

# Agenda



## Newport City Council

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Date: Tuesday, 27 April 2021  
Time: 5.00 pm  
Venue: Via Teams Live Event  
To: **All Members of the City Council**

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### **WEBCASTING NOTICE**

*This meeting is being conducted remotely in accordance with The Local Government (Coronavirus) (Wales) Regulations 2020 and is being recorded and also live streamed for viewing by the public via the internet.*

*At the start of the meeting the Mayor or Person Presiding will confirm that the remote meeting is being recorded and live streamed. The images and sound recording may be also used for training purposes within the Council.*

*If you have any queries regarding this, please contact the Democratic Services Manager.*

| Item |  | Wards Affected |
|------|--|----------------|
| 1.   | <u>Preliminaries</u> <ul style="list-style-type: none"><li>i. To receive any apologies for absence.</li><li>ii. To receive any declarations of interest.</li><li>iii. To receive any announcements by the Mayor.</li></ul> |                |
| 2.   | <u>Minutes (Pages 5 - 22)</u><br>To confirm and sign the minutes of the last meeting.  |                |
| 3.   | <u>Appointments (Pages 23 - 24)</u><br>To consider any proposed appointments.  | All Wards      |
| 4.   | <u>Members Schedule of Remuneration 2021/22 (Pages 25 - 40)</u>  | All Wards      |
| 5.   | <u>National Non-Domestic Rates: Covid-19 Discretionary Rate Relief Schemes (Pages 41 - 70)</u>   | All Wards      |
| 6.   | <u>Pay and Reward Policy 2021/22 (Pages 71 - 100)</u>  | All Wards      |
| 7.   | <u>Standards Committee Minutes: 15 April 2021 (Pages 101 - 106)</u>  | All Wards      |

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Date of Issue: Tuesday, 20 April 2021

8. Questions to the Leader of the Council  
To provide an opportunity for Councillors to ask questions to the Leader of the Council in accordance with the Council's Standing Orders.

**Process:**

No more than 15 minutes will be allocated at the Council meeting for questions to the Leader of the Council.

The question must be addressed through the Mayor or the person presiding at the meeting and not directly to the person being questioned.

9. Questions to the Cabinet Members  
To provide an opportunity to pose questions to Cabinet Members in line with Standing Orders.

**Process:**

No more than 10 minutes will be allocated at the Council meeting for questions to each Cabinet Member.

Members must submit their proposed questions in writing in advance in accordance with Standing Orders. If members are unable to ask their question orally within the allocated time, remaining questions will be answered in writing. The question and response will be appended to the minutes.

The question must be addressed through the Mayor or the person presiding at the meeting and not directly to the person being questioned.

Questions will be posed to Cabinet Members in the following order:

- i. Deputy Leader and Cabinet Member for City Services
- ii. Cabinet Member for Education and Skills
- iii. Cabinet Member for Assets
- iv. Cabinet Member for Sustainable Development
- v. Cabinet Member for Community and Resources
- vi. Cabinet Member for Streetscene
- vii. Cabinet Member for Licensing and Regulation
- viii. Cabinet Member for Culture and Leisure

10. Questions to the Chairs of Committees  
To provide an opportunity to pose questions to the Chairs of the Committees in line with Standing Orders.

**Process:**

No more than 10 minutes will be allocated at the Council meeting for questions to each Chair.

Members must submit their proposed questions in writing in advance in accordance with Standing Orders. If members are unable to ask their question orally within the allocated time, remaining questions will be answered in writing. The question and response will be appended to the minutes.

The question must be addressed through the Mayor or the person

presiding at the meeting and not directly to the person being questioned.

Questions will be posed to Committee Chairs in the following order:

- i. Scrutiny Committees
  - a. Overview and Scrutiny Management Committee
  - b. Performance Scrutiny Committee – People
  - c. Performance Scrutiny Committee – Place and Corporate
  - d. Performance Scrutiny Committee – Partnerships
- ii. Planning Committee
- iii. Licensing Committee
- iv. Democratic Services Committee

**For information:**

**A digest of recent decision schedules issued by Cabinet, Cabinet Members and Minutes of recent meetings of Committees has been circulated electronically to all Members of the Council.**

11. [Live meeting Council, 27 April 2021 - YouTube](#) (opens link)

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# Minutes

## Council

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Date: 3 March 2021

Time: 5.00 pm

Present: Councillors J Cleverly, P Cockeram, D Davies, M Al-Nuaimi, C Evans, M Evans, C Ferris, J Guy, D Harvey, I Hayat, Councillor R Jeavons, M Kellaway, M Linton, D Mayer, R Mogford, Councillor J Mudd, M Rahman, J Richards, M Spencer, T Suller, H Thomas, K Thomas, C Townsend, Councillor R Truman, T Watkins, M Whitcutt, R White, K Whitehead, D Wilcox, D Williams, G Berry, J Clarke, Y Forsey, R Hayat, T Holyoake, P Hourahine, J Hughes, J Jordan, L Lacey, S Marshall, W Routley, H Townsend, J Watkins and A Morris

Apologies: Councillors D Fouweather, G Giles and V Dudley

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### 1. Minutes

The Minutes of the Council meeting held on 26 January 2021.

Councillor M Evans noted that in his supplementary question to the Leader, it should read International Convention Centre not World Conference Centre.

**Resolved:** That the Minutes of 26 January 2021 were approved subject to the above.

### 2. Appointments

To consider the proposed appointments set out in the report

Councillor Harvey moved the appointments set out in the Report, as agreed by the Business Managers, subject to the additional appointments set out below.

**Resolved:** That the following appointments be agreed.

#### Internal Appointments

| Committee / Appointment                                  | No. of Vacancies / Replacements | Nominations Received                                     |
|--|---------------------------------|--|
| Planning Committee                                       | 1                               | Councillor Berry to be replaced by Councillor Spencer    |
| Audit Committee  | 1                               | Councillor Lacey to be replaced by Councillor R Hayat    |
| Performance Scrutiny Committee - Place and Corporate     | 1                               | Councillor Critchley to be replaced by Councillor Linton |
| Standing Advisory Council on Religious Education (SACRE) | 1                               | Councillor Wilcox  |
| Active Travel Champion                                   |                                 | Councillor Forsey  |

## Governing Body Appointments

| Governing Body              | No. of Vacancies / Re-appointments | Nominations Received       |
|-----------------------------|------------------------------------|----------------------------|
| Newport High School         | 1                                  | Councillor Cockeram        |
| Kimberley Nursery           | 1                                  | Remove Councillor Cockeram |
| Malpas Court Primary School | 1                                  | William Langsford          |
| Monnow Primary School       | 1                                  | Emma Ashmead               |
| St Andrews Primary School   | 1                                  | Kevin Howells              |
| The John Frost School       | 1                                  | Becky Sims                 |
| Lliswerry Primary School    | 1                                  | Lashanth Vithiyatharan     |

## External Appointments

| Organisation            | No. of Vacancies / Replacements | Nominations Received  |
|-------------------------|---------------------------------|-----------------------|
| Newport Transport Board | 1                               | Councillor J Cleverly |

In addition to the above appointments, Councillor Harvey informed Council of the need to agree a further dispensation for Councillor Critchley's continued absence, due to ill-health in accordance with section 85 of the Local Government Act 1972:

This was moved by Councillor Harvey and seconded by Councillor Routley.

### **Resolved:**

To approve Councillor Critchley's continued absence on grounds of ill-health for a further period of 6 months.

### 3. **Police Issues**

Superintendent Mike Richards provided an update on current local policing priorities, before inviting questions from Members.

The Mayor invited the Leader to say a few words.

The Leader thanked Superintendent M Richards and his fellow officers for their partnership work around enforcement in relation to Covid Regulations, which had educated and informed people rather than penalised them. Officers had taken appropriate enforcement action however, where necessary, for those who had committed more serious and persistent breaches of the regulations.

The Leader appealed to colleagues in relation to an incident which was under investigation by the IPOC to refrain from raising queries in relation to this.

Finally, at local level, the Leader and Malpas ward colleagues met up with Paul Turner, who was a welcome addition to the policing team and was full of enthusiasm and good ideas.

### Questions from Councillors:

Councillor Rahman had raised an issue with Inspector Cawley regarding lack of parking spaces around Harrow Road, Rugby Road and Bedford Road. Residents had used bins to reserve these spaces; City Services had been addressing this. It had however become physical, leading to fights and there was concern that it would escalate. Inspector Cawley suggested a community day; similar to one that took place before lockdown and Councillor

Rahman asked if Superintendent Richards would provide the community van along with resources from Maindee Police Station in order to facilitate this. The Superintendent would get in touch with Inspector Cawley.

Councillor Jeavons thanked the police for their intervention regarding antisocial behaviour in the Cromwell Road area and was looking forward to seeing more police presence in that area. The Superintendent would ensure appropriate resources would be in place.

Councillor Lacey referred to a recent incident where teenagers broke into Ringland Primary School and set fire to part of the play area, these actions were caught on CCTV. This followed a similar pattern to other fires started within the Ringland area previously. Councillor Lacey therefore asked if Inspector Cawley could look into this. The Superintendent was aware of this incident and would discuss this with Inspector Cawley and get in touch with the councillor regarding identifying the suspects.

Councillor Davies referred to door to door canvassing in January and asked was this acceptable under the Covid Level 4 lockdown arrangements. The Superintendent confirmed that door-to-door political canvassing was not permitted during the current lock-down restrictions and he would get in touch with Councillor Davies regarding this complaint.

Councillor Whitehead mentioned that the field adjacent to Rougemont School was being used by scramblers. With milder weather approaching, this could occur more frequently and disturb residents as well as disrupting school lessons. Councillor Whitehead suggested boulders be put at the entrance of the field to deter this antisocial behaviour. The Superintendent had seen an increase in this kind of behaviour since last weekend. Operation Harley, was put in place last year and officers would re-commit to this in the coming months.

Councillor Holyoake congratulated the police on work carried out recently to address street workers however drug dealers and street workers had been gathering during the lockdown period. The Superintendent thanked Councillors Holyoake and Hayat for their continued support and advised that if there were groups of people, Police could use their enforcement powers. This would be reinforced by the Superintendent.

Councillor M Evans queried when charges were referred to Crown Prosecution Service they could recommend lesser charges as an example, a charge of robbery and assault could be reduced to theft which could impact on the victims, public and the police. Was there anything that could be done as a council to change this to support victims of crime and ensure offenders receive the appropriate justice. The Superintendent agreed that the police did have to contact the CPS regarding reduced criminal charges. These cases were few however the Superintendent would be happy to continue the conversation outside of the meeting and consider any support that would be offered to the police.

Councillor Al-Nuaimi congratulated Superintendent Richards on his hard work during the past year. Councillor Al-Nuaimi raised concern that recent stop and search exercises last November and December saw a raise in statistics relating to the BAME community. The Superintendent was greatly involved in the stop and search programme and would arrange to meet with the councillor as the statistic quoted appeared high by comparison to police statistics.

Further questions from Councillor Al-Nuaimi would be forwarded to Superintendent Richards in writing.

#### **4. Notice of Motion: M4 Relief Road**

The Council considered the following motion, for which the necessary notice had been given. The motion was moved by Councillor M Evans and seconded by Councillor Routley.

***This Council acknowledges the need for an M4 Relief Road around Newport and calls on the Welsh Government to issue a special directive ordering the implementation of an advisory referendum within the Newport Local Authority boundary area.***

Councillor M Evans introduced the motion by advising councillors to consider asking the Welsh Government to implement a referendum. This would give the Welsh Parliament the opportunity to debate the benefits of engaging with the electorate on an issue that affected everyone across the city. Councillor M Evans mentioned that after a public enquiry, by the Independent Commission concluded that an M4 relief road should go ahead. The First Minister however took the decision not to debate this recommendation and therefore did not go ahead with the construction of the relief road.

The new Local Government and Elections (Wales) Act asked councils to find new ways of engaging with the public.

Councillor M Evans mentioned that previous Leaders had supported the M4 relief road. A non-binding referendum would show the strength of feeling of the residents of Newport, one way or another. This would be more meaningful than a petition. It was hoped that this would lead the way for democracy in listening to the voice of Newportonians in a non-political way.

Councillor Routley formally seconded the motion and reserved the right to speak later in the debate.

The Mayor invited members to move an amendment.

In response, Councillor Mudd requested to move an amendment to the motion, which was seconded by Councillor Hughes.

Councillor H Townsend also indicated that she may wish to move a further amendment to the motion.

The Monitoring Officer explained that one amendment would be heard at a time, therefore the Leader was invited to speak first.

Before the Leader proceeded, Councillor C Evans asked for a point of order and sought clarification as to the proposed route. Councillor M Evans confirmed that it was the black route.

The Leader proceeded to speak to and move the following amendment:

***Newport City Council has always acknowledged public opinion regarding an M4 Relief Road around Newport. We recognise that we must act today for a better tomorrow.***

***This Council asks the Welsh Government to carefully consider any calls for an advisory referendum or other public consultation within the Newport Local Authority boundary area-within the context of social, economic and environmental factors, which underpin the Well Being of Future Generations (Wales) Act 2015.***

The Leader commented on the amendment advising that most councillors as well as the public had sat in traffic wishing that there was a better way to improve the infrastructure. There had been plenty of opportunities in the past to respond to the Welsh Government consultation on the M4 relief road proposals. In the meantime, Covid had changed everyone's lives, with no going back however we could change our lives for the better; the way we live and work, this had given us time to think. The Chancellor of the Exchequer announced budget proposals today, encouraging ways of making savings, with investment in city deals and green technology. It was felt that £1.5bn on a road would not achieve this and it was hoped that central government would support a green recovery in South East Wales

by investing in rail infrastructure. If we were to be responsible for a financial recovery for Newport, a costly referendum was not the answer and we needed to invest wisely in infrastructure by building a Newport for everyone.

#### Comments from Councillors:

Councillor Whitehead considered that the first motion would have had more impact if all councils supported a referendum going forward to the Welsh Government. Councillor Whitehead agreed that there was a need for a relief road and that traffic congestion and variable speeds was an issue. He also supported the Leader's comments.

Councillor C Evans had asked questions pre Covid trying to promote a green agenda, of which making Newport a Bee friendly city and installing electric car charging points had been adopted by the Council. The black route was a concern and would greatly impact on the environment and eco-system. More people had been working from home, since the pandemic, with a view of making this a permanent move, therefore positive changes were taking place. The legacy for Newport was a greener future.

Councillor Hughes stated that the cost associate with the M4 relief road was estimate by some as £2bn and the implications of the cost was the pivotal reason why the relief road was rejected by Welsh Government. The A55 project in North Wales was also placed on hold for financial and environmental reasons. Newport Wetlands was a key part of the M4 black route. The solution would be to improve public transport and rail. It was hoped that Newport would be at the forefront of green recovery. The amendment would allow the council to work with the Welsh Government.

Councillor Mudd thanked colleagues for contributing to the debate and concluded that this was not the first time that M4 relief road had been debated but first time since Covid. In light of the recent Local Government and Election (Wales) Act, Wales was most democratic country in UK and Europe and there was a real opportunity to engage with Local Government and a legacy for Newport as well as a greener city with sustainable transport.

Councillor Routley spoke against the amendment and suggested that the black route would only take up 2% of the land in Newport without affecting the Wetlands. There were issues with the microphone being muted, which Councillor Routley requested that the Monitoring Officer investigate.

The Monitoring Officer clarified the points of order raised and advised that as the speeches had been taken out of sequence Councillor Mudd could therefore reply to Councillor Routley.

Councillor Mudd reiterated that we had to be fiscally responsible and that the amendment made it clear to colleagues that we must act today for a better tomorrow. Newport City Council and Welsh Government had committed to sustainable transport and was part of Western Gateway and Capital City Region and therefore commended this motion to the Council.

Councillor M Evans was disappointed with the amendment and reminded colleagues that 8% of the area within the black route would be untouched. Newport residents needed jobs and the economy to prosper, cars were becoming more environmentally friendly and that taxis and coaches were also using the M4. Everyone 's lives effected by the accidents and congestion around the Brynglas Tunnels and it would be an opportunity for Newport residents to have their say. Councillor M Evans was therefore not accepting this amendment.

Councillor Harvey, Mogford, Wilcox, C Evans and J Guy moved that a recorded vote be taken on the proposed amendment.

Councillor C Townshend raised a point of clarification about whether the amendment was in addition to, or in substitution of, the original motion before Council. The Leader confirmed that the amendment was intended to replace the original motion in its entirety

The following vote was recorded:

| <b>Councillor Name</b> |        | <b>For</b> | <b>Against</b> | <b>Abstain</b> |
|------------------------|--------|------------|----------------|----------------|
| Al-Nuaimi, Miqdad      |        | 1          |                |                |
| Berry, Graham          |        | 1          |                |                |
| Clarke, James          |        | 1          |                |                |
| Cleverly, Jan          |        |            |                |                |
| Cockeram, Paul         |        | 1          |                |                |
| Cornelious, Margaret   | Absent |            |                |                |
| Critchley, Ken         | Absent |            |                |                |
| Davies, Deb            |        | 1          |                |                |
| Dudley, Val            | Apols  |            |                |                |
| Evans, Chris           |        | 1          |                |                |
| Evans, Matthew         |        |            | 1              |                |
| Ferris, Charles        |        |            | 1              |                |
| Forsey, Yvonne         |        | 1          |                |                |
| Fouweather, David      | Apols  |            |                |                |
| Giles, Gail            | Apols  |            |                |                |
| Guy, John              |        | 1          |                |                |
| Harvey, Debbie         |        | 1          |                |                |
| Hayat, Ibrahim         |        | 1          |                |                |
| Hayat, Rehmaan         |        | 1          |                |                |
| Holyoake, Tracey       |        | 1          |                |                |
| Hourahine, Phil        |        | 1          |                |                |
| Hughes, Jason          |        | 1          |                |                |
| Jeavons, Roger         |        | 1          |                |                |
| Jordan, Jason          |        | 1          |                |                |
| Kellaway, Martyn       |        |            |                |                |
| Lacey, Laura           |        | 1          |                |                |
| Linton, Malcolm        |        | 1          |                |                |
| Marshall, Stephen      |        | 1          |                |                |
| Mayer, David           |        | 1          |                |                |
| Mogford, Ray           |        |            | 1              |                |
| Morris, Allan          |        |            |                | 1              |
| Mudd, Jane             |        | 1          |                |                |
| Rahman, Majid          |        | 1          |                |                |
| Richards, John         |        | 1          |                |                |
| Routley, William       |        |            | 1              |                |
| Spencer, Mark          |        | 1          |                |                |
| Suller, Tom            |        |            | 1              |                |
| Thomas, Herbie         |        | 1          |                |                |
| Thomas, Kate           |        | 1          |                |                |
| Townsend, Carmel       |        |            |                | 1              |
| Townsend, Holly        |        |            |                | 1              |
| Truman, Ray            |        | 1          |                |                |

|                  |  |           |          |          |
|------------------|--|-----------|----------|----------|
| Watkins, Joan    |  |           | 1        |          |
| Watkins, Trevor  |  |           |          |          |
| Whitcutt, Mark   |  | 1         |          |          |
| White, Richard   |  |           | 1        |          |
| Whitehead, Kevin |  | 1         |          |          |
| Wilcox, Debbie   |  | 1         |          |          |
| Williams, David  |  |           | 1        |          |
|                  |  |           |          |          |
|                  |  | <b>30</b> | <b>8</b> | <b>3</b> |

30 members were For the amendment, 8 were Against and there were 3 Abstentions. Therefore, the amendment was duly carried. The Monitoring Officer advised that the original motion would now fall and the amendment would become the substantive motion, unless any further amendments were moved at this stage.

Councillor H Townsend had indicated that she had intended to move a further amendment to the original motion but declared that she no longer wished to do so.

Therefore, a further vote was then taken on the first amendment, as the substantive motion. No recorded vote was called for and, therefore, members were invited to indicate whether any of them wished to change their vote.

No member indicated that they wished to change their vote from the previous recorded vote on the amendment. Therefore, the substantive motion was duly carried by a majority vote.

**Resolved:**

That -

Newport City Council has always acknowledged public opinion regarding an M4 Relief Road around Newport. We recognise that we must act today for a better tomorrow.

This Council asks the Welsh Government to carefully consider any calls for an advisory referendum or other public consultation within the Newport Local Authority boundary area within the context of social, economic and environmental factors which underpin the Well Being of Future Generations (Wales) Act 2015.

**5. Capital Strategy and Treasury Management Strategy 2021/22**

The Leader presented the report to Council.

The Capital and Treasury Management Strategies were presented to Audit Committee and their comments are included within the report. Cabinet endorsed the strategies at its latest meeting, and Council were required to approve the strategies including the borrowing limits and prudential and treasury management indicators included within.

This report included both the Capital and Treasury Management Strategies which, at their core (i) confirm the capital programme, as part of the Capital Strategy and (ii) the various borrowing limits and other indicators which governed the management of the Councils borrowing & investing activities, as part of the Treasury Management Strategy.

Both these strategies were a requirement of CIPFA's Prudential Code which sets out the requirement for them and ensured, within the frameworks which these document set, that capital expenditure plans were:

- **Affordable** - capital spend and programmes were within sustainable limits and can be accommodated within current and forecast future funding levels.

- **Prudent** – Councils needed to set borrowing limits -called ‘operational’ and ‘authorised limits’ which reflected the Councils plan for affordable capital plans and their financing costs. On investing activities, Councils needed to consider the balance between security, liquidity and yield which reflected their own risk appetite but which prioritised security and liquidity over yield.
- **Sustainable** – Council’s capital plans and the revenue cost of financing the current and future forecast borrowing/debt taken out for that needed to be sustainable in terms of the Councils overall finances and its impact on that.

Whilst Cabinet made decisions relating to what capital projects and spend to make, it was the full Council that approves the ‘borrowing limits’ that these were kept within. Many projects are funded from capital grants, capital receipts and specific reserves which did not impact on borrowing levels, but where borrowing was required, the programme was required to be set within those limits.

This was an important area of overall financial management governance in that borrowing levels, once taken up, lock in the Council to a long term liability for revenue costs in relation to the provision of the repayment of those loans (MRP costs) and external loan interest costs – together known as ‘capital financing costs’.

#### Capital programme

The Council’s capital programme went to 2024/25 (this was the original capital 5 year programme to 2022/23 which was extended by 2 years for projects whose completion spanned beyond the 5 years). It was a significant capital programme and included £211.4m of already approved projects and alongside new investments such as the borrowing for Cardiff City Capital Region spend at £17.3m, £19.7m for the new leisure scheme and £4.5m for further uncommitted borrowing for future projects – brings a total investment of £252.9m for the programme ending 2024/25.

This was a large investment for the City’s key infrastructure. Key projects include:

- Our new leisure scheme in the city centre -£19.7m. This would also pave the way for the new Coleg Gwent College. Both would bring much needed footfall and vibrancy to the city centre
- Investment in the refurbishment and restoration of the City’s Transporter Bridge –nearly £13m
- A significant expansion, modernisation and maintenance of our school buildings, making up the majority of our £101m investment in this programme in education and schools
- Over £25m of funding for the Cardiff City Capital Region, which was enabling a huge level of economic development across our region which would benefit Newport and the wider region.
- Over £7m in our city centre and regeneration projects, including further funding in our revenue budget to continue and expand on that as we ‘build better’ from the past 12 months.

Capital Expenditure funded by debt increases the need to undertake external borrowing. A further driver for the need to undertake external borrowing was the capacity to be ‘internally borrowed’ reducing as earmarked reserves were utilised, which in turn needed to be replaced with external borrowing. This was the case particularly for this Council which had a high level of ‘internal borrowing’; which is now reducing over the medium-long term. The Council was therefore committed and had a requirement to be a net borrower for the long term.

For the remaining three years of the current capital programme until 2024/25, the level of borrowing to facilitate the current capital programme was substantial with external borrowing

increasing from an estimated £164m at the end of this financial year to £234m in 2024/25, an increase of over £70m. The total committed requirement for external borrowing was forecast to be c£284m. These were shown in table 2 of the report.

The commitment to increase external borrowing led to increasing capital financing costs as shown in table 3 of the report, and show a significant increase in capital financing costs from 2020/21. These costs were included in the Council's MTFP. Costs would continue to increase into the medium to long term. Compared to comparative authorities, the percentage of the capital financing costs as a proportion to the Councils total net revenue was high. We have fully funded the capital financing costs required to complete this current capital programme and this was a key issue around showing affordability. As the Council's net budget was increasing significantly too, the proportion of the Councils net budget allocated to this remains broadly the same as now and the issue of potentially lower or low growth in funding was not a new risk and exists today. Therefore, from a sustainability viewpoint, the relative high cost of this budget was a challenge and was a risk but no higher or new than it is today.

Council was requested to approve the capital strategy and the borrowing limits within.

#### Treasury Management Strategy

This deals with plans for the Councils borrowing and investing activities

On borrowing, the capacity to be internally borrowed would reduce over the medium to long term. In 2021/22 the Council was expected to undertake external borrowing both for the refinancing of maturing loans and to fund increasing capital spend in the existing capital programme; it would remain as much 'internally borrowed' as is possible and increase actual external borrowing only when needed to manage its cash requirements. However, the Council may, where it felt necessary to mitigate the risk of interest rate rises, undertake borrowing early to secure interest rates within agreed revenue budgets. This would be done in line with advice from our Treasury Advisors.

On investing, the Authority's objective when investing money was to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. Given the increasing risk and very low returns from short-term unsecured bank investments, the Authority aimed to diversify into higher yielding asset classes during 2021/22, and this was delayed due to the current economic climate as a result of the pandemic. This was especially the case for the estimated £10 million that was available for longer-term investment. All of the Authority's surplus cash was currently invested in short-term unsecured bank deposits and local authorities. The strategy to diversify into higher yield asset classes would be implemented in the coming year.

Again the Council was requested to approve the Treasury Management strategy, including the investment strategy, treasury management indicators and limits and the Minimum Revenue Provision policy included within the strategy.

Cllr Jeavons seconded the report.

#### Comments from Councillors:

Councillor Al-Nuaimi referred to the seven-year capital programme and sought clarification on the cost of borrowing for Cardiff City Capital Region pending money from central government and what money would fund projects within Newport. Councillor Al-Nuaimi was advised to put any questions in writing to Head of Finance.

Councillor Truman fully supported the proposals as forward thinking and they dealt with all the main issues, including housing and leisure facilities and was a boost to the city centre economy, this included the City Centre regeneration projects. Councillor Truman also

supported the funding for social services and the empty property fund. The Transporter Bridge refurbishment was also a welcomed.

Councillor Hourahine took on board what Councillor Truman said and added that the Regeneration of the city centre would be beneficial for younger residents. Newport City Council was a forward looking authority. The regeneration would produce high quality high paid jobs for young people safeguarding their future, Councillor Hourahine therefore welcomed the report.

**Resolved:**

That Council -

- Approved the Capital Strategy (Appendix 2), including the current capital programme within it (shown separately in Appendix 1) and the borrowing requirements/limits needed to deliver the current capital programme.
- Approved the Treasury Management Strategy and Treasury Management Indicators, the Investment Strategy and the Minimum Revenue Provision (MRP) for 2021/22. (Appendix 3)

As part of the above:

- Noted the increased debt and corresponding revenue cost of this in delivering the current capital programme, and the implications of this over both the short and medium-long term in terms of affordability, prudence and sustainability.
  - Noted the Head of Finance recommendation to Council, that borrowing needs to be limited to that included in the current capital programme and the recommended prudential indicators on borrowing limits do this
  - Beyond the current capital programme period, there are potential financial challenges around on-going affordability and sustainability but these will need to be reviewed closer to the start of the new programme within the context of funding levels and the Councils budget position.
- Noted comments made by Audit Committee on 28 January 2021 (paragraph 5 & 6).

## 6. **Revenue Budget and Medium Term Financial Plan (MTFP) Final Proposals**

The Leader presented the report to Council. Following recommendation by my Cabinet, the Council needed to review and make a decision on the level of council tax and the resulting total net revenue budget for 2021/22.

The Cabinet met on the 22nd February 2021 and finalised detailed budget recommendations. This report set out the recommended overall 2021/22 budget, resulting service cash limits, council tax increase and the council's general reserve and contingencies. An increase in council tax of 3.7% (to £1,242.20 per annum at Band D) for Newport City Council was recommended. A 3.7% increase on council tax was an increase of 66 pence per week, 76 pence per week and 85 pence per week for Band B, C and D properties respectively.

Turning to the budget first, the Leader stated that, although Council was not here to agree the detail of that, as Cabinet were responsible on where and what resources were spent, it was important to mention a few key points:

1. It represented the culmination of about six months hard work, from agreeing the budget assumptions to form the basis of our planning to finalising detailed proposals last week, after a period of consultation on our draft budget which we announced in early January. We've done this under difficult conditions, working remotely and with the significant uncertainty of

developing budgets in the current challenging times. Many elected members had taken a part in this, from Cabinet members, to those who sat on Scrutiny committees, fairness Commission and many school governors. The Leader thanked everyone who had played a part in this and Council officers who have worked tirelessly on this whilst also dealing with supporting the city and residents through the last 12 months.

2. The Council's funding was increasing significantly next year and this provided some choices and the opportunity to invest in key services, including prepare the Council and the City for the challenges of 'recovering' from the last 12 months. Whilst the Revenue Support Grant accounts for about 76% of our overall funding, Council tax was still an important element. Funding, with a 3.7% Council Tax would increase by just over £15m.

3. The Cabinet were still making savings because the proposed investments were more than the available budget and therefore savings were needed. The draft budget proposals on savings showed we were on the 'right track'. Most of the savings would have little to no impact on services and were delegated to Heads of Service to implement. Of those we consulted on, only two proposals received negative feedback from residents. The Leader said that she would listen and she had by deleting the one saving that was not liked (charging at HWRC) and by reducing the Council Tax increase substantially from that consulted on.

4. The budget investment prioritises 'people' in our city and invests in 'place'.

- £4.9m would fund the cost increases in our schools, including new and expanding schools. We have kept back the pay increase element and would distribute when we knew what that was, up to the level we made provision for. Our intention was to at least pay for the cost increases in our overall schools budget.
- £2.5m in our social care services on a number of areas – emergency placements for vulnerable children, helping our adults with learning difficulties live independent lives and provision for increased costs from our care providers due to Covid / Brexit issues and ensure they were there to provide the best care as possible.
- £4m in our city services and regeneration, investment and housing services. This covered a range of issues but would provide capacity to deal with empty homes, economic development and projects to further regenerate and support the city centre. These were crucial now as we looked beyond the challenges of the last 12 months.
- £2.1m for the funding of the Councils capital programme. This was providing capacity to implement a very significant capital programme to benefit our schools, key cultural infrastructure, a new leisure centre in the city would also unlock college campus and city centre regeneration projects.
- nearly £1m for providing capacity to co-ordinate and implement capacity in our functions would take forward the city's aspiration on sustainable development, highways and de-carbonisation initiatives, developing our workforce planning and capacity, provision to develop and implement a plan and initiatives to further increased pride in our city, finding ways to support local communities within it and connect our communities and wider city.

The leader stated that it was a responsible budget and focussed on recovery as well as key services which supported the vulnerable residents and young.

In terms of Council Tax, that was the decision for council here today. As the Leader announced last week, cabinet had recommended a reduced 3.7% increase. The Leader made the following points here:

- it was significantly reduced on the 5% consulted on and also below the base assumption on the Councils medium term financial plan
- Newport's Tax level was one of the lowest in Wales and UK for comparable Councils (Unitary/County's) and the increase here maintained that. The rate was not 'out of kilter' to other increases across Wales. It was going to be substantially below increases in England here rates above 5% were not uncommon
- Our relative low level of Council Tax was not without its challenges, especially as a growing city with relative high deprivation levels. We could not allow this to slip back even further as that was not sustainable nor responsible. The level here provided for a 'balanced' position.

This is a good budget which focussed on a responsible recovery as we looked forward and put the Council at the heart in supporting our city as we moved ahead from the challenges of the last 12 months.

Cllr Jeavons seconded the report.

#### Comments from Councillors:

Councillor Jeavons thanked everyone for their hard work and contribution toward the budget. Along with the removal of car parking charges for certain sites within the city which were removed by the cabinet earlier in the budget cycle, removal of savings proposal STR2122/02 - Charges for non-household waste accounting to £20K was welcomed.

The saving of non-domestic waste for users of the HWRC site (which received over 60,000 visits since the booking system was introduced) was showing again that we had listened to the budget responses.

This along with the increase in waste enforcement within this budget, would help in the illegal action of fly-tipping.

Councillor Jeavons urged all litter picking groups to adhere to safe working practices in conjunction with the councils booking policy, and asked that the public check when having items removed from their property, that the people removing the waste had the correct paperwork/licenses in place.

Councillor Jeavons was very pleased to see an increase in the winter maintenance budget helping to keep amongst others, safety levels on our highways to a premium. Each grit run costed a lot of money, and were very rarely seen by the public whilst indoors during the inclement weather.

Councillor M Evans referred the increase in cost of Band D council tax from 2009/10 to 2021 £1,242 which saw an increase of £500. It was felt that previous savings suggestions put forward had been and that council tax should not have been increased under the current financial climate. He also mentioned that £6M was given towards the Welsh Budget with a settlement of 5.6% Councillor M Evans did however welcome some of the proposals, such as parking charges and addressing fly tipping. Due to Covid and the reduction in provision of services such as the closure of the Information Station, the budget was not therefore supported by his conservative colleagues.

Councillor Truman considered that this was a difficult budget which officers and members spent a long time producing. The challenges had also been addressed coming out of Covid. Councillor Truman therefore supported the report.

Councillor Davies Council supported the report and advised that there was financial protection for residents to support them if they were not able to afford council tax. The Welsh Government also supported the council and residents.

Councillor Harvey highlighted savings within various service areas and added that officers had gone above and beyond to prepare the report, supporting schools and grant funding for businesses. Councillor Harvey supported the budget going forward.

Councillor Whitehead considered that there were a lot of good actions that came from the budget report. He did however oppose the rise in council tax on behalf of residents and had considered moving an amended budget with a reduced council tax increase, but he had decided against this.

Councillor Rahman highlighted the investments, such as for small business, schools, green recovery within Newport when facing cuts in the previous years. In addition to this, the proposed new Leisure Centre. Councillor Rahman also understood that there were many families struggling and advised that support was available, from the Council and urged residents to get in touch.

Councillor Routley opposed the council tax increase and considered it would affect those struggling. He also mentioned that there was no additional revenue for the Bridge Achievement centre.

Councillor C Townsend observed that there were good elements within the budget but felt it did not go far enough with street cleaning and fly tipping. The planning process also needed strengthening through enforcement and the appeals process.

Councillor Cockeram considered that this was one of the best budgets in recent years in light of continuous cuts being made year on year, he also echoed comments regarding the regeneration of the city centre.

Councillor C Evans mentioned that the budget was considered at Performance Scrutiny Committee and suggestions were put forward in relation to the tax increase. He also mentioned that a neighbouring council's budget had made quite severe cuts. Councillor Evans advised that the Income Collection Manager had information for residents furloughed during lockdown regarding payment protection and advised that residents reach out to Newport City Council if they had financial difficulties to discuss how they could be given support.

Councillor Hourahine suggested that all colleagues take part in the consultation process and give an alternative budget if they would prefer a different outcome.

Councillor J Watkins agreed that there were good points in the budget, such as increased funding in social services and apprenticeships for younger people. Voluntary groups would also benefit from the budget. Councillor Watkins however opposed the council tax increase in light of Covid.

Councillor Morris requested a closure motion however the Leader asked the Mayor if she was able to conclude the discussion.

The Leader therefore concluded that it was a good budget with plenty of debate. The budget prioritised people and invested in place and set out the foundation for a green recovery and with a lower council tax which was important at this time.

It was noted that Councillors Williams and Mogford were unable to rejoin the meeting to cast their vote at this time.

**Resolved:**

That Council -

**Revenue budget and council tax 21/22 (section 2-8)**

1. Noted that an extensive consultation exercise has been completed on the 2021/22 budget proposals.
2. Noted the Head of Finance's recommendations that minimum General Fund balances be maintained at a level of at least £6.5million, the confirmation of the robustness of the overall budget underlying the proposals, subject to the key issues highlighted in section 7, and the adequacy of the general reserves in the context of other earmarked reserves and a general revenue budget contingency of £1.5million.
3. Approve a council tax increase for Newport City Council of 3.7%, a Band D tax of £1,242.20; and resulting overall revenue budget shown in appendix 1.
4. Approved the formal council tax resolution, included in appendix 3 which incorporates The Police and Crime Commissioner for Gwent and Community Council precepts.

**Medium term financial plan (section 5)**

1. Noted the MTFP and the financial uncertainty facing Local Government over the medium term.
2. Noted Cabinets approval of the implementation of the four-year plan, including all budget investments and saving options, as summarised within the medium term financial plan (appendix 4). In light of point 5 above it should be noted that financial projections are subject to on-going review and updating.

Noted and approved the councils reserves strategy and invest to save protocol. Estimated reserve balances as at 31 March can be found within appendix 5a.

**7. Questions to the Leader of the Council**

The Leader announced the following before proceeding with Questions.

- Last week, as well as finalising the budget, the cabinet gave the go-ahead to one of the most exciting projects the council would have embarked on in recent years.

A multi-million pound new leisure and well-being centre on a key riverfront site in the city centre would also pave the way for a 21<sup>st</sup> century city centre campus for Coleg Gwent.

Together, they would mean an investment of more than £100 million in the city centre bringing with them increased footfall and vibrancy. It would cost the council around £4 million, which seemed a small price to pay for what promised to be such a transformation in this part of the city centre; providing first class leisure facilities for residents and an enhanced learning environment in a fantastic new campus for our young people.

We were in challenging times but we could not stand still or stop striving to improve people's lives. These developments would bring huge benefits for so many people and we looked forward to more engagement with residents as the proposals develop and progress. Our consultation responses had shown these plans have won the backing of so many people in the city.

- The council was consulting with residents, businesses and community groups on our active travel network map, to help shape the future of active travel in Newport. We

wanted to know where people would like to see new walking and cycling routes developed as well as what could be done to improve existing routes

The leader urged everyone who hasn't already taken part to get involved as this was an important piece of work for the city and future generations, with a greener, more environmentally friendly and, above all, safer city.

- The Leader congratulated the planning and regeneration teams who were nominated for a prestigious award for their work on the innovative Central View housing scheme in Commercial Street.

The council was a finalist in the prestigious Royal Town Planning Institute (RTPI) awards for planning excellence 2021. It was shortlisted in the excellence in planning to deliver homes small schemes category. We were one of only two Welsh council to make the final of the awards which attracted entrants from all over the UK in the public and private sector.

Central View was a high quality housing scheme for over-55s in Commercial Street which was developed using funding from housing association Pobl Group, the Council and Welsh Government. We would find out next month if the entry was chosen as the winner but in such a high quality field from across the country, just being nominated was a huge honour and worthy of recognition.

- Later this month we would reach an unwelcome milestone, on 23 March it would be a year since the first lockdown was announced because of the Covid 19 pandemic, with few of us thinking that we would still be living under restrictions 12 months later.

It was a difficult year for so many people for so many reasons. We were so grateful to those in the emergency services, council staff, shop workers, delivery drivers and so many more, who continued to work on the front line throughout the pandemic.

Many lives had been impacted particularly those who had lost a loved one to Covid 19. Many of us here, if not all of us, would have lost a friend or relative or would know someone who has.

The council was contacted by a resident who was part of a group of families who were all in this sad position. The Leader was moved by her request that we light up one of our public buildings in remembrance on the anniversary. The Leader was pleased that we would be able to do that on 23 March. Along with other buildings in Wales, the Civic Centre clock tower would be lit up in yellow as a mark of respect.

The group was also asking the public to remember the thousands of Welsh lives that were lost in a number of ways such as putting a yellow heart or some daffodils in their window. It would be a time for pause and reflection.

The Leader concluded that sadly, we had not seen the end of coronavirus and people were still suffering and urged everyone to continue being careful, to abide by the restrictions to protect themselves and others to try and prevent more people experiencing the pain of those families.

### **Leader's Questions**

- Councillor M Evans:

Referred to the UK investment in rail electrification in 2014 by Transport Minister Edwina Hart, which included a footbridge over the train station, feasibility studies had taken place to support this. In 2019, funding for the footbridge and

commencement of building was to start in next financial year, along with funding from Welsh Government subject to an application to WG. Were the constant delays therefore acceptable and who was responsible.

The Leader advised that the foot bridge formed part of the active travel intervention and would be installed. Active travel formed part of a sustainable solution to an M4 relief road. Recommendation from the South East Wales Transport Commission report in terms of Newport such as investment in railway stations, road infrastructure, highways and public transport. A number of these projects would be ongoing very soon. A Memorandum of Understanding was signed with WG and Transport for Wales which would be undertaken through the delivery unit and the footbridge was an important part of the project. Also proposals to look at access and egress of railway station. The bridge was therefore on track to be implemented.

#### Supplementary:

Councillor M Evans reiterated that the foot bridge had still not been built after 10 years and referred to the poor state of the subway needed to be addressed as a matter of urgency. Who was responsible for this and would there be more feasibility studies and could the Leader give a commitment as to when would it be completed.

The Leader advised that this was part of broader intervention however the electrification system acted to delay this because of the overhead cables. Contractors had been appointed on this project and pre construction work had commenced. There had been a slight delay due to Covid as with most construction projects. In addition, railway lines could only be closed twice a year and therefore the railway would need be closed to build the footbridge.

As a point of clarification Councillor M Evans asked had the WG funding been approved. The Leader advised that she would provide a written response to Councillor M Evans.

#### ▪ Councillor Whitehead:

Litter picking in Bettws was due to take place and it had been noted that during the pandemic there were challenges in relation to this in some wards. Could the Leader reassure that positive action would be taken towards fly tipping and that offenders were being actively pursued along with updates via social media to public regarding prosecution. Secondly during Scrutiny Committees, discussion on a citywide forum regarding litter picking had been addressed and it was hoped that the Leader and officers would come on board with this and provide funding. This would be a good project to adopt and push forward with a positive impact towards education and attitudes.

The Leader, along with Malpas ward colleagues also litter picked with residents and schools and agreed there was a hot spot for fly tipping recognised this, particularly in the dingles of Bettws and Malpas. Extra investment would enable Newport City Council to get an extra van and crew members to collect on a seven-day week basis. Unfortunately, prior to Covid a volunteer day was organised to support litter picking and advice and guidance. There was an issue around accessing land and land ownership such as the Sainsbury's site which was private site and there was issues around insurance. Information would be shared with all the groups to make sure that this could be addressed. Another aspect was the location of the litter was an issue and staff could therefore not be sent out to collect litter on highways without closing the roads. Collaboration would be key to collecting litter and support for groups in place to advise where to collect from. We were committed to investing and supporting groups along with the citywide forum. We were also committed to

enforcement and there had been a record number of fines and ongoing prosecutions around particular sites that were problematic. Ongoing actions as alluded to by the Superintendent earlier were being addressed.

The meeting terminated at 7.45 pm

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# Report

## Council

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### Part 1

Date: 27 April 2021

**Subject** Appointments

**Purpose** To agree the appointment of Council nominees to committees and outside bodies.

**Author** Governance Team Leader

**Ward** General

**Summary** In accordance with its terms of reference within the Constitution, Council is responsible for appointing the members of Council Committees, and the Council's representatives on outside bodies. The current vacancies and nominations received are set out in the attached report.

**Proposal** Council is asked to receive and approve the nominations for representatives, as listed in the report

**Action by** Governance Team Leader

**Timetable** Immediate

This report was prepared after consultation with:

- Council Business Managers
- Head of Law and Regulation

## Background

In accordance with its terms of reference within the Constitution, Council is responsible for appointing the members of Council Committees, and the Council's representatives on outside bodies. The current vacancies and nominations received are set out below.

Any vacant appointments / nominations received after the publication of this report, will be announced at the Council meeting by the appropriate Business Manager or Group Leader.

### Governing Body Appointments

| Governing Body                | No. of Vacancies / Re-appointments | Nominations Received |
|-------------------------------|------------------------------------|----------------------|
| Caerleon Lodge Primary School |                                    | Rob Isaac            |
| St Patrick's Primary School   |                                    | Matthew Pimm         |

### External Appointments

| Organisation      | No. of Vacancies / Replacements | Nominations Received |
|-------------------|---------------------------------|----------------------|
| Raven House Trust | 1                               | Councillor J Hughes  |

## Proposal

Council is asked to receive and approve the nominations for representatives, as listed in the report.

## Comments of Chief Financial Officer

There are no financial implications directly arising from this report.

## Comments of Monitoring Officer

The appointment of individuals to serve on outside bodies is a Local Choice function under the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007. The Council has determined that responsibility for this function shall rest with Full Council unless delegated by the Council.

## Background Papers

Newport City Council Constitution

Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007

Dated: 20 April 2021

# Report

## Council

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### Part 1

Date: 27 April 2021

**Subject** **Members Schedule of Remuneration 2021/22**

**Purpose** To approve the Members Schedule of Remuneration for 2021/22

**Author** Head of Law and regulatory Services

**Ward** ALL

**Summary** The Independent Remuneration Panel for Wales (IRPW) is the body tasked with setting the remuneration levels for councils in Wales. The IRPW makes determinations in relation to basic and senior salaries, and also the rates and conditions for expenses paid by public authorities.

The IRP has now published its Annual Report for 21/22. The IRPW has determined that there should be an inflationary increase of £150 (1.06%) to the basic annual salary of 14,218, giving an increased basic salary of £14,368, which will be backdated to 1st April 2021. Senior salaries will also be increased at the same rate (1.06%) as basic salaries.

Council is now required to formally approve and adopt the Members Schedule of Remuneration for 21/22 as set out in Appendix 1.

**Proposal** **That Council approves and adopts the Members Schedule of Remuneration 21/22 as set out in Appendix 1.**

**Action by** Head of Law and Regulation

**Timetable** To publish and submit the schedule of remuneration for 2021-22 by 31 July 2021.

This report was prepared after consultation with:

- Leader of the Council
- Head of Law and Regulation
- Head of People and Business Change

**Signed**

## **Background**

The Independent Remuneration Panel for Wales (IRPW) is the body tasked with setting the remuneration levels for councils in Wales. The Panel makes determinations in relation to basic and senior salaries, and also the rates and conditions for expenses paid by public authorities. The IRPW's determinations for payments to be made to elected members as from 1st April 2021 are set out in the latest Annual Report, which was published in February 2021.

## **Summary of Proposed Changes**

In summary, the IRPW has determined that there should be an inflationary increase of £150 (1.06%) to the basic annual salary of 14,218 giving an increased basic salary of £14,368, which will be backdated to 1<sup>st</sup> April 2021. Senior salaries will also be increased at the same rate (1.06%) as basic salaries. The Panel also proposes an increase of £12 to £210 daily rate for ordinary co-opted members and for those with additional responsibility. All other allowances and rates for travelling and subsistence and care costs remain the same.

## **Revised Schedule of Remuneration**

The attached Schedule of Remuneration at Appendix 1 has been updated with the IRPW's changes. The Council is required to publish the revised schedule and submit this to IRPW by 31st July 2021. Council is asked to approve the revised schedule, which will be updated with post holder names following the AGM on 11<sup>th</sup> May 2021 before being published and submitted to IRPW in line with the deadline.

## **Consultation**

The IRPW's draft report was shared with the Democratic Services Committee and comments on the proposed determinations were fed back as part of the consultation process.

## **Financial Summary / Risks**

The determination to add £150 per annum to the basic salary and to increase senior salaries by 1.06% incurs an increased cost of approximately £12,000 per annum plus on costs. This is an increase that the Council must deliver to meet the IRPW's determinations. The allocated budget for 2021/21 has already been reviewed in light of the IRPW's conclusions.

## **Links to Council Policies and Priorities**

There is no direct link to Newport's individual policies or plans as this is a national issue about payments to Councillors.

## **Proposal**

That Council approves and adopts the Members Schedule of Remuneration 21/22 as set out in Appendix 1.

## **Comments of Chief Financial Officer**

The IRPW determination to increase Basic Salary by £150 per Councillor and to increase senior salaries by 1.06% incurs an increased cost of approximately £12,000 per annum plus on costs. Provision has been made within the budget for 21/22 for the increased allowances.

## **Comments of Monitoring Officer**

There are no specific legal issues arising from the Report. The IRPW has statutory power under Section 147 of the Local Government (Wales) Measure 2011 to set Members Allowances. Democratic Services Committee have previously expressed the opinion that the amounts of basic and senior salaries should be prescribed by the IRPW and not left to the discretion of individual councils. The latest IRPW Report and prescribed scheme removes most discretionary elements but there is still some element of local discretion.

The basic salary for all Members is increased by 1.06% (£150) in line with inflation, giving an increased basic salary of £14,368. Senior salaries will also be increased at the same rate (1.06%) as basic salaries and there is a small uplift for allowances for co-opted members. However, there are no further changes to last year's scheme.

The only remaining discretionary element of the Members Allowances Scheme is in relation to the whether the Council decides to pay civic salaries to the Mayor and Deputy Mayor and senior salaries to Chairs of Committees. The Council has previously determined to pay these discretionary allowances and the amounts are, therefore, fixed at £23,162 and £18,108 for the Deputy Mayor.

The IRPW has determined that the costs of care should be paid as a separate reimbursement rather than as part of a member's salary, to encourage more eligible members to apply for reimbursement. They have relaxed the rules on publication to enable councils to anonymise these payments and not identify the individual members concerned and the Council agreed to this last year. Therefore, it is recommended that only the total amount of care costs reimbursed by the authority during the year should be published and not the names of the individual members claiming reimbursement. The IRPW has reminded councillors of their entitlement to claim reimbursement of care costs.

Council, is therefore, required to formally approve and adopt the proposed Scheme of Remuneration for the financial year 2021/22. There is no requirement for any member to declare a personal interest, as there is a general dispensation for the approval of Members allowances.

## **Comments of Head of People and Business Change**

There are no specific HR or equalities issues arising from the report as the appointment to posts attracting senior salaries is a political decision by the Council. There are no specific issues in the response in relation to the Wellbeing of Future Generations Act, although those appointed to Cabinet posts in particular will need to consider the principles of the Act as part of the decision making process.

## **Equalities Impact Assessment and the Equalities Act 2010**

No FEIA was undertaken as the report affects elected members only.

## **Children and Families (Wales) Measure**

Not applicable.

## **Wellbeing of Future Generations (Wales) Act 2015**

There are no specific issues in the report in relation to the Wellbeing of Future Generations Act, although those appointed to Cabinet posts in particular will need to consider the principles of the Act as part of the decision making process.

## **Crime and Disorder Act 1998**

Not applicable.

## **Consultation**

The Democratic Services Committee were consulted on the IRPW's draft annual report.

## **Background Papers**

IRP Annual Report 21/22.

Dated: April 2021

# Constitution



## Part 6: Schedule of Members Remuneration

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Approved by Council on 27<sup>th</sup> April 2021

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### Newport City Council

#### MEMBERS' SCHEDULE OF REMUNERATION

This Scheme is made under the Local Government (Wales) Measure 2011 with regard to Independent Remuneration Panel for Wales (IRPW) Regulations which apply to payments made to members and co-opted members of local authorities.

#### 1. Basic Salary

- 1.1 A Basic Salary shall be paid to each elected Member of the Authority.
- 1.2 In accordance with the Regulations, the rate of the Basic Salary shall be reviewed annually as determined by the Independent Remuneration Panel for Wales.
- 1.3 Where the term of office of a Member begins or ends other than at the beginning or end of a year, their entitlement to the Basic Salary will be pro-rata.
- 1.4 No more than one Basic Salary is payable to a Member of the Authority.

#### 2. Senior Salaries & Civic Salaries

- 2.1 Members occupying specific posts shall be paid a Senior Salary as set out in **Schedule 1**.
- 2.2 In accordance with the Regulations, the rates of Senior Salaries and Civic Salaries shall be reviewed annually as determined by the Annual or Supplementary Report of the Independent Remuneration Panel for Wales.
- 2.3 Only one Senior Salary or Civic Salary is payable to a Member of the Authority.
- 2.4 A Member of the Authority cannot be paid a Senior Salary and a Civic Salary.
- 2.5 All Senior and Civic Salaries are paid inclusive of Basic Salary.
- 2.6 A Senior Salary may not be paid to more than the number of members specified by the Independent Remuneration Panel for Wales in its Annual Report and cannot exceed fifty percent of the total membership of the authority, except to include a temporary Senior Salary office holder providing temporary cover for the family absence of the appointed office holder.
- 2.7 A Member of the Authority in receipt of a Senior Salary **cannot** receive a salary from any National Park Authority (NPA) or Fire and Rescue Authority (FRA) for which they have been nominated.

2.8 Where the term of Senior Salary or Civic Salary of a Member begins or ends other than at the beginning or end of a year, their entitlement to the Salary will be pro-rata.

### **3. Election to Forgo Entitlement to Allowance**

3.1 A Member may, by notice in writing delivered to the Proper Officer of the authority, personally elect to forgo any part of their entitlement to any salary, allowance or fee payable under this Scheme from the date set out in the notice.

### **4. Suspension of a Member**

4.1 Where a Member of the Authority is suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the part of the Basic Salary payable to them in respect of that period for which they are suspended will be withheld by the Authority (Section 155 (1) of the Measure).

4.2 Where a Member in receipt of a Senior Salary is suspended or partially suspended from being a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the Authority must not make payments of the Member's Senior Salary for the duration of the suspension (Section 155 (1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the Member may retain the Basic Salary.

### **5. Repayment of salaries, allowances or fees**

5.1 Where payment of any salary, allowance or fee has been made to a Member of the Authority or Co-opted Member in respect of any period during which the Member concerned:

- (a) is suspended or partially suspended from that Member's/Co-opted Member's duties or responsibilities in accordance with Part 3 of the 2000 Act or regulations made under that Act;
- (b) ceases to be a Member of the Authority or Co-opted Member; or
- (c) is in any other way not entitled to receive a salary, allowance or fee in respect of that period,

the Authority will require that such part of the allowance as relates to any such period be repaid.

### **6. Payments**

6.1 Payments of all allowances will be made by the Head of Finance by direct bank credit in monthly instalments of one-twelfth of the Member's annual entitlement from 11<sup>th</sup> May 2021.

6.2 Where payment has resulted in a Member receiving more than their entitlement to salaries, allowances or fees the Authority will require that such part that is overpayment be repaid.

6.3 All payments are subject to the appropriate tax and National Insurance deductions.

### **7. Reimbursement of Costs of Care**

7.1 Reimbursement of costs of care shall be paid to a Member or Co-opted Member, who has caring responsibility for dependent children or adults, or a personal care requirement, provided the Member incurs expenses in the provision of such care whilst undertaking 'approved' council duties.

- 7.2 Reimbursement of costs of care applies in respect of children who are aged 15 or under and other persons for whom the Member or Co-opted Member can show that care is required. If a Member or Co-opted Member has more than one dependent the Member may claim more than one allowance, provided the Member can demonstrate a need to make separate arrangements for care.
- 7.3 Eligible Members may claim reimbursement of costs of care for actual and receipted costs up to a maximum amount not exceeding that determined by the Independent Remuneration Panel for Wales as set out in **Schedule 1**. All claims for reimbursement of costs of care should be made in writing to Democratic Services detailing times, dates and reasons for claim. Receipts are required for both informal and formal care arrangements.

## **8. Family Absence**

- 8.1 Members are entitled under the provisions of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to a period of family absence, during which if they satisfy the prescribed conditions they are entitled to be absent from authority meetings.
- 8.2 When taking family absence Members are entitled to retain a basic salary irrespective of their attendance record immediately preceding the commencement of the family absence.
- 8.3 Should a senior salary holder be eligible for family absence they will be able to continue to receive their senior salary for the duration of the absence.
- 8.4 If the authority agrees that it is necessary to make a substitute appointment to cover the family absence of a senior salary holder the Member substituting will be eligible if the authority so decides to be paid a senior salary.
- 8.5 If the paid substitution results in the authority exceeding its maximum number of senior salaries, an addition to the maximum will be allowed for the duration of the substitution.

## **9. Co-optees' payments**

- 9.1 A Co-optees' daily fee (with a provision for half day payments) shall be paid to Co-optees, provided they are statutory Co-optees with voting rights.
- 9.2 Payments will take into consideration travelling time to and from the place of the meeting, reasonable time for pre meeting preparation and length of meeting (up to the maximum of the daily rate).
- 9.3 The Monitoring Officer is designated as the "appropriate officer" and will determine preparation time, travelling time and length of meeting, the fee will be paid on the basis of this determination.
- 9.4 The Monitoring Officer can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- 9.5 A half day meeting is defined as up to 4 hours.
- 9.6 A full day meeting is defined as over 4 hours.
- 9.7 The daily and half day fee for the Chairpersons of the Standards Committee and Governance and Audit Committee, as determined by the Independent Remuneration Panel for Wales, is set out in **Schedule 1**.

9.8 The daily and half day fee for other statutory Co-optees with voting rights, as determined by the Independent Remuneration Panel, is set out in **Schedule 1**.

## **10. Travel and Subsistence Allowances**

### **10.1 General Principles**

10.2 Members and Co-opted Members are entitled to claim travelling expenses when travelling on the Authority's business for 'approved duties' as set out in **Schedule 2**. Where Members travel on the Authority's business they are expected to travel by the most cost effective means. In assessing cost effectiveness regard will be given to journey time. A Member who does not travel by the most cost effective means may have their claim abated by an appropriate amount.

10.3 Where possible Members should share transport.

10.4 The distance claimed for mileage should be the shortest reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.

10.5 The rates of Members' Travel and Subsistence Allowances are set out in **Schedule 3** and are subject to annual review by the Independent Remuneration Panel for Wales.

10.6 Where a Member is suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, any travel and subsistence allowances payable to them in respect of that period for which they are suspended or partially suspended must be withheld by the Authority.

## **11. Travel by Private Vehicle**

11.1 The Independent Remuneration Panel for Wales has determined that the maximum travel rates payable should be the rates set out by Her Majesty's Revenue & Customs for the use of private cars, motor cycles and pedal cycles plus any passenger supplement.

11.2 The mileage rates for private vehicles as determined by the Independent Remuneration Panel for Wales are set out in **Schedule 3**.

11.3 Where a Member makes use of their private vehicle for approved duty purposes, the vehicle must be insured for business use. Proof of appropriate insurance must be provided to the Authority on request.

## **12. Travel by Public Transport**

### **12.1 Rail/Coach Travel**

Unless otherwise authorised rail tickets will be second-class.

Corporate Administration will purchase requisite rail and coach tickets for Members in advance of journeys. In the unlikely event that a Member needs to purchase a ticket directly, payment will be reimbursed upon production of the used ticket and/or a receipt.

### **12.2 Taxi Fares**

Taxi fares will only be reimbursed where their use has been authorised for cases of urgency, where no public transport is reasonably available, or a Member has a particular personal need. Reimbursement will be upon receipt only.

### 12.3 **Travel Abroad**

Travel abroad on the Authority's business will only be permitted where authorised by the Chief Executive. Corporate Administration will arrange travel and accommodation.

### 12.4 **Other Travel Expenses**

Members are entitled to reimbursement of toll fees, parking fees, overnight garaging and other necessary travel associated expenses. Re-imbursement will be upon receipt only.

## 13. **Overnight Accommodation**

13.1 Overnight stays will only be permitted where the Authority's business extends to two days or more, or the venue is at such a distance that early morning or late night travel would be unreasonable. All overnight stays must receive prior authorisation from the relevant Head of Service and will be paid for by way of the Service area budget.

13.2 Overnight accommodation will be booked by Corporate Administration .Wherever possible the overnight accommodation will be pre-paid or invoiced.

13.3 Direct booking of overnight accommodation by a Member will only be permitted in the event of an emergency. Reimbursement will only be made upon the production of a receipt and will be at a level deemed reasonable and not in excess of the rates set out in **Schedule 3**.

## 14 **Subsistence Allowance**

14.1 The day subsistence rate to meet the costs of meals and refreshments in connection with approved duties (including breakfast when not provided as part of overnight accommodation) is set out in **Schedule 3**. The maximum daily rate covers a 24 hour period and can be claimed for any meal that is relevant, providing such a claim is supported by receipt(s)

14.2 No provision is made for subsistence claims within the County Borough.

## 15. **Claims and Payments**

15.1 A claim for travel and subsistence allowances must be made in writing within three months of the end of the calendar month in which entitlement to allowances arises and must be accompanied by the relevant receipts.

15.2 Allowances will be paid by the Head of Finance by direct bank credit.

## 16. **Pensions**

16.1 The Authority shall enable its Members who are eligible to join the Local Government Pension Scheme.

## **17. Supporting the work of Authority Members**

- 17.1 The Independent Remuneration Panel for Wales expects Members to be provided with adequate support to carry out their duties and that the support provided should take account of the specific needs of individual Members. The Authority's Democratic Services Committee is required to review the level of support provided to Members and should take proposals for reasonable support to the full council.
- 17.2 All elected Members & Co-opted Members should be provided with adequate telephone, email and internet facilities to give electronic access to appropriate information.
- 17.3 Such support should be without cost to any Member. Deductions must not be made from Members' salaries as a contribution towards the cost of support which the Authority has decided is necessary for the effectiveness and or efficiency of Members.

## **18 Compliance**

- 18.1 In accordance with the Regulations, the Authority must comply with the requirements of Independent Remuneration Panel for Wales in respect of the monitoring and publication of payments made to Members and Co-opted Members as set out in **Schedule 4**.

**Members are reminded that expense claims are subject to both internal and external audit.**

**SCHEDULE 1**

**SCHEDULE OF REMUNERATION 2021-22**

| <b>MEMBERS ENTITLED TO BASIC SALARY</b>              |                                   | <b>ANNUAL AMOUNT OF BASIC SALARY</b> |
|--|-----------------------------------|--------------------------------------|
| The following named elected members of the authority |                                   |                                      |
| Councillors  |                                   |                                      |
| M Al-Nuaimi  | M Kellaway                        |                                      |
| G Berry  | L Lacey                           |                                      |
| J Clarke   | M Linton                          |                                      |
| J Cleverly   | S Marshall                        |                                      |
| P Cockeram   | D Mayer                           |                                      |
| M Cornelious   | R Mogford                         |                                      |
| K Critchley  | A Morris                          |                                      |
| D Davies   | J Mudd                            |                                      |
| V Dudley   | A Rahman                          |                                      |
| C Evans  | J Richards                        |                                      |
| M Evans  | W Routley                         |                                      |
| C Ferris   | M Spencer                         |                                      |
| Y Forsey   | T Suller                          |                                      |
| D Fouweather   | H Thomas                          |                                      |
| G Giles  | K Thomas                          |                                      |
| J Guy  | C Townsend                        |                                      |
| D Harvey   | H Townsend                        |                                      |
| I Hayat  | R Truman                          |                                      |
| R Hayat  | J Watkins                         |                                      |
| T Holyoake   | T Watkins                         |                                      |
| P Hourahine  | M Whitcutt                        |                                      |
| J Hughes   | R White                           |                                      |
| R Jeavons  | K Whitehead                       |                                      |
| J Jordan   | D Wilcox                          |                                      |
|  | D Williams                        |                                      |
|  | A N Other (Victoria ward vacancy) |                                      |
|  |                                   | £14,368                              |

|    | <b>SENIOR SALARIES ENTITLEMENTS<br/>(includes basic salary)</b>           |               | <b>ANNUAL AMOUNT OF SENIOR SALARY</b> |
|----|---|---------------|---------------------------------------|
|    | <b>ROLE</b>   | <b>MEMBER</b> |                                       |
| 1. | Leader  |               | £49,974                               |
| 2. | Deputy Leader and Cabinet Member for City Services and Member Development |               | £35,320                               |
| 3. | Cabinet Member for Education and Skills                                   |               | £30,773                               |
| 4. | Cabinet Member for Community and Resources                                |               | £30,773                               |
| 5. | Cabinet Member for Assets   |               | £30,773                               |

| <b>SENIOR SALARIES ENTITLEMENTS<br/>(includes basic salary)</b> |   |               | <b>ANNUAL<br/>AMOUNT OF<br/>SENIOR<br/>SALARY</b> |
|---|---|---------------|---|
|   | <b>ROLE</b>   | <b>MEMBER</b> |   |
| 6.  | Cabinet Member for Sustainable Development                          |               | £30,773   |
| 7.  | Cabinet Member for Licensing and Regulation                         |               | £30,773   |
| 8.  | Cabinet Member for Social Services                                  |               | £30,773   |
| 9.  | Cabinet Member for Culture and Leisure                              |               | £30,773   |
| 10.   | Chairperson of Overview and Scrutiny Management Committee           |               | £23,161   |
| 11.   | Chairperson of Performance Scrutiny Committee - Partnerships        |               | £23,161   |
| 12.   | Chairperson of Performance Scrutiny Committee - People              |               | £23,161   |
| 13.   | Chairperson of Performance Scrutiny Committee – Place and Corporate |               | £23,161   |
| 14.   | Chairperson of Planning Committee                                   |               | £23,161   |
| 15.   | Chairperson of Democratic Services Committee                        |               | £23,161   |
| 16.   | Chairperson of Licensing Committee                                  |               | £23,161   |
| 17.   | Leader Of The Largest Opposition Group                              |               | £23,161   |
| 18.   | (final senior salary not currently used)                            |               | £23,161   |

A maximum of 18 senior salaries for Newport City Council may be paid and this has not been exceeded.

| <b>ENTITLEMENT TO CIVIC SALARIES</b> |  |               | <b>ANNUAL<br/>AMOUNT OF<br/>CIVIC SALARY</b> |
|--------------------------------------|--|---------------|--|
|                                      | <b>ROLE</b>                              | <b>MEMBER</b> |  |
|                                      | Civic Head (Mayor / Chair)               |               | £23,161                                      |
|                                      | Deputy Civic Head (Deputy Mayor / Chair) |               | £18,108                                      |

| <b>ENTITLEMENT AS STATUTORY CO-OPTees</b> |                                    |               | <b>AMOUNT OF<br/>CO-OPTees<br/>ALLOWANCES</b> |
|---|------------------------------------|---------------|---|
|   | <b>ROLE</b>                        | <b>MEMBER</b> |   |
|   | Chairperson Of Standards Committee | A Mitchell    | £268 Daily Fee<br>£134 ½ Day Fee              |
|   | Chairperson of Audit Committee     | J Baker       | £268 Daily Fee<br>£134 ½ Day Fee              |

| ENTITLEMENT AS STATUTORY CO-OPTees  |  | AMOUNT OF CO-OPTees ALLOWANCES   |
|---|--|----------------------------------|
| ROLE  | MEMBER   |                                  |
| Statutory Co-optees - Standards Committee, Audit Committee, Scrutiny Committees | J Davies, T Britton, K Watkins, P Worthington, A Daly, P Bennett | £210 Daily Fee<br>£105 ½ Day Fee |

| Contribution towards the costs of care and personal assistance |   |
|--|---|
| All Members  | <p>Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.</p> <p>Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.</p> <p>Care costs cannot be paid to someone who is a part of a member's household</p> |

| Members Support – what is provided in terms of telephone, internet or email (see Determination 6) |                                |
|---|--------------------------------|
| Telephone Support for Executive Members   | Smartphone provided            |
| Telephone Support for Chairs of Committees  | Smartphone provided            |
| Telephone Support for all other Members   |                                |
| Access to Email for Executive Members   | Laptop and smartphone provided |
| Access to Email for Chairs of Committees  | Laptop and smartphone provided |
| Access to Email for all other Members   | Laptop provided                |
| Internet Support for Executive Members  |                                |
| Internet Support for Chairs of Committees   |                                |
| Internet Support for all other Members  |                                |

## **SCHEDULE 2**

### **Approved duties: -**

- attendance at a meeting of the Authority or of any committee of the Authority or of any body to which the Authority makes appointments or nominations or of any committee of such a body;
- attendance at a meeting of any association of authorities of which the Authority is a member;
- attendance at any other meeting the holding of which is authorised by the Authority or by a committee of the Authority or by a joint committee of the Authority and one or more other Authorities;
- a duty undertaken for the purpose of or in connection with the discharge of the functions of Cabinet;
- a duty undertaken in pursuance of a standing order which requires a Member or Members to be present when tender documents are opened;
- a duty undertaken in connection with the discharge of any function of the Authority which empowers or requires the Authority to inspect or authorise the inspection of premises;
- attendance at any training or developmental event approved by the Authority or its Cabinet.

## **SCHEDULE 3**

### **Mileage Rates**

|   |  |
|---|--|
| All sizes of private motor vehicle<br>Up to 10,000 miles<br>Over 10,000 miles | 45 pence per mile<br>25 pence per mile |
| Private Motor Cycles<br>Pedal Cycles  | 24 pence per mile<br>20 pence per mile |
| Passenger supplement  | 05 pence per mile                      |

### **Subsistence Allowance**

The day subsistence rate is up to a maximum of £28 and covers a 24 hour period and can be claimed for any meal if relevant provided such a claim is supported by receipts.

Re-imbusement of alcoholic drinks is not permitted.

### **Overnight Stay**

The maximum allowances for an overnight stay are £200 for London and £95 for elsewhere. A maximum of £30 is available for an overnight stay with friends or relatives whilst on approved duty.

## **SCHEDULE 4**

### **Compliance**

- The Authority will arrange for the publication on the council's website the total sum paid by it to each Member and Co-opted Member in respect of salary, allowances, fees and reimbursements not later than 30 September following the close of the year to which it relates. In the interests of transparency this will include remuneration from all public service appointments held by elected Members.
- The Authority will publish on the council's website a statement of the basic responsibility of a councillor and role descriptors for senior salary office holders, which clearly identify the duties expected.
- The Authority will publish on the council's website the annual schedule of Member Remuneration not later than 31 July of the year to which the schedule refers.
- The authority will send a copy of the schedule to the Independent Remuneration Panel for Wales not later than 31 July of the year to which the schedule refers.
- The Authority will maintain records of Member/Co-opted Members attendance at meetings of council, cabinet and committees and other approved duties for which a Member/Co-opted Member submits a claim for reimbursement.
- The Authority will arrange for the publication on the council's website of annual reports prepared by Members.
- When the Authority agrees a paid substitution for family absence it will notify the Independent Remuneration Panel for Wales within 14 days of the date of the decision of the details including the particular post and the duration of the substitution.

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# Report

## Council

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### Part 1

Date: 27 April 2021

**Subject** **National Non-Domestic Rates: Covid-19 Discretionary Rate Relief Schemes**

**Purpose** The purpose of this report is to obtain retrospective Council approval for the two reports concerned with new Welsh Government covid business rate relief schemes.

**Author** Head of Finance

**Ward** All

**Summary** In response to the Covid-19 coronavirus emergency, Welsh Government made available grant funding for billing authorities to deliver in 2020-21, the Retail, Leisure and Hospitality Rate Relief Scheme, to reduce the rates payable to zero for qualifying properties. Welsh Government has extended this scheme for 2021-22 and formal approval by the Council of the scheme is required.

In addition Welsh Government announced late in the previous financial year a new covid business rate relief scheme for larger hospitality and Leisure businesses covering years 2020-21 and 2021-22 and formal approval is required for adoption of these schemes as well.

The matters were treated as urgent and approved by the Leader of the Council due to the fact that the retail, leisure and hospitality rate relief needed to be applied to the new year rate bills for 2021-22, and as the rate relief for the new Enhanced Hospitality and Leisure Rate Relief Scheme applied to 2020-21, it needed to be awarded before the end of the financial year. To wait and re-issue the bills would have incurred significant additional cost and delay this valuable support to local businesses in Newport.

The Welsh Government agreed to reimburse the Council in full for any awards made under the schemes.

This report seeks retrospective Council approval for the schemes namely –

1. The Retail, Leisure and Hospitality Rate Relief Scheme 2021-22 (appendix 1, page 7)
2. The Enhanced Leisure and Hospitality Rate Relief Scheme 2020-21 and 2021-22 (appendix 2, page 22)

**Proposal** It is proposed the Council agrees to adopt:

1. **Welsh Government's Retail, Leisure and Hospitality Rate Relief Scheme for 2021-2, and**
2. **Welsh Government's Enhanced Leisure and Hospitality Rate Relief Scheme 2020-21 and 2021-22**

**By making the appropriate determination and decision, as required by Sections 47(1)(a) and 47(3) respectively of the Local Government Finance Act 1988, and set out in the Appendix to this report**

**Action by** Head of Finance to implement the Scheme and make discretionary awards using delegated powers.

**Timetable** Effective from 1 April 2020 - The Enhanced Leisure and Hospitality Relief Scheme 2020-21

Effective from 1 April 2021 - The Retail Leisure and Hospitality Relief Scheme 2021-22, and Enhanced Leisure and Hospitality Rate Relief Scheme 2020-21 and 2021-22

This report was prepared after consultation with:

- Head of Law & Regulation
- Head of People & Business Change
- Head of Regeneration, investment & Housing

**Signed**

## **Background**

In response to the coronavirus covid-19 emergency Welsh Government has again made available funding for billing authorities to deliver in 2021-22, an all Wales Retail, Leisure and Hospitality Rate Relief Scheme.

The Scheme is fully funded by Welsh Government and will enable those businesses that are in the retail, leisure or hospitality sector to benefit from not having to pay any business rates in 2021-22.

The scheme covers all businesses that occupy premises with a rateable value of less than £500,000 and operate in the retail, leisure or hospitality sector.

To address the fact that some higher value leisure and hospitality businesses also required assistance with rates, Welsh Government announced late in the financial year a similar scheme for those leisure and hospitality businesses in Wales with a rateable value of over £500,000. This scheme is the Enhanced Leisure and Hospitality Rate Relief Scheme 2020-21, this scheme is also being extended to cover 2021-22.

The means of making the awards under these schemes is the Council's discretionary powers under section 47 of the Local Government Finance Act 1988.

Under normal operating conditions the Council would have made a formal determination (Section 47(1)(a)) and decision (Section 47(3)) to adopt the schemes so that this discretionary power could be exercised by the Head of Finance under delegated powers. When the schemes were announced it was not possible for Council to meet and approve the scheme before the rate bills for 2021-22 were issued. There was a pressing need to award the relief to relieve the financial burden on affected businesses, therefore as permitted under the constitution, the Leader of the Council made the determination on behalf of the Council. Council is now required to ratify the schemes formally for completeness.

The reports approved by the Leader of Council are provided at appendix 1 and 2, and provide full details of the schemes.

The scheme was rolled out quickly to qualifying businesses and they were notified that they had no rates to pay at the start of the financial year before the first instalment was due. The scheme has been positively received and to date around 800 businesses have benefitted from the scheme.

As detailed in the original report, the Council will be reimbursed for the rates income foregone as a result of the Scheme when calculating monies to be paid over to the Welsh Government 'pool'.

## Financial Summary

There are no direct financial implications to the Council in adopting the scheme. The full value of discretionary awards is reimbursed by the Welsh Government, Staff resources will be prioritised appropriately within the revenues team to meet the administration requirements of the scheme.

## Risks

The risk assessed when the scheme introduced was:

| Risk  | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk or reduce its effect          | Who is responsible for dealing with the risk? |
|---|--------------------------------------|---------------------------------------|---|---|
| Failure to implement the scheme will result in Newport ratepayers being financially disadvantaged | H                                    | L                                     | Adoption of the scheme will allow relief awards to be awarded and rate bills reduced to zero. | Head of Finance                               |

## Links to Council Policies and Priorities

The adoption of the schemes fits with the Council's aims to improve the local economy, and the well-being of its citizens

## Options Available and considered

The schemes were approved by the Leader of the Council in order to ensure that city businesses benefitted from the rate relief quickly and while they were experiencing the immediate financial pressures of the national lockdown.

Council is now being asked to retrospectively approve the schemes for completeness.

## Preferred Option and Why

To formally adopt the Schemes.

## Comments of Chief Financial Officer

This reports simply ratifies formally a decision already taken, as required. The schemes in question provide an essential and valuable benefit to businesses in Newport and are fully funded by WG. There is a resource implication in administering these (plus, to a larger extent, the business grants schemes also in place) and whilst WG provides an admin grant for doing these, it has been resourced from existing resources given the knowledge required to carry these tasks out and the intention is to request that those funds are put into reserves and used to fund fixed term resources to 'catch up' on general council tax/business rates work and arrears collection.

### **Comments of Monitoring Officer**

The proposed Retail, Leisure and Hospitality Rate Relief Scheme for 2021-22 and the Enhanced Leisure and Hospitality Rate Relief Scheme 2020-21 and 2021-22 are in accordance with the Council's statutory powers under the Local Government Finance Act 1988 to grant discretionary business rates relief. This is a national scheme, which is fully funded by the Welsh Government and enables the Council to grant rate relief for qualifying businesses in the retail, leisure or hospitality sector. The original scheme was adopted last year by the Leader under emergency powers due to the suspension of Council meetings during the Covid-19 lock-down and subsequently ratified by full Council, when remote meetings resumed. Late in the last financial year, the scheme was extended by the Welsh Government to include larger businesses in these areas with a turnover over £500k and this enhanced scheme was also approved by the Leader under urgent powers. Full Council is required to make a formal determination under Section 47(1) (a) of the 1988 Act and a formal decision under Section 47(3) to adopt these schemes. The power to award discretionary rate relief in accordance with the scheme is then delegated to the Head of Finance under the officer scheme of delegation. Because of the timing of the Regulations and the need to roll-out the financial support to these businesses as soon as possible, then the Leader of the Council took an urgent decision to extend the original scheme to 21/22 and to adopt the enhanced scheme for 20/21 and 21/ 22, in accordance with the urgent decision making powers under Standing Order 24.1, where a decision can be taken outside the budget framework when it is too urgent to await the next meeting of full Council. However, full Council are now being asked to ratify those decisions and formally confirm adoption of the schemes.

### **Comments of Head of People and Business Change**

There are no HR related issues arising directly from this report.

Adopting these two Covid-19 Discretionary Rate Relief Schemes is in line with the Council's strategic recovery aims and its Well-being Objective to "Promote economic growth and regeneration whilst protecting the environment" and will support the "Newport Offer" intervention within Newport's Well-being Plan.

The Scheme is funded by the Welsh Government and will enable businesses that are in the retail, hospitality or leisure sector to not have to pay business rates in 2021-22. These sectors are of major importance to the local economy and labour market and taking up the available support would be in the Council's interests. Being able to assist businesses in this way could help prevent business decline and support the economy for the immediate and longer terms.

### **Comments of Cabinet Member**

The decision to determine these schemes has already been taken and reported through the normal Council decision making processes and I'm pleased that businesses are again being supported with this valuable rate relief scheme. The decision taken are required to be formally ratified in full Council and are fully funded by WG.

### **Local issues**

None

### **Scrutiny Committees**

N/a

### **Equalities Impact Assessment and the Equalities Act 2010**

Once adopted, the Council is obliged to comply with the Welsh Government's rules in applying the Scheme. These are detailed in the Appendices to this report.

### **Children and Families (Wales) Measure**

n/a

### **Wellbeing of Future Generations (Wales) Act 2015**

When developing the Retail, Leisure and Hospitality Rate Relief Scheme and the Enhanced Leisure and Hospitality Rate Schemes, consideration was given to the wellbeing duty contained in section 3 of the Well-being of Future Generations (Wales) Act 2015. This included consideration of how the policy would contribute to supporting the wellbeing goals under section 4 of that Act, and the wellbeing objectives set by the Welsh Ministers, whilst acting in accordance with the sustainable development principle. Providing this scheme will assist ratepayers and, as such, it will help to contribute to the achievement of the wellbeing goals of a prosperous Wales and a more equal Wales.

### **Crime and Disorder Act 1998**

n/a

### **Consultation**

n/a

### **Background Papers**

The Welsh Government's Guidance on the Retail, Leisure and Hospitality Rate Relief Scheme and the Enhanced Leisure and Hospitality Rate Relief Scheme is available here:



Non-Domestic  
Rates - Enhanced Le

## Appendix 1

### Report Council

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### Part 1

Date: 16 March 2021

**Subject** National Non-Domestic Rates: Discretionary Relief: Retail, Leisure and Hospitality Rate Relief Scheme 2021-22

**Purpose** The purpose of this report is for to agree that Newport City Council adopts the Welsh Government's Retail, Leisure and Hospitality Rate Relief Scheme for 2021-22.

**Author** Head of Finance

**Ward** All

### Reason for Urgency

Due to the ongoing Covid-19 coronavirus situation, a number of businesses are still prohibited from trading, others have seen their trade drastically reduced. In response, Welsh Government has issued details to extend the fully funded scheme introduced in 2020 to give 100% rate relief for another year for businesses occupying properties in the retail, leisure or hospitality industry.

Business rate bills are soon to be issued for 2021-22 and payments will start becoming due in early April 2021. It is therefore vital that the business rate relief is applied as soon as possible to these businesses so that a correct bill can be issued for 2021-22, and to relieve the financial burden of making rate payments at a time when they are still facing restrictions on trading.

For this reason and to expedite the help available for businesses this report is being treated as urgent.

### Summary

In response to the Covid-19 coronavirus emergency situation the Welsh Government has again made available grant funding for billing authorities to deliver in 2021-22, the Retail, Leisure and Hospitality Rate Relief Scheme to reduce the rates payable to zero for qualifying properties. The Welsh Government has agreed to reimburse the Council in full for any awards made under the scheme and it is envisaged that around 1200 businesses will benefit from not having to pay rates by way of this relief.

The scheme will deliver:

1. 100% rate relief in 2021-22 for qualifying properties which are broadly used for retail, leisure or hospitality and have a rateable value of less than £500,000.

**Proposal** It is proposed that the Leader of the Council agrees to adopt the Welsh Government's Retail, Leisure and Hospitality Rate Relief Scheme for 2021-22 by making the appropriate determination and decision, as required by Sections 47(1)(a) and 47(3) respectively of the Local Government Finance Act 1988, and set out in the Appendix to this report

**Action by** Head of Finance to implement the Scheme and make discretionary awards using delegated powers.

**Timetable** Effective from 1 April 2021

This report was prepared after consultation with:

- Head of Law & Regulation
- Head of People & Business Change
- Head of Regeneration, investment & Housing

**Signed**

## **Background**

In response to the ongoing covid-19 pandemic and the effect on businesses Welsh Government has made available funding for billing authorities to deliver in 2021-22, an all Wales Retail, Leisure and Hospitality Rate Relief Scheme.

The Scheme is fully funded by Welsh Government and will enable those businesses that are in the retail, leisure or hospitality sector to benefit from not having to pay any business rates in 2021-22.

The scheme covers all businesses that occupy premises with a rateable value of less than £500,000 and operate in the retail, leisure or hospitality sector.

The means of making the awards of Retail, Leisure and Hospitality Rate Relief is the Council's discretionary powers under section 47 of the Local Government Finance Act 1988.

Under normal operating conditions the Council would make a formal determination (Section 47(1)(a)) and decision (Section 47(3)) to adopt the scheme so that this discretionary power may be exercised by the Head of Finance under delegated powers. However this is not possible due to the requirement to award the relief as soon as practicable to relieve the financial burden on affected businesses and issue correct business rate bills for 2021-22, therefore the Leader of the Council will make the determination on behalf of the Council.

The Council will be reimbursed for the rates income foregone as a result of the Scheme by way of a direct grant.

The Retail, Leisure and Hospitality Rate Relief Scheme forms part of a package of Welsh Government measures available to support businesses during the coronavirus covid-19 emergency.

The relief will be applied directly to all businesses identified as operating in one of the named sectors and no application is required. It is anticipated that there will be a small number of businesses where it is not possible to identify from rating records the nature of their business, these businesses will need to contact the Business Rates Team to claim the rate relief.

If the scheme is adopted, around 1200 businesses will benefit from not having to pay rates in 2021-22 and a rates bill for the new financial year will be issued showing the full relief before the first payment is due in April 2020. Any businesses subsequently identified that meet the criteria of the scheme will be issued with adjustment notices as soon as practicable thereafter.

## **Financial Summary**

There are no direct financial implications to the Council in adopting the scheme. The full value of discretionary awards is reimbursed by the Welsh Government. Staff resources will be prioritised appropriately within the revenues team to meet the administration requirements of the scheme.

## **Risks**

| <b>Risk</b>   | <b>Impact of Risk if it occurs* (H/M/L)</b> | <b>Probability of risk occurring (H/M/L)</b> | <b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>   | <b>Who is responsible for dealing with the risk?</b> |
|---|---|--|---|--|
| Failure to implement the scheme will result in Newport ratepayers being financially disadvantaged | H   | L  | Adoption of the scheme will allow relief awards to be awarded and rate bills reduced to zero. | Head of Finance                                      |

### **Links to Council Policies and Priorities**

The adoption of the schemes fits with the Council's aims to improve the local economy, and the well-being of its citizens

### **Options Available and considered**

- Adopt the Wales Retail, Leisure and Hospitality Rate Relief Scheme 2021-22
- Decide not to adopt the Scheme

### **Preferred Option and Why**

Adopt the Scheme so that as many retailers as possible may benefit from not having to pay business rates.

### **Comments of Chief Financial Officer**

This is a key part of the UK/WG support package for businesses and needs to be agreed by the Leader in absence of full Council meetings. This will enable the relief to be given before any payments are due and taken. The scheme is fully funded by Welsh Government and whilst the detail of that is not yet in place, the principle is.

### **Comments of Monitoring Officer**

The proposed decision is in accordance with the Council's statutory powers under the Local Government Finance Act 1988 to grant discretionary business rates relief. This is a national scheme, which is fully funded by the Welsh Government and will enable the Council to grant rate relief for qualifying businesses in the retail, leisure or hospitality sector in 21/22. Full Council is required to make a formal determination under Section 47(1) (a) of the 1988 Act and a formal decision under Section 47(3) to adopt the scheme. The power to award discretionary rate relief in accordance with the scheme is then delegated to the Head of Finance under the officer scheme of delegation. The scheme needs to be adopted before 31st March and, therefore, the decision is too urgent to await the next meeting of full Council at the end of April. Therefore, this decision will need to be taken by the Leader of the Council in accordance with the urgent decision making powers under Standing Order 24.1, where a

decision can be taken outside the budget framework when it is not practical to call a quorate meeting of full Council. The decision and the adoption of the scheme can be ratified by full Council in April and the reasons for the urgency in adopting the scheme in this way will be reported to Audit Committee in due course.

### **Comments of Head of People and Business Change**

There are no HR related issues arising directly from this report.

Adoption of the Welsh Government's Retail, Leisure and Hospitality Rate Relief Scheme is in line with the Council's Well-being Objective to "Promote economic growth and regeneration whilst protecting the environment" and will support the "Newport Offer" intervention within Newport's Well-being Plan.

The Scheme is funded by Welsh Government and will enable businesses that are in the retail, hospitality or leisure sector to not have to pay business rates in 2021-22. These sectors are of major importance to the local economy and labour market and taking up the available support would be in the Council's interests.

### **Comments of Cabinet Member**

I am happy to take the decision on this.

### **Local issues**

None

### **Scrutiny Committees**

N/a

### **Equalities Impact Assessment and the Equalities Act 2010**

Once adopted, the Council is obliged to comply with the Welsh Government's rules in applying the Scheme. These are detailed in the Appendix.

### **Children and Families (Wales) Measure**

n/a

### **Wellbeing of Future Generations (Wales) Act 2015**

When developing the Retail, Leisure and Hospitality Rate Relief Scheme 2021-22, consideration was given to the wellbeing duty contained in section 3 of the Well-being of Future Generations (Wales) Act 2015. This included consideration of how the policy would contribute to supporting the wellbeing goals under section 4 of that Act, and the wellbeing objectives set by the Welsh Ministers, whilst acting in accordance with the sustainable development principle. Providing this scheme will assist ratepayers and, as such, it will help to contribute to the achievement of the wellbeing goals of a prosperous Wales and a more equal Wales.

### **Crime and Disorder Act 1998**

n/a

### **Consultation**

n/a

## Background Papers

The Welsh Government's Guidance on the Retail, Leisure and Hospitality Rate Relief Scheme 2021-22 is available here:



Non-Domestic  
Rates - Retail Leisure

## **Resolution**

- (a) The Council determines that, unless hereditaments are excepted under (b) below, Section 47(1)(a) (discretionary relief) of the Local Government Finance Act 1988 will apply as regards the hereditaments described in 'The Scheme' in accordance with the rules described in relation to those hereditaments.

It is reasonable for the Council to make this decision having regard to the interests of persons liable to pay council tax set by the Council.

- (b) Relief is not available under this resolution in respect of any hereditament which is occupied by -
- the Welsh Ministers, a Minister of the Crown or government department,
  - any public authority (including any local authority),
  - the holder of any public office, or
  - the Crown
- (c) The Council decides, under Section 47(3) of the Local Government Finance Act 1988, that during the billing year 2021-22 'The Scheme' shall apply to the hereditaments described, and that the Head of Finance use his delegated powers to apply the relief.

## **The Scheme to be Adopted**

### **Introduction**

The relief is intended to be a temporary measure for 2021-22 only, aimed at businesses operating in the retail, leisure and hospitality sector in Wales, for example shops, pubs, restaurants and cafes.

The Welsh Government will provide relief, eligible retailers occupying premises with a rateable value of £500,000 or less in the financial year 2021-22.

Properties that will benefit from this relief will be occupied properties such as shops, hotels, restaurants, cafes and drinking establishments, with a rateable value of £500,000 or less on 1 April 2020.

### **Level of Support**

Eligible ratepayers must be occupying premises and have a rateable value of less than £500,000 for the financial year 2021-22 and meet the criteria set out by Welsh Government, see appendix for full details.

### **State Aid**

Whilst the UK left the EU on 31 January 2020, the Withdrawal Agreement negotiated by the UK Government and the EU provides that during a transition period State Aid rules will continue to apply as now and will be subject to control by the EU Commission as at present.

The UK Government has notified the EU of its intention to bring forward an immediate change to the UK's tax treatment of non-domestic property, in response to the ongoing

Covid-19 emergency, and to seek clearance under Article 107(3)(b) of the Treaty on the Functioning of the European Union. Subject to this approval, the Expanded Retail Discount Scheme will become a notified state aid scheme. Once the notification has been approved by the European Commission, it will supersede the de minimis regulation as the appropriate cover for awarding the discount, meaning existing de Minimis limits will no longer restrict the provision of support.

## **APPENDIX**

### **Non-Domestic Rates – Retail, Leisure and Hospitality Rates Relief in Wales 2021-22**

Guidance

#### **About this guidance**

This guidance is intended to support county and county borough councils ('local authorities') in administering the Retail, Leisure and Hospitality Rates Relief scheme ('the relief'). On 3 March 2021, the Minister for Finance and Trefnydd announced the extension of the relief on a temporary basis for 2021-22. This guidance applies to Wales only.

This guidance sets out the criteria which the Welsh Government will use to determine the funding for local authorities for relief provided to retail, leisure and hospitality properties. The guidance does not replace any existing non-domestic rates legislation or any other relief.

Enquiries about the scheme should be sent to: [localtaxationpolicy@gov.wales](mailto:localtaxationpolicy@gov.wales)

T

he relief is being offered from 1 April 2021 and will be available until 31 March 2022.

#### **Introduction**

This relief is aimed at businesses and other ratepayers in Wales in the retail, leisure and hospitality sectors, for example shops, pubs and restaurants, gyms, performance venues and hotels.

The Welsh Government will provide grant funding to the 22 local authorities in Wales to provide the Retail, Leisure and Hospitality Rates Relief scheme to eligible ratepayers for 2021-22. The scheme aims to provide support for eligible occupied properties by offering a discount of 100% on the non-domestic rates bill for a property, to all eligible premises. The scheme will apply to all eligible ratepayers with a rateable value of £500,000 or less.

This document provides guidance on the operation and delivery of the scheme.

#### **Retail, Leisure and Hospitality Rates Relief**

##### **How will the relief be provided?**

As this is a temporary measure, we are providing the relief by reimbursing local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual local authorities to adopt a scheme and decide in each individual case when to grant relief under section 47. The Welsh Government will reimburse local authorities for the relief that is provided

in line with this guidance via a grant under section 31 of the Local Government Act 2003 and section 58A of the Government of Wales Act 2006.

### **How will the scheme be administered?**

It will be for local authorities to determine how they wish to administer the scheme to maximise take-up and minimise the administrative burden for ratepayers and for local authority staff.

Local authorities are responsible for providing ratepayers with clear and accessible information on the details and administration of the scheme. If, for any reason, an authority is unable to provide this relief to eligible ratepayers from 1 April 2021, consideration should be given to notifying eligible ratepayers that they qualify for the relief and that their bills will be recalculated.

### **Which properties will benefit from relief?**

Properties that will benefit from this relief will be occupied retail, leisure and hospitality properties – such as shops, pubs and restaurants, gyms, performance venues and hotels across Wales. More detailed eligibility criteria and exceptions to the relief are set out below.

Relief should be granted to each eligible business as a reduction to its rates bill based on occupation between 1 April 2021 and 31 March 2022. It is recognised that there may be some instances where a local authority is retrospectively notified of a change of occupier. In such cases, if it is clear that the ratepayer was in occupation on or after the 1 April 2021, the local authority may use its discretion in awarding relief.

It is intended that, for the purposes of this scheme, retail properties such as, ‘shops, restaurants, cafes and drinking establishments’ will mean the following (subject to the other criteria in this guidance).

### **Hereditaments that are being used for the sale of goods to visiting members of the public**

- Shops (such as florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off-licences, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Pharmacies
- Post offices
- Furnishing shops or display rooms (such as carpet shops, double-glazing, garage doors)
- Car or caravan showrooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale or hire)

**Hereditaments that are being used for the provision of the following services to visiting members of the public**

- Hair and beauty services
- Shoe repairs or key cutting
- Travel agents
- Ticket offices, eg. for theatre
- Dry cleaners
- Launderettes
- PC, TV or domestic appliance repair
- Funeral directors
- Photo processing
- DVD or video rentals
- Tool hire
- Car hire
- Estate and letting agents

**Hereditaments that are being used for the sale of food and / or drink to visiting members of the public**

- Restaurants
- Drive-through or drive-in restaurants
- Takeaways
- Sandwich shops
- Cafés
- Coffee shops
- Pubs
- Bars or Wine Bars

We consider assembly and leisure to mean the following.

**Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities) and for the assembly of visiting members of the public**

- Sports grounds and clubs
- Sport and leisure facilities
- Gyms
- Tourist attractions
- Museums and art galleries
- Stately homes and historic houses
- Theatres
- Live Music Venues
- Cinemas
- Nightclubs

**Hereditaments that are being used for the assembly of visiting members of the public**

- Public halls

- Clubhouses, clubs and institutions

We consider hotels, guest & boarding premises and self-catering accommodation to mean the following.

**Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business**

- Hotels, Guest and Boarding Houses,
- Holiday homes,
- Caravan parks and sites
- 

**Other considerations**

To qualify for the relief, the hereditament should be wholly or mainly used for the qualifying purposes. In a similar way to other reliefs, this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this relief.

The above list is not intended to be exhaustive as it would be impossible to list all the many and varied retail, leisure and hospitality uses that exist. There will also be mixed uses. However, it is intended to be a guide for local authorities as to the types of uses that the Welsh Government considers for this purpose to be eligible for relief. Local authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

As the grant of the relief is discretionary, local authorities may choose not to grant the relief if they consider that appropriate, for example where granting the relief would go against the local authority's wider objectives for the local area.

Ratepayers may view that they have been able to continue trading at a substantial level during Coronavirus restrictions and as such would be inclined to not accept the relief. Arrangements for opting out of receiving relief should be made with the relevant local authority.

**Types of hereditaments that are not considered to be eligible for Retail, Leisure and Hospitality Rates Relief**

Any hereditament with a rateable value over £500,000.

The following list sets out the types of uses that the Welsh Government does not consider to be retail, leisure or hospitality use for the purpose of this relief and which would not be deemed eligible for the relief. However, it will be for local authorities to determine if hereditaments are similar in nature to those listed and if they would not be eligible for relief under the scheme.

### **Hereditaments that are being used wholly or mainly for the provision of the following services to visiting members of the public**

- Financial services (eg. banks, building societies, cash points, ATMs, bureaux de change, payday lenders, betting shops, pawnbrokers)
- Medical services (eg. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (eg. solicitors, accountants, insurance agents, financial advisers, tutors)
- Post Office sorting offices
- Day nurseries
- Kennels and catteries
- Casinos and gambling clubs
- Show homes and marketing suites
- Employment agencies

There are a number of further types of hereditament which the Welsh Government believes should not be eligible for the relief.

### **Hereditaments that are not reasonably accessible to visiting members of the public**

If a hereditament is not usually reasonably accessible to visiting members of the public, it will be ineligible for relief under the scheme even if there is ancillary use of the hereditament that might be considered to fall within the descriptions listed under *Which properties will benefit from relief?*

### **Hereditaments that are not occupied**

Properties that are not occupied on 1 April 2021 should be excluded from this relief. However, under the mandatory Empty Property Rates Relief, empty properties will receive a 100% reduction in rates for the first three months (and in certain cases, six months) of being empty.

### **Hereditaments that are owned, rented or managed by a local authority**

Hereditaments owned, rented or managed by a local authority, such as visitor centres, tourist information shops and council-run coffee shops or gift shops attached to historic buildings, are exempt from this scheme.

### **How much relief will be available?**

The total amount of government funded relief available for each property under this scheme for 2021-22 is 100% of the remaining bill, after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants. Retail, Leisure and Hospitality Rates Relief should be applied against the net bill after other reliefs have been applied.

The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a particular hereditament in the financial year.

Amount of relief to be granted =  $V$ , where  $V$  is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.

This should be calculated ignoring any prior-year adjustments in liabilities which fall to be liable on the day.

Ratepayers who occupy more than one property will be entitled to Retail, Leisure and Hospitality Rates Relief for each of their eligible properties.

Retail, leisure and hospitality properties which are excluded from Small Business Rates Relief due to the multiple occupation rule are eligible for this relief scheme.

### **Changes to existing hereditaments, including change in occupier**

Empty properties becoming occupied after 1 April 2021 will qualify for this relief. If there is a change in occupier part way through the financial year, after relief has already been provided to the hereditament, the new occupier will qualify for the relief if they operate in the retail, leisure or hospitality sectors on a pro-rata basis based on the remaining days of occupation using the formula used in the section titled *How much relief will be available?* The discount should be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the discount on that day.

### **State Aid**

Following the end of the transition period for the United Kingdom leaving the European Union on 31 December 2020, EU State Aid regulations only apply in limited circumstances. As the relief is not funded by EU residual funds, EU State Aid regulations no longer apply for this scheme. As of 1 January 2021, the UK Subsidy Regime came into force. The scheme has been viewed to be outside the scope of any international trade agreements as measures are focused locally within Wales

**Part 1**

Date: 17 March 2021

**Subject** **National Non-Domestic Rates: Discretionary Relief: Enhanced Hospitality and Leisure Rates Relief Scheme 2020-21 & 2021-22.**

**Purpose** The purpose of this report is for to agree that Newport City Council adopts the Welsh Government's Retail, Enhanced Hospitality and Leisure Rates Relief Scheme 2020-21 & 2021-22.

**Author** Head of Finance

**Ward** All

**Reason for Urgency**

Due to the ongoing Covid-19 coronavirus situation, a number of businesses are still prohibited from trading, others have seen their trade drastically reduced. In response, Welsh Government made funds available to remove the need to pay rates for all retail leisure and hospitality businesses that occupy premises with rateable values of less than £500,000.

The Welsh Government has decided to introduce a fully funded targeted rate relief for hospitality and leisure businesses that occupy larger premises with a rateable value over £500,000. This will cover the cost of rates due for 2020-21 and 2021-22.

Business rate bills are soon to be issued for 2021-22 and payments will start becoming due in early April 2021. It is therefore vital that the business rate relief is applied as soon as possible to these businesses so that a correct bill can be issued for 2021-22, and to relieve the financial burden of making rate payments at a time when they are still facing restrictions on trading.

In addition the lateness in the year of the Welsh Government issuing the scheme for 2020-21 means that it has to be adopted and applied to rate account before the end of financial year.

For this reason and to expedite the help available for the affected businesses this report is being treated as urgent.

**Summary**

In response to the ongoing Covid-19 coronavirus situation the Welsh Government has made available grant funding for billing authorities to deliver in 2020-21 and 2021-22, Enhanced Hospitality and Leisure Rates Relief Scheme to reduce the rates payable to zero for qualifying properties. The Welsh Government has agreed to reimburse the Council in full for any awards made under the scheme.

The scheme will deliver:

2. 100% rate relief in 2020-21 and 2021-22 for qualifying properties which are broadly leisure or hospitality and have a rateable value of more than £500,000.

**Proposal**      **It is proposed that the Leader of the Council agrees to adopt the Welsh Government's Enhanced Hospitality and Leisure Rates Relief Scheme for 2020-21 and 2021-22 by making the appropriate determination and decision, as required by Sections 47(1)(a) and 47(3) respectively of the Local Government Finance Act 1988, and set out in the Appendix to this report**

**Action by**      Head of Finance to implement the Scheme and make discretionary awards using delegated powers.

**Timetable**      Effective from 1 April 2020 and 1 April 2021

This report was prepared after consultation with:

- Head of Law & Regulation
- Head of People & Business Change
- Head of Regeneration, investment & Housing

**Signed**

## Background

In response to the ongoing covid-19 pandemic and the effect on businesses Welsh Government made available funding for billing authorities to deliver an all Wales Retail, Leisure and Hospitality Rate Relief Scheme. This Scheme specifically excluded larger premises the Welsh Government has announced plans for a scheme for larger hospitality and leisure premises.

The Scheme is fully funded by Welsh Government and will enable those businesses that are in the hospitality or leisure sector to benefit from not having to pay any business rates in 2020-21 and again in 2021-22.

The scheme specifically covers businesses that occupy premises with a rateable value over £500,000 and operate in the leisure or hospitality sector.

The means of making the awards of Retail, Leisure and Hospitality Rate Relief is the Council's discretionary powers under section 47 of the Local Government Finance Act 1988.

Under normal operating conditions the Council would make a formal determination (Section 47(1)(a)) and decision (Section 47(3)) to adopt the scheme so that this discretionary power may be exercised by the Head of Finance under delegated powers. However, this is not possible due to the requirement to award the relief for 2020-21 before the end of financial year and to be able to issue correct business rate bills for 2021-22, therefore the Leader of the Council will make the determination on behalf of the Council.

The Council will be reimbursed for the rates income foregone as a result of the Scheme by way of a direct grant.

The Enhanced Hospitality and Leisure Rates Relief Scheme forms part of a package of Welsh Government measures available to support businesses during the coronavirus covid-19 emergency.

The relief will be applied directly to all businesses identified as operating in one of the named sectors and an application is required.

If the scheme is adopted, the rate relief will be applied for 2020-21 and adjustment notices issued and the rate bill for 2021-22 will be issued with the rate relief on it.

## Financial Summary

There are no direct financial implications to the Council in adopting the scheme. The Welsh Government reimburses the full value of discretionary awards. Staff resources will be prioritised appropriately within the revenues team to meet the administration requirements of the scheme.

## Risks

| Risk | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk or reduce its effect | Who is responsible for dealing with the risk? |
|------|--------------------------------------|---------------------------------------|--|---|
|------|--------------------------------------|---------------------------------------|--|---|

|   |   |   |   |                 |
|---|---|---|---|-----------------|
| Failure to implement the scheme will result in Newport ratepayers being financially disadvantaged | H | L | Adoption of the scheme will allow relief awards to be awarded and rate bills reduced to zero. | Head of Finance |
|---|---|---|---|-----------------|

### Links to Council Policies and Priorities

The adoption of the schemes fits with the Council's aims to improve the local economy, and the well-being of its citizens

### Options Available and considered

- Adopt the Wales Retail, Leisure and Hospitality Rate Relief Scheme 2021-22
- Decide not to adopt the Scheme

### Preferred Option and Why

Adopt the Scheme so that as many retailers as possible may benefit from not having to pay business rates.

### Comments of Chief Financial Officer

This is a key part of the UK/WG support package for businesses and needs to be agreed by the Leader in absence of full Council meetings. This will enable the relief to be awarded before any payments are due and taken in relation to 2021/22 and relief given for 2020/21 financial year, which must be done before March 31<sup>st</sup>.

### Comments of Monitoring Officer

The proposed decision is in accordance with the Council's statutory powers under the Local Government Finance act 1988 to grant discretionary business rates relief. This is a national scheme, which fully funded by Welsh Government and will enable the Council to continue to grant rate relief for qualifying businesses in the retail, leisure or hospitality sector in 21/22. Full Council is required to make a formal determination under Section 47(1) (a) of the 1988 Act and a formal decision under Section 47(3) to adopt the scheme. The power to award discretionary rate relief in accordance with the scheme is then delegated to the Head of Finance under the officer scheme of delegation. The scheme needs to be adopted before 31<sup>st</sup> March and, therefore, the decision is too urgent to await the next meeting of full Council at the end of April. Therefore, this decision will need to be taken by the Leader of the Council in accordance with the urgent decision making powers under Standing Order 24.1, where a decision can be taken outside the budget framework when it is not practical to call a quorate meeting of full Council. The decision and the adoption of the extended scheme can be ratified by full Council in April and the reasons for the urgency in adopting the scheme in this way will be reported to Audit Committee in due course.

## **Comments of Head of People and Business Change**

There are no HR related issues arising directly from this report.

Adoption of the Welsh Government's Retail, Leisure and Hospitality Rate Relief Scheme is in line with the Council's Well-being Objective to "Promote economic growth and regeneration whilst protecting the environment" and will support the "Newport Offer" intervention within Newport's Well-being Plan. The Scheme is funded by Welsh Government and will enable businesses that are in the hospitality or leisure sector to not have to pay business rates in 2020-21 and 2021-22. This sector has grown massively in importance to the local economy and labour market in recent years and taking up the available support would be in the Council's interests.

## **Comments of Cabinet Member**

I am happy to take the decision on this given the situation.

## **Local issues**

None

## **Scrutiny Committees**

N/a

## **Equalities Impact Assessment and the Equalities Act 2010**

Once adopted, the Council is obliged to comply with the Welsh Government's rules in applying the Scheme. These are detailed in the Appendix.

## **Children and Families (Wales) Measure**

n/a

## **Wellbeing of Future Generations (Wales) Act 2015**

When developing the Retail, Leisure and Hospitality Rate Relief Scheme 2021-22, consideration was given to the wellbeing duty contained in section 3 of the Well-being of Future Generations (Wales) Act 2015. This included consideration of how the policy would contribute to supporting the wellbeing goals under section 4 of that Act, and the wellbeing objectives set by the Welsh Ministers, whilst acting in accordance with the sustainable development principle. Providing this scheme will assist ratepayers and, as such, it will help to contribute to the achievement of the wellbeing goals of a prosperous Wales and a more equal Wales.

## **Crime and Disorder Act 1998**

n/a

## **Consultation**

n/a

## **Background Papers**

The Welsh Government's Guidance on the Retail, Leisure and Hospitality Rate Relief Scheme 2020-21 and 2021-22 is available here:



Non-Domestic  
Rates - Enhanced



Non-Domestic  
Rates - Extended Lei

## **Resolution**

- (b) The Council determines that, unless hereditaments are excepted under (b) below, Section 47(1)(a) (discretionary relief) of the Local Government Finance Act 1988 will apply as regards the hereditaments described in 'The Scheme' in accordance with the rules described in relation to those hereditaments.

It is reasonable for the Council to make this decision having regard to the interests of persons liable to pay council tax set by the Council.

- (b) Relief is not available under this resolution in respect of any hereditament which is occupied by -
- the Welsh Ministers, a Minister of the Crown or government department,
  - any public authority (including any local authority),
  - the holder of any public office, or
  - the Crown
- (d) The Council decides, under Section 47(3) of the Local Government Finance Act 1988, that during the billing year 2021-22 'The Scheme' shall apply to the hereditaments described, and that the Head of Finance use his delegated powers to apply the relief.

## **The Scheme to be Adopted**

### **Introduction**

The relief is intended to be a temporary measure for 2020-21 and 2021-22 only, aimed at businesses operating in the leisure and hospitality sector in Wales, for example hotels and leisure facilities.

The Welsh Government will provide relief to eligible businesses occupying premises with a rateable value of over £500,000 financial year 2020-21 and 2021-22.

Properties that will benefit from this relief will be occupied properties such as hotels, restaurants, and leisure facilities with a rateable value of over £500,000 on 1 April 2020 and 1 April 2021 respectively.

### **Level of Support**

Eligible ratepayers must be occupying premises and have a rateable value over £500,000 for the financial year 2020-21 and 2021-22 and meet the criteria set out by Welsh Government, see appendix for full details.

### **State Aid**

Whilst the UK left the EU on 31 January 2020, the Withdrawal Agreement negotiated by the UK Government and the EU provides that during a transition period State Aid rules will continue to apply as now and will be subject to control by the EU Commission as at present.

The UK Government has notified the EU of its intention to bring forward an immediate change to the UK's tax treatment of non-domestic property, in response to the ongoing Covid-19 emergency, and to seek clearance under Article 107(3)(b) of the Treaty on the Functioning of the European Union. Subject to this approval, the Expanded Retail Discount Scheme will become a notified state aid scheme. Once the notification has been approved by the European Commission, it will supersede the de minimis regulation as the appropriate cover for awarding the discount, meaning existing de Minimis limits will no longer restrict the provision of support.

## **Enhanced Hospitality and Leisure Rates Relief Scheme 2020-21**

### **About this guidance**

1. This guidance is intended to support county and county borough councils (local authorities) in administering the Enhanced Hospitality and Leisure Rates Relief Scheme 2020-21 (the Scheme). This guidance applies to Wales only.
2. This guidance sets out the criteria which the Welsh Government will use to determine the funding for local authorities for grant support provided to large hospitality, leisure and tourism properties. The guidance does not replace any existing non-domestic rates legislation or any other support.
3. Enquiries about the scheme should be sent to: [localtaxationpolicy@gov.wales](mailto:localtaxationpolicy@gov.wales)
4. The grant support is being provided for the 2020-21 financial year.

### **Introduction**

5. This support is aimed at businesses in Wales in the hospitality, leisure and tourism sectors operating from properties with a rateable value over £500,000.
6. The Welsh Government will provide grant funding to the relevant local authorities in Wales to provide the support to eligible ratepayers for 2020-21. The scheme aims to provide support for eligible occupied properties by offering a grant equal to a discount of 100% on the non-domestic rates bill for a property, subject to conditions. The scheme will apply to all eligible ratepayers with a rateable value of more than £500,000.
7. This document provides guidance on the operation and delivery of the scheme.

### **How will the support be provided?**

8. As this is a temporary measure, we are providing the support by reimbursing local authorities which use their discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual local authorities to adopt a scheme and decide in each individual case when to provide support under section 47. The Welsh Government will reimburse local authorities for the grant support that is provided in line with this guidance via a grant under section 31 of the Local Government Act 2003 and section 58A of the Government of Wales Act 2006.

### **How will the support be administered?**

9. Local authorities are responsible for contacting eligible ratepayers, assessing applications received, and amending billing data. Any payments made by the ratepayer towards their liability for the 2020-21 financial year should be refunded accordingly.

### **Which properties will benefit from the support?**

10. Properties that will benefit from this support will be occupied hospitality, leisure and tourism properties that have a rateable value of over £500,000 – such as hotels, holiday parks and stadia across Wales.
11. Grant support should be provided to each eligible business as a reduction to its rates bill based on occupation between 1 April 2020 and 31 March 2021.
12. For the avoidance of doubt, hereditaments which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this support.

13. As the support is discretionary, local authorities may choose not to provide the support if they consider it appropriate, for example where providing the support would go against the local authority's wider objectives for the local area.

#### **Eligibility criteria**

14. The total amount of government funded support available for each property will be 100% of the non-domestic rates liability for the 2020-21 financial year subject to two criteria being met.

- Ratepayers can demonstrate that there has been a material negative impact on their business between 1 April 2020 and 31 December 2020.
- The level of support, equal to 100% of the non-domestic rates liability, should not exceed operating costs over the same period (1 April 2020 to 31 December 2020). If the level of support exceeds operating costs the amount of support will be equal to the value of the operating costs.

15. To ascertain whether the criteria have been met, applicants should provide the following information to local authorities:

- Annual turnover information. This should include income from sales as well as revenue from public sources (eg Grants, Economic Resilience Fund, or special rental arrangements). The application should also include a declaration that turnover has been negatively impacted by 40% or more as a result of coronavirus restrictions.
- Operating costs (minus staff) between 1 April 2020 and 31 December 2021.
- Details of their business' current headcount and also planned headcount at October 2021. This should be based on the number of full-time equivalent (FTE) staff.
- Declarations confirming whether the applicant has received other funding from the Welsh Government, and where appropriate can be checked against any Economic Resilience Fund application in terms of existing job safeguard conditions already in place.
- A declaration stating whether the applicant has an Economic Contract in place with the Welsh Government. For those that do not, the Welsh Government will work with them to put one in place within a 4 week period of relief being awarded.

16. The attached form (Annex 1) should be completed by all eligible ratepayers and local authorities should submit copies of completed forms to the Welsh Government [localtaxationpolicy@gov.wales](mailto:localtaxationpolicy@gov.wales)

#### **State Aid**

17. Following the end of the transition period for the United Kingdom leaving the European Union on 31 December 2020, EU State Aid regulations only apply in limited circumstances. As the grant support is not funded by EU residual funds, EU State Aid regulations no longer apply for this scheme. As of 1 January 2021, the UK Subsidy Regime came into force, the scheme has been viewed to be outside the scope of any international trade agreements as measures are focused locally within Wales.

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# Report

## Newport City Council

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### Part 1

Date: 27 April 2021

**Subject** Pay and Reward Policy 2021/22

**Purpose** For Council to consider the updated Pay and Reward Policy for 2021/22

**Author** Rhys Cornwall, Head of People and Business Change

**Ward** All

**Summary** The Localism Act 2011 required English and Welsh local authorities to produce a “pay policy statement”, initially for the financial year 2012-13, and then on an annual basis. The legislation outlined a number of statutory requirements, which must be included in any pay policy statement.

The Pay and Reward Policy 2021/22 has been reviewed and no changes are proposed this year.

**Proposal** For Council to approve the updated Pay and Reward Policy in order to meet the statutory requirement for a pay policy statement to be approved and published by Council on an annual basis.

**Action by** Chief Executive/Head of People and Business Change

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Head of Law and Regulation
- Head of Finance
- Trade unions
- HR&OD Manager

## Background

The Localism Act 2011 required English and Welsh local authorities to produce a 'pay policy statement,' initially for the 2012-13 financial year, and then on an annual basis. Items which must be included in the statutory pay policy statement are as follows:

- A local authority's policy on the level and elements of remuneration for each chief officer
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of 'lowest-paid employees' and its reasons for adopting that definition)
- A local authority's policy on the relationship between the remuneration of its chief officers and other officers
- A local authority's policy on other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additional to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.

The Act also specifies that the pay policy statement:

- must be approved on an annual basis formally by the full Council meeting (the responsibility cannot be delegated to Cabinet or a sub-committee)
- can be amended in-year
- must be published on the authority's website (and in any other way the authority chooses)
- must be complied with when the authority sets the terms and conditions for a chief officer.

The Act requires an authority to have regard to any statutory guidance on the subject issued or approved by the Secretary of State or Welsh Ministers. The Welsh Government issued statutory guidance on "*Pay Accountability in Local Government in Wales*" in March 2012 and the Public Services Staff Commission published further supplementary guidance in December 2016.

## Pay and Reward Policy

The Council recognises that, in the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure and retain high quality employees dedicated to the service of the public; but at the same time needs to avoid being unnecessarily generous or otherwise excessive.

The Council's Pay and Reward Policy, initially approved in March 2012, was developed to meet the statutory requirements contained in the Localism Act 2011. However, in the spirit of transparency, the Council took the opportunity to take a wider view and include information relating to school based employees. Local authority schools are specifically excluded from the Localism Act's statutory requirements. However, as employees in community maintained and voluntary controlled schools are employees of the Council, reference has been made to school based employees within the Pay and Reward Policy. It is recognised that the pay decisions for these employees are delegated to school Governing Bodies by legislation and that each school is responsible for publishing its own Pay Policy. For the avoidance of doubt, the relevant school Pay Policies are the definitive version of policy for school based staff engaged by the governing body of the respective school.

Subject to approval by full Council, to meet the requirements of the Localism Act, this Pay and Reward Policy will be published on the Council's Website. In addition, in accordance with the provisions of Accounts and Audit (Wales) Regulations 2005, the Council's Annual Statement of Accounts will include a note setting out salary and remuneration information for Council posts where the full time equivalent salary is at least £60,000.

## Updates since April 2020

The Chancellor has announced a pay freeze for all public sector workers with the exception of NHS staff and those earning less than £24,000 per annum. The local government employers are not bound by the announcement and are able to negotiate directly with national trade union representatives but there has been no further information provided to date.

The pay award for teaching staff will apply from 1<sup>st</sup> September 2021 but the review body on teacher pay has not yet made a recommendation for consultation.

From November 2020 the Real Living Wage has increased to £9.50 per hour and the Council will therefore apply a supplement to pay for those employees whose contractual pay falls below this rate. This pay supplement will take effect from April 2021.

## The Gender Pay Gap

In accordance with the Equality Act (Gender Pay Gap Information) Regulations 2017, the Council is required to publish its gender pay gap information on its website and upload them onto a national Government website by 31<sup>st</sup> March 2020. This deadline was extended due to the Covid pandemic and both 2020 and 2021 gender pay gaps are now required to be reported by 5<sup>th</sup> October 2021.

We have 2,315 relevant employees (excluding schools) for the purpose of establishing the gender pay gap, of which 69.2% are women and 30.8% are men. The median pay gap increased very slightly from 0% to 0.57% whilst the mean pay gap decreased further from 3.6% in 2019, to 1.92% in 2020.

Newport City Council has one of the smallest gender pay gaps from amongst local authorities in Wales and compares favourably to the national average of 17%. Our gender pay gap report is published on the Council's transparency page each year [here](#) and will be updated in April 2021.

### Our Mean pay gap

- Our average hourly rate for women is £13.98
- Our average hourly rate for men is £14.25
- Our mean pay gap between men and women is 1.92%. This means that, on average, a woman's hourly rate of pay is 1.92% lower than a man's.

### Our median pay gap

- Our median hourly rate for women is £12.35
- Our median hourly rate for men is £12.43
- Our median pay gap between men and women is 0.57%. This means that the median (or midpoint) hourly rate for a woman is 0.57% lower than a man's.

### Our bonus pay gap

- Following the implementation of Single Status Pay and Grading Arrangements in 2015, the Council no longer makes any bonus payments to either men or women.

### Our pay quartiles

We must report the percentage of men and women in each pay quartile. Quartiles are created by listing the rates of pay for all employees from lowest to highest, before splitting that list into four equal sized groups and calculating the percentage of men and women in each quartile.

|              | FEMALE | MALE | TOTAL |
|--------------|--------|------|-------|
| LOWER        | 74%    | 26%  | 100%  |
| LOWER MIDDLE | 68%    | 32%  | 100%  |
| UPPER MIDDLE | 68%    | 32%  | 100%  |
| UPPER        | 70%    | 30%  | 100%  |

### Pay Relativities within the Council

The relationship between the rate of pay for the lowest paid Council employee and that of the Council's Chief Officers is determined by the processes used for determining pay and grading structures set out in the Pay and Reward Policy. The Council's lowest paid employee is paid on spinal column point 1 of the NJC for Local Government Workers.

As part of its commitment to pay transparency, and following the recommendations of the Hutton Review, the Council will publish information on pay relativities on an annual basis in the Pay and Reward Policy. This information for **2021-22** is as follows:

| Multiple of Salary   | Ratio   |
|--|---------|
| <ul style="list-style-type: none"> <li>the multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio</li> </ul>       | 1 : 8.0 |
| <ul style="list-style-type: none"> <li>the multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio</li> </ul> | 1 : 4.5 |
| <ul style="list-style-type: none"> <li>the multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio</li> </ul>                         | 1 : 4.4 |
| <ul style="list-style-type: none"> <li>the multiple between median earning of Council employees and the average Chief Officer (full-time equivalent basis) as a ratio</li> </ul>                   | 1 : 2.4 |

Note:

- i) Column A provides the pay ratio as per the requirement of the Localism Act 2011
- ii) These figures exclude remuneration for appointments within organisations for which the Council provides a payroll service but is not the employer.
- iii) These figures exclude remuneration for joint appointments where the Council is not the employer

### Financial Summary

There are no financial implications contained in the updated *Pay and Reward Policy*, as the policy confirms the current pay and reward arrangements in place in the Council.

### Risks

| Risk  | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk or reduce its effect  | Who is responsible for dealing with the risk?        |
|---|--------------------------------------|---------------------------------------|---|--|
| Failure to comply with statutory requirement to approve and publish a "pay policy statement" on an annual basis | H                                    | L                                     | Produced an updated <i>Pay and Reward Policy</i> which meets the statutory requirements and which is recommended for approval by Cabinet and full Council | Chief Executive / Head of People and Business Change |

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

The Pay and Reward Policy forms a key part of the Council's People and Culture Strategy. The strategy underpins the Council's Corporate Plan and strategic objectives - how employees are rewarded for their contribution is directly linked to the delivery of the council's key aims. The updated Pay and Reward Policy will ensure, when approved, that the Council complies with the statutory requirement to publish a "pay policy statement" on an annual basis.

### Options Available

The options available are as follows:

1. For Council to approve the updated Pay and Reward Policy.
2. For Council not to approve the updated Pay and Reward Policy.

### Preferred Option and Why

For the Council to approve the updated Pay and Reward Policy in order to meet the statutory requirements for a 'pay policy statement' to be published on an annual basis.

### Comments of Chief Financial Officer

The Council's Budget is based on the overall pay structures in place, as outlined in the updated *Pay and Reward Policy*. There are therefore no direct financial implications contained in the report.

### Comments of Monitoring Officer

The Council has a statutory duty under Section 38 of the Localism Act 2011 to approve and publish its Pay Policy on an annual basis. The proposed Pay and Reward Policy has been prepared in accordance with the legislation and Welsh Government Guidance. The policy has to be approved by full Council on an annual basis, in order to comply with the statutory requirements and once adopted, the Pay and Reward Policy will need to be published and the Annual Statement of Accounts will also need to include details of the remuneration of individual Chief Officers, to comply with the requirements of the Audit (Wales) Regulations.

## **Comments of Head of People and Business Change**

As the report author, the comments of the Head of People and Business Change are contained within the main body of the report.

The report outlines how the sustainable development principle has been considered in developing the Pay and Reward policy.

## **Comments of Cabinet Member**

Council previously approved the Pay and Reward Policy in November 2020. The updated policy reflects the current position in relation to pay arrangements for employees of the Council. I have agreed that the policy be presented to the Cabinet for consideration, and subject to Cabinet's approval, be recommended to full Council.

## **Local issues**

N/A

## **Scrutiny Committees**

N/A

## **Equalities Impact Assessment**

N/A

## **Children and Families (Wales) Measure**

N/A

## **Wellbeing of Future Generations (Wales) Act 2015**

The Pay and Reward Policy contributes to the well-being goals for a more equal Wales and a prosperous Wales. The policy demonstrates how employees are rewarded for their contribution to the organisations local and national priorities, and will ensure the Council complies with the statutory requirement to publish a “pay policy statement” on an annual basis.

The five ways of working have been applied when considering this proposal. The Council is required to publish a Pay Policy Statement each financial year and this updated policy meets this requirement. This policy provides a framework for decision making on pay and allows the Council to demonstrate its key approaches to pay and reward for employees, ensuring resources are managed effectively both in the short and longer term.

This updated policy outlines the Council's approach to pay and reward of its employees in the interests of openness and transparency, and is in place to prevent problems and issues occurring with any decisions made in relation to public sector pay. The policy also forms a key part of the Council's People and Culture Strategy. The strategy underpins the Council's Corporate Plan and strategic objectives - how employees are rewarded for their contribution is directly linked to the delivery of the council's key aims and objectives.

As part of this policy, the Council's intention is to continue to develop collaborative working on a planned and strategic basis with local authority partners and other public and third sector organisations. In addition, the policy provides the public with the Council's policy on all aspects of pay and reward, including senior posts and the lowest paid posts, explaining the relationship between remuneration for senior post holders and other groups.

### **Crime and Disorder Act 1998**

N/A

### **Consultation**

As outlined within the report.

### **Background Papers**

Pay and Reward Policy 2021/22

**Dated: 20 April 2021**

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## Introduction

Newport City Council recognises the importance of remuneration decisions that are appropriate, transparent, provide value for money and reward employees fairly for the work that they perform. This policy statement sets out the Council's key approaches to pay and reward for our employees.

## Aims of Policy

To outline Newport City Council's approach to the pay and reward of its employees in the interests of openness and transparency.

## Scope

To provide the public with the Council's policy on all aspects of pay and reward, including senior posts and the lowest paid posts, explaining the relationship between remuneration for senior post holders and other groups.

## School Based Employees

Employees who are appointed and directly managed by Head teachers and/or Governing Bodies are not required to be included within the scope of Pay Policy Statements as the provisions in the Localism Act (2011) only apply to employees appointed and directly managed by the Council. This reflects the requirements contained within the Staffing of Maintained Schools (Wales) Regulations (2006) where school-based staff are considered to be employees of the Council, yet the appointment and management of this staff group is discharged to the Governing Body.

In the interests of consistency and transparency, the pay related data set out within this Pay Policy Statement includes information relating to those who are appointed and managed by Head teachers/Governing Bodies. Schools are required to develop their own Pay Policies.

## To be read in conjunction with

Annual Statement of Accounts 2020/21  
Job Evaluation Scheme  
School Teachers' Pay and Conditions Document/School Pay Policies  
Market Supplement Guidance  
Early Retirement and Redundancy Payments Guidance  
Out of Hours/Additional Duties/Detriment Schemes  
Travel and Subsistence Policy

## Principles

This is Newport City Council's 2021/22 annual Pay and Reward Policy for the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022. This Pay and Reward Policy provides the framework for decision making on pay and in particular decision making on senior pay.

The Council recognises that there is public interest in public sector pay and therefore the importance of being transparent in its decisions relating to pay. It is recognised that senior posts in the Council are accountable for delivering the current strategic objectives of the organisation, including demonstrating value for money and the role that senior leadership plays in the quality of service delivery. The context of managing resources effectively and appropriately is of importance to the Council and transparency on pay is therefore appropriate to publish for public scrutiny.

In accordance with the requirements of Section 38 of the Localism Act 2011 and of the Revised Guidance issued by the Welsh Government in December 2015, Newport City Council is required to publish a Pay Policy Statement for each financial year detailing:

- a) The Council's definition of senior posts
- b) The Council's definition of lowest paid employees
- c) Reasons for adopting these definitions
- d) The relationship between the remuneration of senior posts and that of the lowest paid employees

In addition to this Pay and Reward Policy, remuneration reporting is included in the Council's Annual Statement of Accounts. The 2020/21 information can be found [here](#)

The Council's senior posts are defined as:

Chief Executive  
Strategic Director – People  
Strategic Director – Place  
Chief Education Officer  
Head of Finance (Section 151 Officer)  
Head of Law and Regulation (Monitoring Officer)  
Head of People and Business Change  
Head of Children and Young People's Services  
Head of Adult and Community Services  
Head of Regeneration, Investment and Housing  
Head of City Services

## **1.0 Legislative Framework**

### **1.1 General**

In determining the pay and remuneration of all its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act (2010), Part Time Employment (Prevention of Less Favourable Treatment) Regulations (2000), the Agency Workers Regulations (2010), Transfer of Undertakings (Protection of Employment) Regulations (2006) where relevant, and the National Minimum Wage Act (1998).

With regards to Equal Pay requirements contained within the Equality Act, the Council aims to ensure that there is no pay discrimination within its pay structures and that pay differentials can be objectively justified using equality proofed job evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

### **1.2 Pay in schools**

Employees who are appointed and directly managed by Head teachers and/or Governing Bodies are not required to be included within the scope of Pay Policy Statements as the provisions in the Localism Act (2011) only apply to employees appointed and directly managed by the Council. This reflects the requirements contained within the Staffing of Maintained Schools (Wales) Regulations (2006) where school-based staff are considered to be employees of the Council, yet the appointment and management of this staff group is discharged to the Governing Body.

In the interests of consistency and transparency, the pay related data set out within this Pay Policy Statement includes information relating to those who are appointed and managed by Head teachers/Governing Bodies. Schools are required to develop their own Pay Policies.

## **2.0 Responsibility for Pay Decisions**

### **2.1 Responsibility for the Approval of the Pay and Reward Policy**

The Council's Pay and Reward Policy incorporates the statutory provisions of the Localism Act (2011) in relation to pay policy statements. Approval of this statement and of any amendments to it is therefore a matter for full Council and cannot be delegated to any sub-committee.

### **2.2 Responsibility for Council Pay Structure and Employment Terms and Conditions**

As per the Council's constitution, overall responsibility for Council policy in relation to pay and grading structures, and employment terms and conditions rests with the Cabinet, with specific policy decisions delegated to the Cabinet Member for Community and Resources.

The exception to this is the matter of senior pay structures, where any proposed changes are a matter for full Council.

### **2.3 Delegated Authority**

Managers should be aware of their delegated levels of authority. Delegations for decisions on pay cannot be further delegated below these levels:

| Decision   | Delegated level of Authority  |
|--|---|
| Salary packages above £100,000 per year  | Full Council  |
| Starting pay above grade minimum for the Chief Executive, Strategic Directors and Heads of Service | Appointments Committee  |
| Market Supplement for the Chief Executive, Strategic Directors and Heads of Service                | Appointments Committee  |
| Performance related pay increases for the Chief Executive  | Leader and Deputy Leader of the Council in consultation with the Head of People and Business Change                         |
| Performance related pay increases for the Strategic Directors                                      | Leader, Deputy Leader and Chief Executive in consultation with the Head of People and Business Change                       |
| Pay progression through Head of Service grade  | Strategic Directors in consultation with the Head of People and Business Change   |
| Starting pay above grade minimum for all grades below Head of Service                              | Head of Service in consultation with Human Resources  |
| Market Supplement for posts below Head of Service  | Head of Service in consultation with the Head of Law and Regulation, Head of Finance and Head of People and Business Change |
| Pay progression through all grades below Head of Service   | Head of Service in consultation with Human Resources  |
| Additional duties payments below Head of Service   | Head of Service in consultation with Human Resources  |
| Salary detriment   | Head of Service*  |
| Early release of pension   | Head of Service*  |
| Planned overtime payments  | Head of Service   |

**Decisions marked with \* are subject to a formal business case and consultation with the Head of Law and Regulation, Head of Finance and Head of People and Business Change. Any dispute will be determined by a Strategic Director.**

The Head of People and Business Change is responsible for ensuring that the Council's Job Evaluation Scheme (where applicable) and pay processes have been applied. Human Resources is responsible for overseeing any decision on pay to ensure that they are made in accordance with the delegated authority levels and are compliant with the terms of the Pay and Reward Policy.

### 3.0 Terms and Conditions of Service

The Council's employees are employed on a number of different terms and conditions dependent on the role that they fulfil:

| Employee Group   | Terms and Conditions   |
|--|--|
| Chief Executive  | Joint National Council for Chief Executives terms and conditions except for pay which is determined by a local performance related pay arrangement   |
| Strategic Directors and Heads of Service                               | Joint National Council for Chief Officers' terms and conditions. Strategic Director pay is determined by a local performance related pay arrangement, Head of Service pay is subject to annual incremental movement through the grade  |
| School Teachers  | Head, Deputy, Assistant Head teachers and all other classroom teachers employed directly by the Council (as opposed to those employed by the Governing Body of a voluntary aided school) are paid in accordance with the School Teachers' Pay and Conditions Document (STPCD). |
| School Improvement Professionals and Education Psychologists           | The Soulbury Committee determine pay arrangements and National Joint Council for Local Government Service Employees terms and conditions apply for all other contractual entitlements  |
| All other employees (including school-based staff other than teachers) | National Joint Council for Local Government Service Employees apply, supplemented by the Newport City Council Single Status Pay and Grading arrangements   |

### 4.0 National pay bargaining arrangements

The Council uses nationally negotiated pay spines for the relevant groups of employees as the basis for its local pay structures. The Council remains committed to adherence with national pay bargaining in respect of the national pay spines and any increases negotiated in the pay spine.

Employees on all terms and conditions will receive a pay award where this is negotiated nationally by the relevant negotiating committee.

## 5.0 Process for grading posts

The Council utilises the Newport City Council Job Evaluation scheme as the basis for its local grading structure. This determines the salaries of the majority of employees including non-teaching staff in schools. The pay and grading structure was agreed through a collective agreement with the recognised trade unions and implemented with effect from 1<sup>st</sup> April 2015.

The pay grade of posts on Soulbury and Teachers' pay will be determined in accordance with the national and local agreed terms.

The pay grade of JNC posts is through the Hay job evaluation scheme.

## 6.0 Senior Management Remuneration

For the purpose of the Council's Pay and Reward Policy, senior management means 'Chief Officers' as defined within Section 43 of the Localism Act (2011). The posts within the Council's structure identified by the statutory definition are set out below:

- Chief Executive
- Strategic Director – People
- Strategic Director – Place
- Chief Education Officer
- Head of Children and Young People's Services
- Head of Adult and Community Services
- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change
- Head of Regeneration, Investment and Housing
- Head of City Services

The current salary ranges for these posts can be found in Appendix B.

### 6.1 Recruitment and appointment of Chief Officers

The Council's policy and procedures with regard to the recruitment of chief officers is set out within the Officer Employment Procedure Rules as set out in Part 4 of the Council's Constitution. When recruiting to all posts the Council will take full and proper account of its own Recruitment Policy and Procedures, Job Security and Diversity Policies. The determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

Where the Council remains unable to recruit chief officers under a contract of employment, or there is a need for interim support to provide cover for a vacant substantive chief officer post, the Council will, where necessary, consider and utilise engaging individuals under 'contracts for service'. These will be sourced through a relevant procurement process ensuring the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service. The Council does not currently have any chief officers engaged under such arrangements. Any substantive chief officer appointment made under a contract for service is subject to the approval of full Council in accordance with the provisions of the Council's Constitution.

## 6.2 The role of the Chief Executive

The Chief Executive is the senior officer who leads and takes responsibility of the organisation. The organisation has a turnover of £275m and is responsible for a wide range of services employing some 5500 staff.

The role of the Chief Executive is a full time and permanent appointment. Post holders are selected on merit, against objective criteria, following public advertisement. They are appointed by the Council's Appointments Committee. As head of the paid service, the Chief Executive works closely with elected members to deliver Newport's corporate plan.

The Chief Executive routinely works evenings as well as the standard Monday to Friday business week. The Chief Executive also heads the 'on call' arrangements particularly to cover emergency planning requirements.

## 6.3 Chief Executive Pay

The salary for the Chief Executive is set out in Appendix B, and the Chief Executive may receive additional payments for any of the elections where they are the Returning Officer.

Details of the Chief Executive's pay, including any additional payments are published in the annual accounts of the Council and can be accessed [here](#)

The Chief Executive is a member of the LGPS pension scheme and details are disclosed in the remuneration report. There have been no increases or enhancements to the pension outside of standard arrangements.

The notice period for the role is 3 months.

## 6.4 Proposals to change the Chief Executive's salary

Where the Council proposes to change the Chief Executive's salary level and the proposed change is not commensurate with a change to the salaries of the authority's other employees, it will consult the Independent Remuneration Panel for Wales (IRPW) about the proposed change. The Council will provide the IRPW with all relevant information regarding its proposed change and will have due regard to any IRPW recommendations on the proposals.

The Council is required to declare whether or not any referrals have been made to the IRPW. To date there have been no referrals made to the IRPW regarding any aspects of the Chief Executive's salary in the Council's Pay and Reward Policy.

The Council will have regard to any recommendation received from the IRPW when performing its functions under section 38 or 39 of the Localism Act 2011. This may include any recommendations from the IRPW in relation to a policy within the Council's Pay and Reward Policy regarding severance packages.

## 6.5 Joint Appointments

The Council's intention is to continue to develop collaborative working on a planned and strategic basis with local authority partners and also with other public sector organisations. Therefore, when senior vacancies arise, including at Chief Officer level, the views of elected Members will be sought as to whether consideration of a joint appointment would be appropriate. If Members are supportive, discussions will take place with partners and neighbouring authorities to determine whether the posts can be reconfigured as a joint appointment, instead of automatically being filled on a like for like basis.

If a decision is made to progress with a joint appointment, both parties will need to reach agreement on the salary and overall remuneration package for the post, and the proportion to this which each party will pay. Where the Council will be the employer of the joint appointee, the determination of salary and other pay arrangements will be in accordance with this Pay and Reward Policy.

Any joint appointments at Chief Officer level will be made in accordance with the provisions of the Officer Employment Procedure Rules contained in the Council's Constitution.

## 7.0 Pay Relativities within the Council

The relationship between the rate of pay for the lowest paid Council employee and that of the Council's Chief Officers is determined by the processes used for determining pay and grading structures as set out in this Pay and Reward Policy. A copy of the Council's grades for NJC posts is published on the external webpage [here](#).

The lowest paid persons employed under a contract of employment with the Council are employed at spinal column point 1 of the National Joint Council pay spine for Local Government Services which is £9.25 per hour with a pay supplement of 0.05p per hour to match the foundation living wage hourly rate of £9.30 per hour (£9.50 with effect from 1<sup>st</sup> April 2021)

The Council employs Apprentices (and other trainees) who are not included within the definite of lowest paid employees as they are not employed under Contracts of Employment.

The relationship between the rate of pay for the lowest paid employees and the Council's Chief Officers is regulated by the processes used for determining pay and grading structures as set out in this Pay and Reward Policy.

The salary utilised for the Chief Officer calculations of all the pay multiple data is £127,411.

As part of its commitment to pay transparency and following the recommendations of the Hutton "Review of Fair Pay in the Public Sector" (2011), the Council will publish information on pay relativities on an annual basis. The information for 2019/20 is as follows:

| Multiple of Salary   | Ratio   |
|--|---------|
| <ul style="list-style-type: none"> <li>the multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio</li> </ul>       | 1 : 8:0 |
| <ul style="list-style-type: none"> <li>the multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio</li> </ul> | 1 : 4:5 |
| <ul style="list-style-type: none"> <li>the multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio</li> </ul>                         | 1 : 4:4 |
| <ul style="list-style-type: none"> <li>the multiple between median earning of Council employees and the average Chief Officer (full-time equivalent basis) as a ratio</li> </ul>                   | 1 : 2:4 |

Note:

- Column A provides the pay ratio as per the requirement of the Localism Act 2011
- These figures exclude remuneration for appointments within organisations for which the Council provides a payroll service but is not the employer.
- These figures exclude remuneration for joint appointments where the Council is not the employer

In relation to the gender pay gap, the Council's Gender Pay Gap 2020 report outlines the gender pay gap between men and women in the Council. As at April 2020 the Council had a mean gender pay gap of 1.92% and a median gender pay gap of 0.57%. There is no bonus paid to any employee, therefore no bonus gender pay gap exists, and our quartiles are as follows:

|                     | FEMALE     | MALE       | TOTAL       |
|---------------------|------------|------------|-------------|
| <b>LOWER</b>        | <b>74%</b> | <b>26%</b> | <b>100%</b> |
| <b>LOWER MIDDLE</b> | <b>68%</b> | <b>32%</b> | <b>100%</b> |
| <b>UPPER MIDDLE</b> | <b>68%</b> | <b>32%</b> | <b>100%</b> |
| <b>UPPER</b>        | <b>70%</b> | <b>30%</b> | <b>100%</b> |

## 8.0 Starting Pay

New appointments will normally be made at the minimum of the relevant grade for the post. Under exceptional circumstances, and where there are compelling and evidenced reasons to support the decision, a new employee may be appointed to a higher increment. Exceptional reasons may include the need to secure the best candidate and/or having regard to the knowledge, skills and competencies of the individual as well as their current and previous salary levels.

All requests to appoint above the minimum of the grade must be agreed by the relevant Head of Service in consultation with their HR&OD Business Partner before any salary offer is made to the candidate. In the case of Chief Officers all requests to appoint above the minimum of the grade must be agreed by the relevant Appointments Committee of the Council.

In addition, all salary packages for Chief Officers with a value of £100,000 or more must be approved by the full Council. The salary package will include salary, performance related pay, fees or allowances and any benefits in kind.

## 9.0 Annual Pay Progression arrangements

Pay structures for the all employee groups are attached at the appendices as follows:

Appendix A: NCC NJC Salary Structure with Effect from 1 April 2020 (Applicable to National Joint Council for Local Government Employees)

Appendix B: Chief Officer Pay Scales

Appendix C: Soulbury Pay Scale

Appendix D: School Teachers' (Qualified and Unqualified) Pay Ranges and Leadership Group Pay Spines

The pay progression arrangements for the relevant employee groups are outlined below.

### 9.1 NJC for Local Government Employees

Increments will be paid on 1st April each year until the maximum of the level is reached subject to the following:

(i) In exceptional circumstances, increments may be accelerated within the grade at the discretion of the authority on the grounds of special merit or ability, subject to the maximum of the level not being exceeded in accordance with Head of Service delegation. This will only occur after careful consideration of equal pay requirements and consultation with Human Resources.

(ii) Employees with less than six months' service in the grade by 1st April shall be granted their first increment six months from the actual date of their appointment, promotion or re-grading. All future increments will then be paid on 1 April.

NB: Any action under (i) or (ii) shall not interrupt the payment of subsequent increments on 1 April.

### 9.2 Chief Officers – Chief Executive and Strategic Directors

The Chief Executive and Strategic Directors will not be paid any annual increment. Any progression within these salary ranges will be based solely on performance in accordance with the agreed performance related pay arrangements.

### 9.3 Chief Officers – Heads of Service

Increments will be paid to Heads of Service on 1 April each year until the maximum of the level is reached subject to the following:

(i) In exceptional circumstances, increments may be accelerated within the grade at the discretion of the authority on the grounds of special merit or ability, subject to the maximum of the level not being exceeded in accordance with Head of Service delegation. This will only occur after careful consideration of equal pay requirements and consultation with Human Resources.

(ii) Employees with less than six months' service in the grade by 1 April shall be granted their first increment six months from the actual date of their appointment, promotion or re-grading. All future increments will then be paid on 1 April.

NB: Any action under (i) or (ii) shall not interrupt the payment of subsequent increments on 1 April.

### 9.4 Employees on Soulbury salary scales

Increments will be paid on 1 September each year until the maximum of the level is reached subject to the following:

(i) In exceptional circumstances, increments may be accelerated within the grade at the discretion of the authority on the grounds of special merit or ability, subject to the maximum of the level not being exceeded in accordance with Head of Service delegation. This will only occur after careful consideration of equal pay requirements and consultation with Human Resources

(ii) Employees with less than six months' service in the grade by 1 September shall be granted their first increment six months from the actual date of their appointment, promotion or re-grading. All future increments will then be paid on 1 September.

(iii) Structured Professional Assessment points will be paid in accordance with the provisions of the Soulbury Committee and the Council's Soulbury Guidance note.

The small group of employees who remain subject to the local agreement reached in June 2005 for employees within school improvement posts are employed on 'spot points' and are therefore not entitled to receive annual increments.

### **9.5 Withholding an increment**

For all employees in posts subject to incremental progression, an increment may be withheld due to poor performance. This will only apply where formal capability procedures are being followed in accordance with the Council's Capability Policy. Any increment withheld may be paid subsequently if the employee's performance improves.

### **9.6 Teachers and School Leaders**

Progression for teachers paid on the main or upper pay ranges will be in accordance with the provisions of the STPCD (Wales) 2019; any pay movement, where awarded, applies from 1 September each year. Teachers employed on the Leadership spine (Head Teachers, Deputies and Assistant Head Teachers) are eligible to progress within the pay range for their post on 1 September each year until the maximum point is reached. Progression is subject to meeting the requirements for movement set out in the STPCD (Wales) 2020.

### **10.0 Pay on Promotion or Transfer**

#### **10.1 Move to a new post at the same level**

Where an employee moves to a new permanent post at the same level, they will normally be appointed on the same salary point and retain the incremental date (where this is relevant) from their original post.

#### **10.2 Pay on promotion**

Where an employee receives a promotion, they will normally be appointed on the minimum point for the new post subject to them receiving a minimum of one increment above their current spinal point in their pre-promotion post.

All requests to appoint above the minimum of the level must be agreed by the relevant Head of Service, in consultation with their HR&OD Business Partner before any salary offer is made.

In the case of Chief Officers all requests to appoint above the minimum of the grade must be agreed by the relevant Appointments Committee of the Council.

### **11.0 Allowances: Overtime, Bank Holiday Working, Night Work, Standby**

Employees on all terms and conditions, other than Chief Officers and teachers, may be paid allowances, where appropriate, in accordance with the relevant provisions of their terms and conditions of employment as supplemented by local agreement.

Chief Officers and teachers are not eligible for such allowances but are expected to undertake duties outside their contractual hours and working patterns as is commensurate with their salary level without additional payment.

### **12.0 Additional Payments – All Employees**

Employees on all terms and conditions may be eligible for the following additional payments unless otherwise stated:

### 12.1 Additional Duties Scheme

There may be occasions when an employee is asked to carry out additional duties at a higher level to those of their substantive post for a period of time. In such circumstances an additional payment may be made in line with the Council's Additional Duties Scheme, which can be found [here](#).

N.B. Under the School Teachers' Pay and Conditions Document (Wales) 2019, there are no provisions which allow for the payment of honoraria to teachers.

### 12.2 Professional Fees

The Council does not pay or reimburse professional/registration fees.

### 12.3 Market Supplements

Within a diverse workforce encompassing highly skilled professional and technical roles the Council recognises there may be occasions where market forces produce a situation where, in exceptional circumstances, the Council may offer an additional temporary supplement to the pay of a post.

The Council has a Market Supplement Scheme for Local Government Service employees to ensure that requirement for any market pay supplements is objectively justified. With the exception of teachers, the Scheme may apply to other posts within the council.

Supplements are subject to regular review and can be withdrawn where no longer considered justifiable.

### 12.4 Additional Payments under the STPCD (Wales) 2019

The STPCD (Wales) 2020 makes provision for the following additional allowances/payments for teachers, subject to the necessary criteria being met:

- Teaching and Learning Responsibility Allowances
- Special Educational Need Allowances
- Recruitment or Retention Incentives and Benefits
- Payments for participation in continuing professional development undertaken outside the school day, out-of-school hours learning activities, activities relating to the provision of initial teaching training and / or additional responsibilities and activities
- learning activities

Where the Council has centrally employed teaching staff, it may make use of the above allowances, subject to meeting the relevant provisions of the STPCD (Wales) 2020.

### 12.5 Travel and Subsistence Expenses

The Council's Travel and Subsistence Policy seeks to ensure that no employees will be financially disadvantaged whilst undertaking duties which take them from their normal place of work. Employees will be reimbursed additional travelling or subsistence expenses incurred in the course of their work in accordance with this policy, subject to evidence of expenditure being produced. Details of the current rates for travelling and subsistence expenses can be found [here](#).

### 13.0 Returning Officer

The Council has agreed that the Chief Executive undertakes the role of Returning Officer in respect of local and national elections.

The Returning Officer is an officer of the City Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the Council, the role of the Returning Officer is one which involves and incurs personal responsibility and accountability and is statutorily separate from their duties as an employee of the Council. As Returning Officer, they are paid a separate allowance for each election for which they are responsible.

Other Council staff may undertake duties on behalf of the Returning Officer, e.g. polling clerks, count supervisors, etc. They will receive separate payments for these duties based on their role in any election process.

### 14.0 Employee Benefits

In addition to an employee's salary, the Council is able to offer a comprehensive range of benefits designed to enhance the work / life balance of our employees. The current benefits include:

- the Local Government/Teachers' Pension Schemes as applicable
- generous annual leave entitlements in addition to bank holiday entitlement
- The option to purchase up to one week of additional annual leave
- learning and development opportunities
- flexible working arrangements
- employee wellbeing schemes, such as counselling
- childcare vouchers
- cycle-to-work scheme
- car lease scheme
- technology purchase scheme
- discounted gym and leisure membership
- use of the Vectis card scheme to provide retail discounts
- access to financial support and advice
- pay advance facility
- advance loans for sustainable rail and bus travel

### 15.0 Detriment Arrangements

### **15.1 All employees except Teaching staff**

The Council has a non-contractual Detriment Scheme for those employees whose posts are downgraded as a consequence of implementing structural change. This can be found on the Council's Intranet. Detriment arrangements will not apply where the move to a lower graded post is voluntary.

### **15.2 Teaching Staff**

There are specific statutory arrangements in place for teachers whose posts are downgraded as a result of implementing structural change or because of the implementation of school reorganisations. These provisions are outlined in the STPCD (Wales) 2020.

### **16.0 Termination of Employment**

#### **16.1 Payments on Termination**

Where an employee's employment is brought to an end on grounds of redundancy or early retirement, they will receive payment on termination of their employment in accordance with the Council's Redundancy Payments and Early Retirement Guidance and discretions relating to the Local Government Pension Scheme policy. This guidance sets out the Council's approach to statutory and discretionary payments on termination of employment of all employees, prior to reaching normal retirement age. It includes the Council's discretions in accordance with the following statutory regulations:

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, The Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme (Transitional Provisions & Savings) Regulations 2014
- The Teachers' Pension Scheme Regulations 2010 and Teachers (Compensation for Redundancy and Premature Retirement) Regulations.

Chief Officer severance packages above £100,000 must be agreed by full Council. The severance /redundancy package includes any redundancy payment, contractual notice period and full cost of early release of pension (as required under Regulation 68 (2) of the Local Government Pension Scheme).

Payments to the Chief Executive falling outside these provisions or the relevant periods of contractual notice shall be subject to a formal decision made by the Leader and Deputy Leader.

Other payments to other Chief Officers falling outside these provisions or the relevant periods of contractual notice shall be subject to a formal decision made by the Leader and the Cabinet Member for Community and Resources.

#### **16.2 Re-employment following termination**

The Council will not re-employ ex-employees who have been made voluntarily redundant (or left in the

“efficient exercise of the service”) until a period of 24 months from their leaving date has expired. The same restriction will apply in respect of the placement of such ex-employees via employment agencies or as self-employed consultants under a contract for services. For the avoidance of doubt this restriction does not apply to employees who were made compulsory redundant. Where a former employee is re-employed at Chief Officer level, the appointment will be subject to the approval of full Council in accordance with the provisions of the Council’s constitution.

The Council will not re-employ staff whose termination of employment is covered by a Settlement Agreement or COT3. The same restriction will apply in respect of the placement of such ex-employees via Employment Agencies or as self-employed consultants under a contract for services. Delegated authority will be given to the Chief Executive, Strategic Directors (for posts in their respective services), Head of People and Business Change and the Head of Law and Regulation to consider any pre or post termination requests to waive this policy provision on a case by case basis. A number of factors will be relevant in considering requests to waive this policy provision including, financial, working relationships and trust and confidence (this is not an exhaustive list). In the event that a request to waive is agreed, ex-employees will not be able to recommence employment with the Council (after an open advertisement and successful outcome from a recruitment and selection process) until a period of time has elapsed that is equal in length to the number of weeks’ pay their compensation payment equates to.

#### **17.0 Confidentiality**

The application of this Pay and Reward Policy will be undertaken in an open and transparent way but the salary details of individual members of staff shall remain confidential. Where the Council is required to publish salary information in accordance with the provisions of the Accounts and Audit (Wales) Regulations 2005, this information is published on an anonymised basis due to the requirements of the current Data Protection Act.

#### **18.0 Workforce Information**

It is recognised that accurate workforce data is critical to the management of the Council’s most valuable and costly resource, its employees, and to the implementation of this Pay and Reward Policy. People and Business Change will be responsible for analysing the data that is currently collected in order to inform any future proposed changes to this policy/related policy and in order to fully understand the financial context.

#### **19.0 Partnership with Trades Unions**

The Council will endeavour to maintain the joint working approach that it has developed with its recognised Trade Unions and will continue to work closely with them on pay related matters. There has been consultation with representatives of the recognised Trade Unions during the development of this Pay and Reward Policy. Collective bargaining processes will be followed as appropriate for any proposed changes to pay and/or allowances.

#### **20.0 Publication**

Following approval by the full Council, and in accordance with the requirements of the Localism Act, this Pay and Reward Policy will be published on the Council’s Website.

In addition, for posts where the full-time equivalent salary is at least £60,000, in accordance with the provisions of Accounts and Audit (Wales) Regulations 2005, the Council’s Annual Statement of Accounts will include a note setting out:

- the total amount of salary, fees or allowances paid to or receivable by the postholder in the current and previous year
- any bonuses so paid or receivable by the postholder in the current and previous year
- any sums payable by way of expenses allowance that are chargeable to UK income tax
- any compensation for loss of employment and any other payments connected with termination
- any benefits received that do not fall within the above.

## 21.0 Policy Review

This Pay and Reward Policy outlines the current position in respect of pay and reward within the Council. It will be reviewed and reported to Council on an annual basis to ensure it meets the principles of fairness, equality, accountability and value for money for the authority and its residents.

This Pay and Reward Policy is updated and approved by Council on an annual basis. This statement will come into immediate effect once fully endorsed by Council at its meeting in March 2021.

|                         |                |
|-------------------------|----------------|
| <b>Created By:</b>      | Rachael Davies |
| <b>Date Created:</b>    | March 2021     |
| <b>Reviewed By:</b>     | Rachael Davies |
| <b>Date Reviewed:</b>   | 08/02/2021     |
| <b>Current Version:</b> | November 2020  |

## Document Control

| Version | Date                 | Author              | Notes/Changes   |
|---------|----------------------|---------------------|---|
| V2.1    | 03/03/2021           | Rachael Davies      | Amended to include reference to Restriction of Public Sector Exit Payments Regulations 2020 |
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Appendix A: **NJC FOR LOCAL GOVERNMENT WORKERS SALARY RATES**  
**1 APRIL 2021**

| Spinal Column Point | Annual Salary £ | Monthly Salary £ | Weekly Salary £ | Hourly Rate (37) £ |           |           |
|---------------------|-----------------|------------------|-----------------|--------------------|-----------|-----------|
| 1                   | 17842           | 1486.79          | 342.17          | 9.2477             | Grade 1   |           |
| 2                   | 18198           | 1516.50          | 349.00          | 9.4325             | (210-253) |           |
| 3                   | 18562           | 1546.52          | 355.98          | 9.6210             |           | Grade 2   |
| 4                   | 18933           | 1577.73          | 370.36          | 9.8133             |           | (254-297) |
| 5                   | 19312           | 1609.32          | 370.36          | 10.0098            | Grade 3   |           |
| 6                   | 19698           | 1641.52          | 377.77          | 10.2101            | (298-341) |           |
| 7                   | 20092           | 1674.31          | 385.32          | 10.4141            |           |           |
| 8                   | 20493           | 1707.79          | 393.02          | 10.6223            |           | Grade 4   |
| 9                   | 20903           | 1741.96          | 400.89          | 10.8348            |           | (342-397) |
| 10                  | 21322           | 1776.81          | 408.91          | 11.0515            |           |           |
| 11                  | 21748           | 1812.34          | 417.09          | 11.2726            |           |           |
| 12                  | 22183           | 1848.56          | 425.42          | 11.4978            |           |           |
| 13                  | 22627           | 1885.55          | 433.93          | 11.72.79           |           |           |
| 14                  | 23080           | 1923.31          | 442.62          | 11.9628            | Grade 5   |           |
| 15                  | 23541           | 1961.75          | 451.47          | 12.2019            | (398-453) |           |
| 16                  | 24012           | 2000.97          | 460.50          | 12.4458            |           |           |
| 17                  | 24491           | 2040.96          | 469.70          | 12.6946            |           |           |
| 18                  | 24982           | 2081.80          | 479.10          | 12.9486            |           |           |
| 19                  | 25481           | 2123.41          | 488.67          | 13.2074            |           |           |
| 20                  | 25991           | 2165.88          | 498.45          | 13.4716            |           | Grade 6   |
| 21                  | 26511           | 2209.21          | 508.42          | 13.7411            |           | (454-509) |
| 22                  | 27041           | 2253.39          | 518.59          | 14.0159            |           |           |
| 23                  | 27741           | 2311.79          | 532.03          | 14.3791            |           |           |
| 24                  | 28672           | 2389.37          | 549.88          | 14.8616            | Grade 7   |           |
| 25                  | 29577           | 2464.72          | 567.22          | 15.3303            | (510-565) |           |
| 26                  | 30451           | 2537.58          | 583.99          | 15.7835            |           |           |
| 27                  | 31346           | 2612.16          | 601.15          | 16.2474            |           |           |
| 28                  | 32234           | 2686.14          | 618.18          | 16.7075            |           | Grade 8   |
| 29                  | 32910           | 2742.48          | 631.15          | 17.0580            |           | (566-621) |
| 30                  | 33782           | 2815.18          | 647.87          | 17.5101            |           |           |
| 31                  | 34728           | 2894.04          | 666.02          | 18.0006            |           |           |
| 32                  | 35745           | 2978.72          | 685.51          | 18.5274            | Grade 9   |           |
| 33                  | 36922           | 3076.85          | 708.09          | 19.1377            | (622-677) |           |
| 34                  | 37890           | 3157.51,         | 726.66          | 19.639494          |           |           |
| 35                  | 38890           | 3240.82          | 745.83          | 20.1576            |           |           |
| 36                  | 39880           | 3323.36          | 764.83          | 20.6710            |           | Grade 10  |
| 37                  | 40876           | 3406.33          | 783.92          | 21.1871            |           | (678-743) |
| 38                  | 41881           | 3490.08          | 803.19          | 21.7079            |           |           |
| 39                  | 42821           | 3568.42          | 821.22          | 22.1952            | Grade 11  |           |

|    |       |         |         |         |           |            |
|----|-------|---------|---------|---------|-----------|------------|
| 40 | 43857 | 3654.73 | 841.09  | 22.7321 | (744-809) |            |
| 41 | 44863 | 3738.56 | 860.38  | 23.2535 |           |            |
| 42 | 45859 | 3821.62 | 879.49  | 23.7701 |           | Grade 12   |
| 43 | 46845 | 3903.73 | 898.39  | 24.2808 |           | (810-875)  |
| 44 | 48014 | 4001.17 | 920.81  | 24.8869 |           |            |
| 45 | 49220 | 4101.69 | 943.95  | 25.5121 | Grade 13  |            |
| 46 | 50453 | 4204.44 | 967.60  | 26.1512 | (876-941) |            |
| 47 | 51709 | 4309.08 | 991.68  | 26.8020 |           |            |
| 48 | 53002 | 4416.79 | 1016.46 | 26.4720 |           | Grade 14   |
| 49 | 54323 | 4526.91 | 1041.81 | 28.1569 |           | (942-1007) |
| 50 | 55685 | 4640.45 | 1067.94 | 28.8631 |           |            |
| 51 | 57079 | 4756.55 | 1094.66 | 29.5853 | Grade 15  |            |
| 52 | 58504 | 4875.32 | 1121.99 | 30.3240 | (1008+)   |            |
| 53 | 59961 | 4996.73 | 1149.93 | 31.0792 |           |            |

**Appendix B: CHIEF OFFICER SALARY RATES – 1 APRIL 2021**

| JOB TITLE           | GRADE | SCALE | ANNUAL SALARY £ |
|---------------------|-------|-------|-----------------|
| CHIEF EXECUTIVE     | MD01  | 001   | 127,411         |
|                     |       | 002   | 133,881         |
|                     |       | 003   | 140,352         |
|                     |       | 004   | 146,824         |
| STRATEGIC DIRECTORS | CD01  | 001   | 106,993         |
|                     |       | 002   | 110,954         |
|                     |       | 003   | 112,667         |
|                     |       | 004   | 116,547         |
| HEADS OF SERVICE    | HDS01 | 001   | 78,937          |
|                     |       | 002   | 80,914          |
|                     |       | 003   | 82,933          |
|                     |       | 004   | 85,001          |

**Appendix C: SOULBURY SALARY RATES – 1 SEPTEMBER 2020**
**i) EDUCATIONAL IMPROVEMENT PROFESSIONALS (EIPs)**

| SPINE POINT | SALARY FROM<br>1.9.20 | SPINE POINT | SALARY FROM<br>1.9.20 |
|-------------|-----------------------|-------------|-----------------------|
| 1           | 36,419                | 26          | 67,257                |
| 2           | 37,723                | 27          | 68,419                |
| 3           | 38,955                | 28          | 69,597                |
| 4           | 40,203                | 29          | 70,777                |
| 5           | 41,443                | 30          | 71,956                |
| 6           | 42,684                | 31          | 73,124                |
| 7           | 43,998                | 32          | 74,311                |
| 8           | 45,243*               | 33          | 75,498                |
| 9           | 46,705                | 34          | 76,714                |
| 10          | 48,009                | 35          | 77,927                |
| 11          | 49,295                | 36          | 79,174                |
| 12          | 50,541                | 37          | 80,402                |
| 13          | 51,951**              | 38          | 81,642                |
| 14          | 53,209                | 39          | 82,866                |
| 15          | 54,598                | 40          | 84,089                |
| 16          | 55,854                | 41          | 85,318                |
| 17          | 57,114                | 42          | 86,546                |
| 18          | 58,350                | 43          | 87,773                |
| 19          | 59,625                | 44          | 89,006                |
| 20          | 60,283***             | 45          | 90,236                |
| 21          | 61,549                | 46          | 91,468                |
| 22          | 62,653                | 47          | 92,705                |
| 23          | 63,867                | 48          | 93,930****            |
| 24          | 64,956                | 49          | 95,160****            |
| 25          | 66,121                | 50          | 96,392****            |

**NOTES:**

Salary scales to consist of not more than four consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit and motivate employees.

\* normal minimum point for EIP undertaking the full range of duties at this level

\*\* normal minimum point for senior EIP undertaking the full range of duties at this level

\*\*\* normal minimum point for leading EIP undertaking the full range of duties at this level

\*\*\*\* extension to range to accommodate structured professional assessments.

## ii) EDUCATIONAL PSYCHOLOGISTS

| EDUCATIONAL PSYCHOLOGISTS - SCALE A |                    |
|-------------------------------------|--------------------|
| SPINE POINT                         | SALARY FROM 1.9.20 |
| 1                                   | 38,197             |
| 2                                   | 40,136             |
| 3                                   | 42,075             |
| 4                                   | 44,012             |
| 5                                   | 45,951             |
| 6                                   | 47,889             |
| 7                                   | 49,714             |
| 8                                   | 51,538             |
| 9                                   | 53,247*            |
| 10                                  | 54,959*            |
| 11                                  | 56,554*            |

## NOTE:

\*The 11-point scale A provides for up to 3 additional SPA points to be added to the post holder entitlement on the appropriate 6-point range

## ii) SENIOR EDUCATIONAL PSYCHOLOGISTS

| SENIOR AND PRINCIPAL EDUCATIONAL PSYCHOLOGISTS (B) SALARY RANGE |                    |             |                    |
|---|--------------------|-------------|--------------------|
| SPINE POINT   | SALARY FROM 1.9.20 | SPINE POINT | SALARY FROM 1.9.20 |
| 1   | 47,889             | 10          | 60,880             |
| 2   | 49,714             | 11          | 62,090             |
| 3   | 51,538*            | 12          | 63,233             |
| 4   | 53,247             | 13          | 64,577             |
| 5   | 54,959             | 14          | 65,790**           |
| 6   | 56,554             | 15          | 67,061**           |
| 7   | 57,209             | 16          | 68,318**           |
| 8   | 58,433             | 17          | 69,585**           |
| 9   | 59,646             | 18          | 70,850**           |

## NOTES:

Salary scales to consist of not more than four consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit, retain and motivate employees.

\* Normal minimum point for the principal educational psychologist undertaking the full range of duties at this level

\*\* Extension to range to accommodate discretionary scale points and structured professional assessments

## Appendix D: TEACHERS' SALARY RATES – 1 SEPTEMBER 2020

## i) TEACHER PAY RANGES

| QUALIFIED TEACHERS –<br>pay rate from 1/9/20 –<br>31/8/21 | WALES  | UNQUALIFIED TEACHERS<br>– pay rate from 1/9/20 –<br>31/8/21 | WALES  |
|---|--------|---|--------|
| MAIN RANGE  | £ p.a. |   | £ p.a. |
| Minimum   | 27,018 | Minimum   | 18,169 |
| Maximum   | 37,320 | Maximum   | 28,735 |
| UPPER PAY RANGE   | £ p.a. |   |        |
| Minimum   | 38,690 |   |        |
| Maximum   | 41,604 |   |        |

## NOTE:

From 1 September 2013, the qualified and unqualified teacher pay scales were replaced by the ability for the relevant body to pay such salary as it determines within the above Qualified and Unqualified Teacher Pay Ranges.

## ii) ADDITIONAL ALLOWANCES / PAYMENTS

| TEACHING AND LEARNING RESPONSIBILITY (TLR)<br>PAYMENTS | ANNUAL ALLOWANCE £ |       | ANNUAL ALLOWANCE £ |        |
|--|--------------------|-------|--------------------|--------|
| TLR 3 BAND (fixed-term award only)                     | Minimum            | 571   | Maximum            | 2,833  |
| TLR 2 BAND   | Minimum            | 2,873 | Maximum            | 7,017  |
| TLR 1 BAND   | Minimum            | 8,291 | Maximum            | 14,030 |
| SPECIAL EDUCATIONAL NEEDS (SEN)<br>ALLOWANCES          | ANNUAL ALLOWANCE £ |       |                    |        |
| SEN RANGE  | Minimum            | 2,270 | Maximum            | 4,479  |

## iii) PAY SPINE FOR THE LEADERSHIP GROUP 1/9/2020 – 31/8/2021

(This spine applies to Headteachers, Deputy Headteacher, and Assistant Headteachers)

| LEADERSHIP PAY – 1/9/20 – 31/8/21 |         |
|-----------------------------------|---------|
|                                   | WALES   |
| MAIN RANGE                        | £ p.a.  |
| Minimum                           | 42,195  |
| Maximum                           | 117,197 |

# Draft Minutes

## Standards Committee

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Date: 15 April 2021

Time: 5:30pm

Venue: Virtual Teams Meeting

Present: A. Mitchell (Chair) J. Davies, K. Watkins, P. Worthington, T. Britton, Councillors D Wilcox and P Hourahine. Gareth Price (Head of Law and Regulation), Elizabeth Bryant (Assistant Head of Legal Services), Pamela Tasker (Governance Support Officer)

Apologies: None

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### 1. Apologies for Absence

None

### 2. Appointment of Independent Chair and Vice Chair

Mr Mitchell was voted in as Chair of the Standards Committee.  
Mr Watkins was voted in as Vice Chair of the Standards Committee.

### 3. Declarations of Interest

None

### 4. Minutes of the Previous Meeting: 7 January 2021

#### Agreed:

That the Minutes were a true and accurate record.

### 5. Matters Arising

None

### 6. Succession Planning Update on Appointment of Independent Members

The Head of Law and Regulation confirmed that the Committee had advertised for two vacancies on the website and in local newspapers and 14 applications were received with 5 people being shortlisted for interview.

The Head of Law and Regulation recommended for the panel to select two suitable candidates at interview rather than go through a second recruitment process. The first candidate appointed would be replacing Mr Westwood's role and the second candidate would be provisionally appointed so would be able to take up office in October when Ms Britton's term of office was complete.

## **7. Employee Code of Conduct**

The Chair commented that the Employee Code of Conduct had been brought to the Standards Committee previously. The Head of Law and Regulation stated that it had been a few years since the Code of Conduct was brought out and the last revision was 2018/19. The Head of Law and Regulation stated that there had been a recent corporate audit, which picked up that the Employee Code of Conduct needed to be updated in terms of changes in legislation. HR have brought the code up to date and consultations were held with staff and Trade Unions.

It has also been submitted to the Employee Joint Liaison Group and it has been agreed with the recognised Trade Unions. It has been brought to the Standards Committee so the Committee can formally recommend its adoption to full Council. The Code of Conduct would then be included as part of the Councils Constitution.

The Head of Law and Regulation explained that the revised Code of Conduct was brought to the Standards Committee due to the Committee's role in monitoring both the Members Code of Conduct and how it linked in with officer relationships.

Councillor Wilcox stated that they felt it was very important that Council employees were covered and supported in the same way and that is why the legislation brought in was so essential and that there were no grey areas. Councillor Wilcox also stated that the legislation would help Council employees feel supported by and feel stronger by and that the legislation was very welcomed.

Dr Worthington felt that it was a complete and comprehensive set of standards.

The Chair recommended to the Head of Law and Regulation that it was fed back to HR that it was a very good document.

### **Agreed:**

The Standards Committee endorsed the revised Employee Code of Conduct and recommended its adoption to Council.

## **8. Code of Conduct Revised Guidance**

The Head of Law and Regulation confirmed that the guidance had been circulated previously. It was a very short turn around period in terms of the consultation and this was the revised guidance that the Ombudsman was consulting on, in terms of the Code of Conduct for City Councillors and Community Councillors.

Due to the consultation period closing before the meeting it was circulated to Committee Members for information. It was also circulated to all the Community Council Clerks but no comments came back from them.

The guidance has not changed much in terms of substance but there were more practical examples included at the end based on previous cases, which was a useful guide to Councils in terms of the practicalities of the Code.

The Chair commented that they had looked at some of the examples and agreed that it was very useful. The Chair commented that it was all tying in nicely together that there was now a Code of Conduct for employees and for Councillors and Community Councils.

Councillor Wilcox questioned whether the clerks had any authority to submit any comments on the Code of Conduct. The Head of Law and Regulation confirmed that when the Code of Conduct was sent out it was requested for the Clerks to consult with their Community Councillors to submit any comments they had, but none had been received. It was presumed that the Community Councils were satisfied with the guidance.

The Head of Law and Regulation confirmed that the last Welsh Code of conduct review was in 2016 and the original Code of Conduct was completed in 2008. Welsh Government were looking again at the Code of Conduct and if there were to be a review, it would be reviewed before next May 2022 for the local Council Elections. It was reiterated that this was guidance on the current code as it stands now and so it may change between now and next May 2022.

Councillor Hourihane asked whether any new code of Conduct would have enforcement sanctions to be imposed on some Community Councils who failed to sign-up to the Code. The Head of Law and Regulation confirmed that this was a compulsory code which applies automatically to community councils and there were already sanctions for non-compliance..

Reported noted.

## **9. Complaints**

The Head of Law & Regulation reported that the two complaints to the Ombudsman reported previously were still on-going and no decision had been made on whether to investigate them.

Since the last meeting, there had been 8 further complaints submitted to the Ombudsman, 1 involving a City Councillor and the other 7 were complaints about community councillors.

The one complaint against the City councillor had not been accepted for investigation as it involved an alleged failure to reply to e-mails, which was not a breach of the Code.

Three of the complaints against community councils had also been rejected. One complaint was not investigated as there was no evidence of any breach of the code in relation to how the community council meeting had been chaired. Two complaints had not been accepted for investigation, even though there was evidence of a lack of respect, because the Ombudsman did not feel that the breach was serious enough and it was not in the public interest to investigate. However, the ombudsman would be writing to the two community councillors concerned to remind them of their duties under the Code to show respect and consideration to others and not bring their office as councillors into disrepute.

The Head of Law & Regulation reported that there were a number of issues involving community councils and several clerks had resigned.

John Davies stated that Bishton CC had made several complaints a couple of months ago but they had heard nothing. When the clerk followed this up, they were told that the complaints had gone to the spam e-mail box. He asked if anything could be done about this. The Head of Law & Regulation advised that there was an on-line complaint form on the Ombudsman web-site that could be completed and submitted electronically. The complaints are then acknowledged and given a unique reference number. He also believed that this was the community council complaint that had been reported last time and, therefore, it had been received and logged by the Ombudsman. However, if this was a different complaint, then it should have been acknowledged and given a reference number. The clerk should follow this up and check.

John Davies asked if there were any specific time scales for the Ombudsman to respond. The Head of law & regulation advised that there were no set timescales, although complainants should hear from the Ombudsman within 6-8 weeks about whether the complaint is going to be investigated. However, if a complaint was going to be fully investigated, that that process can take up to 9-12 months to complete.

John Davies asked if there was any way of challenging an ombudsman decision, as some complainants were unhappy that their complaints were not investigated. The Head of Law & Regulation advised that there was no further right of challenge and the Ombudsman was the final statutory arbiter of

whether a complaint should be investigated. The only way of challenging his decision would be by way of judicial review proceedings in the High Court on a point of law and this was very expensive.

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**10. Any other business**

None

**11. Date of Next Meeting:**

15 July 2021

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