the same as Town Councillors.

Finally, it was mentioned that the £1500 was for the Councillor themselves and the amount was set to £1500 and no receipts were needed.

4 Community Councils Concurrent Expenditure

The Chair confirmed that it was requested that expenditure be put on the agenda even though a final decision was already taken on the matter by Cabinet. However, the Chair was happy to discuss the implications at the meeting.

The Nash Representative then stated that their Town Council was looking at cuts as a result of the expenditure cut and a reduction in business rates. Their community hall has never been let out for profit. The Representative stated that this would now have to be expanded and they would need to get a further £3000 as there was a need to fill the hole in the budget and this was a concern. The Representative stated that the community halls should be exempt. It was discussed as to whether Newport City Council would hit the Community Councils with charges on community halls if they let it out for profit?

The Chair explained that Newport City Council did not set the business rates and there were exemptions for non-profit making councils. The Chair stated that an enquiry would be made with the Head of Finance to confirm what the rates of business are?

Councillor Mogford confirmed that he was recently appointed for Llanvaches Community Council and now that the concurrent expenditure had been removed, around £130,000 would need to be saved. The Representative asked that if a service like grass cutting was stopped then will the Council take on this service? The Chair confirmed that the Community Councils can stop a service if they wish, that a service like grass cutting was completely discretionary.

Councillor White stated that this created disparity between Community Councils and other areas in the city area. Councillor White stated further that a grant was provided by the council to Duffryn who receives £6,000 in grants from Newport City council which was nothing compared to what can be provided to support the village hall. The Chair confirmed that they could not comment on this as this issue was decided on by Cabinet member.

The Graig representative asked whether Newport City Council could inform the Community Councils how the £130,000 will be spent? It was also queried as to whether this was part of the £9 million Council saving that had to be made. The Chair explained that this money was

put into the overall pot to bridge the gap. The Graig Representative expressed that they were not satisfied with this answer.

Another Representative queried as to whether residents were going to be paying twice for grass to be cut? It was stated that some Community Councils cannot afford for some areas to be cut.

The Chair stated that all the parks were available to everyone and the Chair requested that the issue was not to be reopened again.

A Representative asked a procedural question as to whether it was usual for the Council Member to make a decision without consulting other colleagues within the council first? The Chair confirmed that the Council Member needed to consult other members first before making that decision and was accountable for the decision. It was then questioned as to whether the Council Member still made the decision even if others were unhappy with it?

Another Representative stated that when trying to explain the decision made to the residents, they were asked, out of the £2500 paid of council tax, why was this not being spent on communities etc and they were being discriminated against? The Chair stated that this was an entirely different debate in relation to property tax etc and was not in relation to the maintenance of the centres.

A Representative asked as to whether Community Councils were paying for things they should not be paying for and would the Cabinet Member consider this? The Chair confirmed that this was not in the Council Members remit. It was difficult to justify and levy.

The Wentlooge Representative asked could we find out what grant is available for community halls, as mentioned regarding Duffryn earlier? The Wentlooge representative stated that this information came from a member of the Duffryn Community Council and they have stated that they received money from Newport City Council to help with the running of the hall. The Chair confirmed that it was probably a Council run community centre and was an historical agreement to take over the running of the council building at that time.

The Rogerstone Representative stated that the decision made by the cabinet member is the opposite one made by the Welsh Assembly Government who wish to work hand in hand with Community Councils. The Chair confirmed that he could not comment on this but was happy to discuss procedural or consequential issues. It was stated that the grant should never be a means of supplementing local budgets and the Community Councils seem to be reliant on the grant and that was not what it's there for.

It was also mentioned that the Community Councils needed help to stop the impact on the residents.

Councillor Mogford stated that maybe the only option is for the Community Council to close? Or for members to resign in protest? The impact would be that the Council would have to take responsibility as there is only one way to dissolve a Community Council by vote. Councillor Mogford then asked what would happen? Would people co-opt in and would that area be on a par with others in areas that don't have Community Councils?

The Graig Representative stated that there was a new lease condition with Newport City Council for Rhiwderin hall to refurbish the toilets, the alarms etc. This amounted to £100,000 in financing revenue from Welsh Government from the Local Loans Board as an example. It was then pointed out that Newport City Council would have demolished the building if they did not borrow the money to refurbish. It was noted that the grant issue will really hit them hard.

It was discussed that we are dealing with 25% of the people of Newport so not a small minority. It was also discussed that in the Charter it states that Newport City Council will aim to give Community Councils a chance to comment before the sign off decision is made that

affects them. It was asked has this been done? It was pointed out that Community Councils were not addressed and consulted on this process. The Chair stated that this was not correct as the Community Councils were informed previously that the expenditure could be removed altogether and that this wasn't just a decision made last month but a decision made over the last few years. The consultation had been going on for years.

It was discussed that the Community Councils felt that the expenditure had been cut without consultation and that it was implemented over a period of 4-5 years without consultation. The consensus was that options were a basic amount and for the report to say that there wasn't a general consensus was not quite accurate.

Cllr White asked whether there was sufficient consultation and the Chair confirmed that there had been no lack of consultation previously but there had been a mixed response from clerks. There had been no complete agreement. The Chair again reiterated that a final decision was taken, all the clerks responded and this was fed back to the Member to make his decision.

Another Representative stated that the Member should have come to this meeting to answer questions and to explain why he came to his decision as it was unfair how the decision was made. However, the Chair stated that this would just reopen the debate again. Another Representative asked how Councils will now provide services and the Chair stated that this would be up to the councils themselves. Councillor Mogford agreed that the decision making process was fair but didn't agree with the decision.

The Representative from Penhow Council asked what were the discretionary services that the council gave and was there a list of Council functions? The Chair confirmed that decisions about this were made in Council.

A Representative stated that the Community Councils thought they were making a partnership with Newport City Council so they were quite disappointed and stated that maybe it was the case that the Community Halls may now not be available for future elections.

Another Representative stated that they had been to the meeting held previously with Councillor Mayer which had been a general invite, they remarked that it was felt that the Cabinet Member had already made a decision at that time and then the Councillor left the meeting. The Chair stated that the Councillor had not made their final decision at that time, it had been made a week or so later. It was pointed out by the Chair that the comments from clerks extended the decision time and the decision was not made before then. The decision was made quickly in order to plan budgets for next year. The Chair also confirmed that there had been no minutes available at that consultation meeting with Councillor Mayer as it was an informal meeting.

5 **Shared Charter**

One of the representatives stated that the Shared Charter had no relevance anymore. The Chair stated that the relationship between Newport City Council and Community Councils should not just depend on this. It was stated that there had been previous problems with Officers and when the Charter was mentioned the Officers did not know which Charter they were referring to. The Chair confirmed that the Charter had been circulated to all the Heads of Service and that they had been made aware of it.

It was asked whether the Charter would be reviewed and the Chair confirmed that it would be reviewed as the format is Welsh Government recommended.

Action Points:

1. In relation to how the Charter was implemented there were high level principles on how we work together. It was recommended that the consultations were discussed more thoroughly, page by page.

2. It was noted that Community Councils felt they were not consulted previously and that some Community Councils wanted to opt out of the Charter. The Chair stated that the Charter works both ways and that no one was forcing Community Councils to work with Newport City Council.

3. All Community Councils were unhappy with the way it was dealt with previously.

4. All Community Councils wish to appeal concurrent expenditure. The Chair confirmed again that they cannot advise on this issue but Community Councils can go to the High Court for a judicial review.

5. It was mentioned by one of the Representatives that perhaps the Chair could have a word with the Cabinet Member and the Chair confirmed that the Member was aware of the situation at present.

6. It was also asked by Councillor Mogford would the clerks be able to speak to Officers directly in relation to specific issues e.g. potholes etc? The Chair confirmed that the Democratic Services team were the single point of contact for Governance issues but specific issues such as potholes were to be reported to the Newport City Council Contact Centre in the usual way.

6 Meetings for 2019

21st March 2019

20th June 2019

19th September 2019

11th December 2019

The meeting terminated at Time Not Specified