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**THURSDAY, 3 MARCH 2022**

**TO: ALL MEMBERS OF THE COUNTY COUNCIL**

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL MEETING** OF THE **COUNTY COUNCIL** WHICH WILL BE HELD **AT 10.00 AM, ON WEDNESDAY, 9TH MARCH, 2022** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Wendy Walters*

**CHIEF EXECUTIVE**

<b>Democratic Officer:</b>	<b>Kevin Thomas</b>
<b>Telephone (direct line):</b>	<b>01267 224027</b>
<b>E-Mail:</b>	<b>Kjthomas@carmarthenshire.gov.uk</b>

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
*County Hall, Carmarthen. SA31 1JP*

# AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTERESTS.
3. CHAIR'S ANNOUNCEMENTS.
4. SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR 2022/23 5 - 22
5. PAY POLICY STATEMENT 2022/23 23 - 282
6. TO CONSIDER THE RECOMMENDATIONS OF THE DEMOCRATIC SERVICES COMMITTEE IN RESPECT OF THE FOLLOWING ITEMS:-
  - 6.1 DIVERSITY IN DEMOCRACY ACTION PLAN 283 - 298
  - 6.2 DEMOCRATIC SERVICES COMMITTEE - TASK & FINISH FINAL REPORT - DEMOCRATIC PROCESS - NEW WAYS OF WORKING 299 - 314
7. TO CONSIDER THE RECOMMENDATIONS OF THE CABINET IN RESPECT OF THE FOLLOWING ITEMS:-
  - 7.1 HOUSING REGENERATION AND DEVELOPMENT - FIVE YEAR DELIVERY PLAN (2022 - 2027) 315 - 344
  - 7.2 REVISED CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN NEXT STEPS AND REVISED DELIVERY AGREEMENT 345 - 400
  - 7.3 REVIEW OF GAMBLING POLICY 401 - 470
  - 7.4 REVIEW OF ELECTION FEES PAYABLE AT THE COUNTY COUNCIL AND TOWN/COMMUNITY COUNCIL ELECTIONS 471 - 476
  - 7.5 MODERNISING EDUCATION PROGRAMME PROPOSAL TO CHANGE THE AGE RANGE OF YSGOL SWISS VALLEY FROM 4-11 TO 3-11 477 - 482
  - 7.6 MODERNISING EDUCATION PROGRAMME PROPOSAL TO CHANGE THE NATURE OF PROVISION AT YSGOL Y FELIN 483 - 502
  - 7.7 MODERNISING EDUCATION PROGRAMME PROPOSAL TO RECONFIGURE AND REMODEL BEHAVIOUR SUPPORT SERVICES AT YSGOL RHYDYGORS TO IMPROVE PROVISION FOR CHILDREN AND YOUNG PEOPLE 503 - 508
  - 7.8 PENTRE AWEL 509 - 528
8. TO RECEIVE THE REPORT OF THE MEETING OF THE CABINET HELD ON THE:-

- |             |                            |                  |
|-------------|----------------------------|------------------|
| <b>8 .1</b> | <b>14TH FEBRUARY 2022</b>  | <b>529 - 532</b> |
| <b>8 .2</b> | <b>21ST FEBRUARY 2022</b>  | <b>533 - 542</b> |
| <b>8 .3</b> | <b>28TH FEBRUARY, 2022</b> | <b>543 - 548</b> |
- 9. PUBLIC QUESTIONS (NONE RECEIVED).**
- 10. QUESTIONS BY MEMBERS**
- 10.1 QUESTION BY COUNCILLOR ALUN LENNY TO COUNCILLOR EMLYN DOLE, LEADER OF THE COUNCIL**
- March 23rd will mark two years since the first national lockdown, a period that saw significant changes to our way of life and work.
- As we move forward, could the Leader say what Carmarthenshire residents and businesses can expect in the next phase as regards recovery and support?
- 11. MINUTES FOR INFORMATION (AVAILABLE TO VIEW ON THE WEBSITE)**
- 11.1 LICENSING COMMITTEE - 17TH FEBRUARY 2022**

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**County Council  
9<sup>th</sup> March 2022**

**SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR  
2022/23**

**Recommendations / key decisions required:**

That Members adopt the recommendations contained within the report.

**Reasons:**

To set the Council Tax for the year 2022/23.

Relevant scrutiny committee to be consulted: YES

Cabinet Decision Required: YES

Council Decision Required: YES

CABINET MEMBER PORTFOLIO HOLDER:- Cllr. David Jenkins

Directorate:  
Corporate Services

Chris Moore

Report Author:  
Randal Hemingway

Designations:

Director of Corporate  
Services

Head of Financial  
Services

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**EXECUTIVE SUMMARY**  
**County Council**  
**9<sup>th</sup> March 2022**

**SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR 2022/23**

The County Council is required annually to set its Council Tax for the forthcoming Financial Year.

This Report sets out the financial details relevant to the setting of the Council Tax for 2022/23 together with the Council Tax amounts in respect of the different Council Tax Valuation Bands, as applicable to each of the individual Community and Town Council area.

**DETAILED REPORT ATTACHED?**

**YES**

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Chris Moore**

**Director of Corporate Services**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

**1. Policy, Crime & Disorder and Equalities**

The Budget has been prepared having regard for the Corporate Strategy

**2. Legal**

Budget setting process complies with legislative requirements

**3. Finance**

The Authority's Council Tax (exclusive of Town/Community Council precepts) will increase by 2.5% with the Band D Council Tax = £1,396.04

Average Council Tax (Band D) inclusive of Community/Town Council precepts will be set at £1,489.76 as per section 33 of the Local Government Finance Act 1992.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Chris Moore

Director of Corporate Services

## 1. Scrutiny Committee

All scrutiny committees have been consulted during January and February 2022, with the feedback included in the Revenue Budget Strategy report to full Council on 2nd March 2022.

## 2. Local Member(s)

Not applicable

## 3. Community / Town Council

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2022/23 to 2024/25 report to County Council on 2nd March 2022.

## 4. Relevant Partners

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2022/23 to 2024/25 report to County Council on 2nd March 2022.

## 5. Staff Side Representatives and other Organisations

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2022/23 to 2024/25 report to County Council on 2nd March 2022.

**CABINET PORTFOLIO HOLDER(S) AWARE / CONSULTED?**

YES

(Include any observations here)



**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

<b>Title of Document</b>	<b>File Ref No.</b>	<b>Locations that the papers are available for public inspection</b>
Council Tax Base – 2022/23 Base report to Cabinet 20th December 2021		County Hall, Carmarthen.
Revenue Budget Strategy 2022/23 to 2024/25 and Capital Investment Programme 2022/27 - County Council Reports 2nd March 2022		County Hall, Carmarthen.
Dyfed Powys Police Authority precept Town/Community Council precepts		County Hall, Carmarthen.
Local Government Act 1992		County Hall, Carmarthen

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# REPORT OF THE DIRECTOR OF CORPORATE SERVICES COUNTY COUNCIL

9<sup>th</sup> March 2022

SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR BEGINNING 1<sup>st</sup> APRIL 2022

<b>Name:</b> C Moore, Director of Corporate Services	<b>DIRECTORATE</b> Corporate Services	<b>TELEPHONE NO.</b> 01267 224120
<b>AUTHOR &amp; DESIGNATION</b> R Hemingway, Head of Financial Services	<b>DIRECTORATE</b> Corporate Services	<b>TELEPHONE NO</b> 01267 224886

The Revenue Budget 2022/23 was finalised and presented to County Council on the 2<sup>nd</sup> March 2022 and the Authority has now received all the precept requirements from the Town and Community Councils and Police and Crime Commissioner for Dyfed Powys.

This report now concludes the formal budget setting process and requires County Council to formally set the Budget Requirement and Council Tax for 2022/23.

## Recommendations

1. That it be noted that the Revenue Budget 2022/23, together with outlook for 2023/24 and 2024/25, and the Five Year Capital Programme (Council Fund) 2022/27 was approved by County Council on the 2<sup>nd</sup> March 2022.
2. That it be noted that:
  - a. the County Council General Fund Reserve at 31<sup>st</sup> March 2022 is estimated to be £12.6m and that the Revenue Budget for 2022/23 includes no proposals for the use of the General Fund Reserve.
  - b. the Director of Corporate Services after taking account of the above confirms that the estimated level of financial reserves is adequate for the financial year 2022/23.
  - c. the Director of Corporate Services confirms that the build-up of the County Council estimates for the purpose of the calculation under section 32 of the Local Government Finance Act 1992 has been undertaken in a robust manner.
3. That it be noted that at its meeting on 20<sup>th</sup> December 2021, the Cabinet calculated the following amounts for the year 2022/23 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992: -
  - (a) **74,698.57** being the amount calculated by the Council, in accordance with the Local Authorities (Calculation of Tax Base) (Wales) Regulations 1995, as its council tax base for the year.

(b)

<b>COMMUNITY</b>	<b>TAX BASE</b>	<b>COMMUNITY</b>	<b>TAX BASE</b>
ABERGWILI	737.18	PENCARREG	546.69
ABERNANT	135.65	NEWCASTLE EMLYN	475.61
BRONWYDD	282.02	CARMARTHEN TOWN	5,699.00
CILYMAENLLWYD	341.21		
CYNWYL ELFED	465.93	AMMANFORD	1,963.59
EGLWYSCUMMIN	190.63	CWMAMAN	1,581.63
GORSLAS	2,068.24	LLANDEILO	791.47
HENLLANFALLTEG	224.62	LLANDOVERY	794.43
LAUGHARNE	563.00	BETWS	889.74
LLANARTHNE	413.67	CILYCWYM	226.39
LLANBOIDY	445.58	CYNWYL GAEO	439.76
LLANDDAROG	552.96	DYFFRYN CENNEN	528.78
LLANDDOWROR & LLANMILOE	338.08	LLANDDEUSANT	126.72
LLANDYFAELOG	638.71	LLANDYBIE	4,461.56
LLANGAIN	283.04	LLANEGWAD	725.86
LLANGYNDEYRN	1,569.48	LLANFAIR-AR-Y-BRYN	271.12
LLANGUNNOR	1,151.48	LLANFIHANGEL ABERBYTHYCH	594.61
LLANGYNIN	135.99	LLANFYNYDD	230.26
LLANGYNOG	236.06	LLANGADOG	641.32
LLANLLAWDDOG	362.08	LLANGATHEN	263.96
LLANPUMSAINT	333.07	LLANSADWRN	232.19
LLANSTEFFAN & LLANYBRI	587.85	LLANSAWEL	200.94
LLANWINIO	204.34	LLANWRDA	233.74
MEIDRIM	267.38	MANORDEILO & SALEM	796.63
NEWCHURCH & MERTHYR	315.84	MYDDFAI	177.66
PENDINE	164.55	CWARTER BACH	967.70
ST CLEARNS	1,335.68	TALLEY	247.60
ST ISHMAELS	782.53		
TRELECH A'R BETWS	329.90	LLANELLI TOWN	8,881.21
WHITLAND	746.06	LLANELLI RURAL	8,433.29
CENARTH	545.37	PEMBREY & BURRY PORT	3,259.46
LLANFIHANGEL-AR-ARTH	924.59	KIDWELLY TOWN	1,390.79
LLANFIHANGEL RHOS-Y-CORN	217.70	LLANEDI	2,338.21
LLANGELER	1,510.89	LLANGENNECH	2,000.25
LLANLLWNI	325.42	LLANNON	1,949.65
LLANYBYDDER	609.52	PONTYBEREM	1,023.75
LLANYCRWYS	106.15	TRIMSARAN	870.55
		<b>TOTAL</b>	<b>74,698.57</b>

being the amounts calculated by the Council, in accordance with Regulation 6 of the above Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

4. That the following amounts be now calculated by the Council for the year 2022/23 in accordance with sections 32 to 36 of the Local Government Finance Act 1992: -
- (a) **£662,792,890** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act (including Community Council Precepts totaling £6,863,055)
  - (b) **£240,196,104** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
  - (c) **£422,596,786** being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
  - (d) **£311,313,785** being the aggregate of the sums which the Council estimates will be payable for the year into its council fund in respect of redistributed non-domestic rates, revenue support grant, or additional grant less discretionary non-domestic rate relief.
  - (e) **£1,489.76** being the amount at 4(c) above less the amount at 4(d) above, all divided by the amount at 3 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year.
  - (f) **£7,000,517** being the aggregate amount of all special items referred to in Section 34(1) of the Act.
  - (g) **£1,396.04** being the amount at 4(e) above less the result given by dividing the amount at 4(f) above by the amount at 3 above, calculated by the Council, in accordance with section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

(h)

COMMUNITY	BASIC AMOUNT OF COUNCIL TAX	COMMUNITY	BASIC AMOUNT OF COUNCIL TAX
	£		£
ABERGWILI	1,439.22	LLANYCRWYS	1,408.52
ABERNANT	1,421.84	PENCARREG	1,419.82
BRONWYDD	1,426.70	NEWCASTLE EMLYN	1,461.18
CILYMAENLLWYD	1,416.56	CARMARTHEN	1,534.46
CYNWYL ELFED	1,430.22	AMMANFORD	1,530.31
EGLWYSCUMMIN	1,430.14	CWMAMAN	1,609.70
GORSLAS	1,452.98	LLANDEILO	1,490.01
HENLLANFALLTEG	1,443.75	LLANDOVERY	1,480.93
LAUGHARNE	1,451.47	BETWS	1,448.86
LLANARTHNE	1,449.87	CILYCWM	1,418.13
LLANBOIDY	1,466.60	CYNWYL GAEO	1,411.96
LLANDDAROG	1,434.48	DYFFRYN CENNEN	1,433.86
LLANDDOWROR & LLANMILOE	1,433.01	LLANDDEUSANT	1,429.18
LLANDYFAELOG	1,433.15	LLANDYBIE	1,436.38
LLANGAIN	1,430.73	LLANEGWAD	1,412.57
LLANGYNDEYRN	1,442.69	LLANFAIR-AR-Y-BRYN	1,409.87
LLANGUNNOR	1,424.70	LLANFIHANGEL ABERBYTHYCH	1,425.47
LLANGYNIN	1,448.91	LLANFYNYDD	1,426.44
LLANGYNOG	1,425.69	LLANGADOG	1,428.78
LLANLLAWDDOG	1,418.54	LLANGATHEN	1,426.35
LLANPUMSAINT	1,426.04	LLANSADWRN	1,421.88
LLANSTEFFAN & LLANYBRI	1,430.06	LLANSAWEL	1,423.41
LLANWINIO	1,425.40	LLANWRDA	1,417.43
MEIDRIM	1,442.79	MANORDEILO & SALEM	1,418.64
NEWCHURCH & MERTHYR	1,419.79	MYDDFAI	1,415.74
PENDINE	1,441.04	CWARTER BACH	1,509.07
ST CLEARNS	1,471.63	TALLEY	1,436.43
ST ISHMAELS	1,440.54	LLANELLI TOWN	1,502.30
TRELECH A'R BETWS	1,396.04	LLANELLI RURAL	1,525.87
WHITLAND	1,478.08	PEMBREY & BURRY PORT	1,580.34
CENARTH	1,412.54	KIDWELLY	1,618.93
LLANFIHANGEL-AR-ARTH	1,449.04	LLANEDI	1,511.64
LLANFIHANGEL RHOS-Y-CORN	1,423.60	LLANGENNECH	1,526.54
LLANGELER	1,417.38	LLANNON	1,582.42
LLANLLWNI	1,440.60	PONTYBEREM	1,513.28
LLANYBYDDER	1,453.46	TRIMSARAN	1,488.28

being the amounts given by adding to the amount at 4(g) above, the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 3(b) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

(i)

COMMUNITY	2022/23								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
ABERGWILI	959.48	1,119.39	1,279.30	1,439.22	1,759.05	2,078.87	2,398.70	2,878.44	3,358.18
ABERNANT	947.89	1,105.88	1,263.85	1,421.84	1,737.80	2,053.77	2,369.73	2,843.68	3,317.63
BRONWYDD	951.13	1,109.66	1,268.17	1,426.70	1,743.74	2,060.79	2,377.83	2,853.40	3,328.97
CILYMAENLLWYD	944.37	1,101.77	1,259.16	1,416.56	1,731.35	2,046.14	2,360.93	2,833.12	3,305.31
CYNWYL ELFED	953.48	1,112.39	1,271.30	1,430.22	1,748.05	2,065.87	2,383.70	2,860.44	3,337.18
EGLWYSCUMMIN	953.42	1,112.33	1,271.23	1,430.14	1,747.95	2,065.76	2,383.56	2,860.28	3,337.00
GORSLAS	968.65	1,130.10	1,291.53	1,452.98	1,775.86	2,098.75	2,421.63	2,905.96	3,390.29
HENLLANFALLTEG	962.50	1,122.92	1,283.33	1,443.75	1,764.58	2,085.41	2,406.25	2,887.50	3,368.75
LAUGHARNE	967.64	1,128.92	1,290.19	1,451.47	1,774.02	2,096.57	2,419.11	2,902.94	3,386.77
LLANARTHNE	966.58	1,127.68	1,288.77	1,449.87	1,772.06	2,094.25	2,416.45	2,899.74	3,383.03
LLANBOIDY	977.73	1,140.69	1,303.64	1,466.60	1,792.51	2,118.42	2,444.33	2,933.20	3,422.07
LLANDDAROG	956.32	1,115.71	1,275.09	1,434.48	1,753.25	2,072.02	2,390.80	2,868.96	3,347.12
LLANDDOWROR & LLANMILOE	955.34	1,114.56	1,273.78	1,433.01	1,751.46	2,069.90	2,388.35	2,866.02	3,343.69
LLANDYFAELOG	955.43	1,114.67	1,273.91	1,433.15	1,751.63	2,070.10	2,388.58	2,866.30	3,344.02
LLANGAIN	953.82	1,112.79	1,271.76	1,430.73	1,748.67	2,066.61	2,384.55	2,861.46	3,338.37
LLANGYNDEYRN	961.79	1,122.09	1,282.39	1,442.69	1,763.29	2,083.88	2,404.48	2,885.38	3,366.28
LLANGUNNOR	949.80	1,108.10	1,266.40	1,424.70	1,741.30	2,057.90	2,374.50	2,849.40	3,324.30
LLANGYNIN	965.94	1,126.93	1,287.92	1,448.91	1,770.89	2,092.87	2,414.85	2,897.82	3,380.79
LLANGYNOG	950.46	1,108.87	1,267.28	1,425.69	1,742.51	2,059.33	2,376.15	2,851.38	3,326.61
LLANLLAWDDOG	945.69	1,103.31	1,260.92	1,418.54	1,733.77	2,049.00	2,364.23	2,837.08	3,309.93
LLANPUMSAINT	950.69	1,109.14	1,267.59	1,426.04	1,742.94	2,059.83	2,376.73	2,852.08	3,327.43
LLANSTEFFAN & LLANYBRI	953.37	1,112.27	1,271.16	1,430.06	1,747.85	2,065.64	2,383.43	2,860.12	3,336.81
LLANWINIO	950.26	1,108.65	1,267.02	1,425.40	1,742.15	2,058.91	2,375.66	2,850.80	3,325.94
MEIDRIM	961.86	1,122.17	1,282.48	1,442.79	1,763.41	2,084.03	2,404.65	2,885.58	3,366.51
NEWCHURCH & MERTHYR	946.52	1,104.28	1,262.03	1,419.79	1,735.30	2,050.81	2,366.31	2,839.58	3,312.85
PENDINE	960.69	1,120.81	1,280.92	1,441.04	1,761.27	2,081.50	2,401.73	2,882.08	3,362.43
ST CLEARS	981.08	1,144.60	1,308.11	1,471.63	1,798.66	2,125.69	2,452.71	2,943.26	3,433.81
ST ISHMAELS	960.36	1,120.42	1,280.48	1,440.54	1,760.66	2,080.78	2,400.90	2,881.08	3,361.26
TRELECH A'R BETWS	930.69	1,085.81	1,240.92	1,396.04	1,706.27	2,016.50	2,326.73	2,792.08	3,257.43

COMMUNITY	2022/23								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
WHITLAND	985.38	1,149.62	1,313.84	1,478.08	1,806.54	2,135.00	2,463.46	2,956.16	3,448.86
CENARTH	941.69	1,098.64	1,255.59	1,412.54	1,726.44	2,040.33	2,354.23	2,825.08	3,295.93
LLANFIHANGEL-AR-ARTH	966.02	1,127.03	1,288.03	1,449.04	1,771.05	2,093.06	2,415.06	2,898.08	3,381.10
LLANFIHANGEL RHOS-Y-CORN	949.06	1,107.25	1,265.42	1,423.60	1,739.95	2,056.31	2,372.66	2,847.20	3,321.74
LLANGELER	944.92	1,102.41	1,259.89	1,417.38	1,732.35	2,047.32	2,362.30	2,834.76	3,307.22
LLANLLWNI	960.40	1,120.47	1,280.53	1,440.60	1,760.73	2,080.86	2,401.00	2,881.20	3,361.40
LLANYBYDDER	968.97	1,130.47	1,291.96	1,453.46	1,776.45	2,099.44	2,422.43	2,906.92	3,391.41
LLANYCRWYS	939.01	1,095.52	1,252.01	1,408.52	1,721.52	2,034.53	2,347.53	2,817.04	3,286.55
PENCARREG	946.54	1,104.31	1,262.06	1,419.82	1,735.33	2,050.85	2,366.36	2,839.64	3,312.92
NEWCASTLE EMLYN	974.12	1,136.47	1,298.82	1,461.18	1,785.89	2,110.59	2,435.30	2,922.36	3,409.42
CARMARTHEN	1,022.97	1,193.47	1,363.96	1,534.46	1,875.45	2,216.44	2,557.43	3,068.92	3,580.41
AMMANFORD	1,020.20	1,190.24	1,360.27	1,530.31	1,870.38	2,210.45	2,550.51	3,060.62	3,570.73
CWMAMAN	1,073.13	1,251.99	1,430.84	1,609.70	1,967.41	2,325.12	2,682.83	3,219.40	3,755.97
LLANDEILO	993.34	1,158.90	1,324.45	1,490.01	1,821.12	2,152.23	2,483.35	2,980.02	3,476.69
LLANDOVERY	987.28	1,151.84	1,316.38	1,480.93	1,810.02	2,139.12	2,468.21	2,961.86	3,455.51
BETWS	965.90	1,126.89	1,287.87	1,448.86	1,770.83	2,092.80	2,414.76	2,897.72	3,380.68
CILYCWYM	945.42	1,102.99	1,260.56	1,418.13	1,733.27	2,048.41	2,363.55	2,836.26	3,308.97
CYNWYL GAEO	941.30	1,098.19	1,255.07	1,411.96	1,725.73	2,039.50	2,353.26	2,823.92	3,294.58
DYFFRYN CENNEN	955.90	1,115.23	1,274.54	1,433.86	1,752.49	2,071.13	2,389.76	2,867.72	3,345.68
LLANDDEUSANT	952.78	1,111.59	1,270.38	1,429.18	1,746.77	2,064.37	2,381.96	2,858.36	3,334.76
LLANDYBIE	957.58	1,117.19	1,276.78	1,436.38	1,755.57	2,074.77	2,393.96	2,872.76	3,351.56
LLANEGWAD	941.71	1,098.67	1,255.61	1,412.57	1,726.47	2,040.38	2,354.28	2,825.14	3,296.00
LLANFAIR-AR-Y-BRYN	939.91	1,096.57	1,253.21	1,409.87	1,723.17	2,036.48	2,349.78	2,819.74	3,289.70
LLANFIHANGEL ABERBYTHYCH	950.31	1,108.70	1,267.08	1,425.47	1,742.24	2,059.01	2,375.78	2,850.94	3,326.10
LLANFYNYDD	950.96	1,109.45	1,267.94	1,426.44	1,743.43	2,060.41	2,377.40	2,852.88	3,328.36
LLANGADOG	952.52	1,111.27	1,270.02	1,428.78	1,746.29	2,063.79	2,381.30	2,857.56	3,333.82
LLANGATHEN	950.90	1,109.38	1,267.86	1,426.35	1,743.32	2,060.28	2,377.25	2,852.70	3,328.15
LLANSADWRN	947.92	1,105.91	1,263.89	1,421.88	1,737.85	2,053.82	2,369.80	2,843.76	3,317.72
LLANSAWEL	948.94	1,107.10	1,265.25	1,423.41	1,739.72	2,056.03	2,372.35	2,846.82	3,321.29



COMMUNITY	2022/23								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
LLANWRDA	944.95	1,102.45	1,259.93	1,417.43	1,732.41	2,047.40	2,362.38	2,834.86	3,307.34
MANORDEILO & SALEM	945.76	1,103.39	1,261.01	1,418.64	1,733.89	2,049.14	2,364.40	2,837.28	3,310.16
MYDDFAI	943.82	1,101.13	1,258.43	1,415.74	1,730.35	2,044.96	2,359.56	2,831.48	3,303.40
CWARTER BACH	1,006.04	1,173.72	1,341.39	1,509.07	1,844.42	2,179.77	2,515.11	3,018.14	3,521.17
TALLEY	957.62	1,117.22	1,276.82	1,436.43	1,755.64	2,074.84	2,394.05	2,872.86	3,351.67
LLANELLI TOWN	1,001.53	1,168.46	1,335.37	1,502.30	1,836.14	2,169.99	2,503.83	3,004.60	3,505.37
LLANELLI RURAL	1,017.24	1,186.79	1,356.32	1,525.87	1,864.95	2,204.03	2,543.11	3,051.74	3,560.37
PEMBREY & BURRY PORT	1,053.56	1,229.15	1,404.74	1,580.34	1,931.53	2,282.71	2,633.90	3,160.68	3,687.46
KIDWELLY	1,079.28	1,259.17	1,439.04	1,618.93	1,978.69	2,338.45	2,698.21	3,237.86	3,777.51
LLANEDI	1,007.76	1,175.72	1,343.68	1,511.64	1,847.56	2,183.48	2,519.40	3,023.28	3,527.16
LLANGENNECH	1,017.69	1,187.31	1,356.92	1,526.54	1,865.77	2,205.00	2,544.23	3,053.08	3,561.93
LLANNON	1,054.94	1,230.77	1,406.59	1,582.42	1,934.07	2,285.72	2,637.36	3,164.84	3,692.32
PONTYBEREM	1,008.85	1,177.00	1,345.13	1,513.28	1,849.56	2,185.85	2,522.13	3,026.56	3,530.99
TRIMSARAN	992.18	1,157.55	1,322.91	1,488.28	1,819.01	2,149.74	2,480.46	2,976.56	3,472.66

being the amounts given by multiplying the amounts at 4(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

5. That it be noted for the year 2022/23 that the Police and Crime Commissioner for Dyfed Powys has stated the following amounts in a precept issued to the Council, in accordance with Sections 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below: -

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Band I
£	£	£	£	£	£	£	£	£
193.44	225.68	257.92	290.16	354.64	419.12	483.60	580.32	677.04

6. That, having calculated the aggregate in each case of the amounts at 4(i) and 5 above, the Council in accordance with Section 30(2) of the Local government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2022/23 for each of the categories of dwellings shown overleaf:-

COMMUNITY	2022/23								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
ABERGWILI	1,152.92	1,345.07	1,537.22	1,729.38	2,113.69	2,497.99	2,882.30	3,458.76	4,035.22
ABERNANT	1,141.33	1,331.56	1,521.77	1,712.00	2,092.44	2,472.89	2,853.33	3,424.00	3,994.67
BRONWYDD	1,144.57	1,335.34	1,526.09	1,716.86	2,098.38	2,479.91	2,861.43	3,433.72	4,006.01
CILYMAENLLWYD	1,137.81	1,327.45	1,517.08	1,706.72	2,085.99	2,465.26	2,844.53	3,413.44	3,982.35
CYNWYL ELFED	1,146.92	1,338.07	1,529.22	1,720.38	2,102.69	2,484.99	2,867.30	3,440.76	4,014.22
EGLWYSCUMMIN	1,146.86	1,338.01	1,529.15	1,720.30	2,102.59	2,484.88	2,867.16	3,440.60	4,014.04
GORSLAS	1,162.09	1,355.78	1,549.45	1,743.14	2,130.50	2,517.87	2,905.23	3,486.28	4,067.33
HENLLANFALLTEG	1,155.94	1,348.60	1,541.25	1,733.91	2,119.22	2,504.53	2,889.85	3,467.82	4,045.79
LAUGHARNE	1,161.08	1,354.60	1,548.11	1,741.63	2,128.66	2,515.69	2,902.71	3,483.26	4,063.81
LLANARTHNE	1,160.02	1,353.36	1,546.69	1,740.03	2,126.70	2,513.37	2,900.05	3,480.06	4,060.07
LLANBOIDY	1,171.17	1,366.37	1,561.56	1,756.76	2,147.15	2,537.54	2,927.93	3,513.52	4,099.11
LLANDDAROG	1,149.76	1,341.39	1,533.01	1,724.64	2,107.89	2,491.14	2,874.40	3,449.28	4,024.16
LLANDDOWROR & LLANMILOE	1,148.78	1,340.24	1,531.70	1,723.17	2,106.10	2,489.02	2,871.95	3,446.34	4,020.73
LLANDYFAELOG	1,148.87	1,340.35	1,531.83	1,723.31	2,106.27	2,489.22	2,872.18	3,446.62	4,021.06
LLANGAIN	1,147.26	1,338.47	1,529.68	1,720.89	2,103.31	2,485.73	2,868.15	3,441.78	4,015.41
LLANGYNDEYRN	1,155.23	1,347.77	1,540.31	1,732.85	2,117.93	2,503.00	2,888.08	3,465.70	4,043.32
LLANGUNNOR	1,143.24	1,333.78	1,524.32	1,714.86	2,095.94	2,477.02	2,858.10	3,429.72	4,001.34
LLANGYNIN	1,159.38	1,352.61	1,545.84	1,739.07	2,125.53	2,511.99	2,898.45	3,478.14	4,057.83
LLANGYNOG	1,143.90	1,334.55	1,525.20	1,715.85	2,097.15	2,478.45	2,859.75	3,431.70	4,003.65
LLANLLAWDDOG	1,139.13	1,328.99	1,518.84	1,708.70	2,088.41	2,468.12	2,847.83	3,417.40	3,986.97
LLANPUMSAINT	1,144.13	1,334.82	1,525.51	1,716.20	2,097.58	2,478.95	2,860.33	3,432.40	4,004.47
LLANSTEFFAN & LLANYBRI	1,146.81	1,337.95	1,529.08	1,720.22	2,102.49	2,484.76	2,867.03	3,440.44	4,013.85
LLANWINIO	1,143.70	1,334.33	1,524.94	1,715.56	2,096.79	2,478.03	2,859.26	3,431.12	4,002.98
MEIDRIM	1,155.30	1,347.85	1,540.40	1,732.95	2,118.05	2,503.15	2,888.25	3,465.90	4,043.55
NEWCHURCH & MERTHYR	1,139.96	1,329.96	1,519.95	1,709.95	2,089.94	2,469.93	2,849.91	3,419.90	3,989.89
PENDINE	1,154.13	1,346.49	1,538.84	1,731.20	2,115.91	2,500.62	2,885.33	3,462.40	4,039.47
ST CLEARS	1,174.52	1,370.28	1,566.03	1,761.79	2,153.30	2,544.81	2,936.31	3,523.58	4,110.85
ST ISHMAELS	1,153.80	1,346.10	1,538.40	1,730.70	2,115.30	2,499.90	2,884.50	3,461.40	4,038.30
TRELECH A'R BETWS	1,124.13	1,311.49	1,498.84	1,686.20	2,060.91	2,435.62	2,810.33	3,372.40	3,934.47

COMMUNITY	2022/23								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
WHITLAND	1,178.82	1,375.30	1,571.76	1,768.24	2,161.18	2,554.12	2,947.06	3,536.48	4,125.90
CENARTH	1,135.13	1,324.32	1,513.51	1,702.70	2,081.08	2,459.45	2,837.83	3,405.40	3,972.97
LLANFIHANGEL-AR-ARTH	1,159.46	1,352.71	1,545.95	1,739.20	2,125.69	2,512.18	2,898.66	3,478.40	4,058.14
LLANFIHANGEL RHOS -Y-CORN	1,142.50	1,332.93	1,523.34	1,713.76	2,094.59	2,475.43	2,856.26	3,427.52	3,998.78
LLANGELER	1,138.36	1,328.09	1,517.81	1,707.54	2,086.99	2,466.44	2,845.90	3,415.08	3,984.26
LLANLLWNI	1,153.84	1,346.15	1,538.45	1,730.76	2,115.37	2,499.98	2,884.60	3,461.52	4,038.44
LLANYBYDDER	1,162.41	1,356.15	1,549.88	1,743.62	2,131.09	2,518.56	2,906.03	3,487.24	4,068.45
LLANYCRWYS	1,132.45	1,321.20	1,509.93	1,698.68	2,076.16	2,453.65	2,831.13	3,397.36	3,963.59
PENCARREG	1,139.98	1,329.99	1,519.98	1,709.98	2,089.97	2,469.97	2,849.96	3,419.96	3,989.96
NEWCASTLE EMLYN	1,167.56	1,362.15	1,556.74	1,751.34	2,140.53	2,529.71	2,918.90	3,502.68	4,086.46
CARMARTHEN	1,216.41	1,419.15	1,621.88	1,824.62	2,230.09	2,635.56	3,041.03	3,649.24	4,257.45
AMMANFORD	1,213.64	1,415.92	1,618.19	1,820.47	2,225.02	2,629.57	3,034.11	3,640.94	4,247.77
CWMAMAN	1,266.57	1,477.67	1,688.76	1,899.86	2,322.05	2,744.24	3,166.43	3,799.72	4,433.01
LLANDEILO	1,186.78	1,384.58	1,582.37	1,780.17	2,175.76	2,571.35	2,966.95	3,560.34	4,153.73
LLANDOVERY	1,180.72	1,377.52	1,574.30	1,771.09	2,164.66	2,558.24	2,951.81	3,542.18	4,132.55
BETWS	1,159.34	1,352.57	1,545.79	1,739.02	2,125.47	2,511.92	2,898.36	3,478.04	4,057.72
CILYCWM	1,138.86	1,328.67	1,518.48	1,708.29	2,087.91	2,467.53	2,847.15	3,416.58	3,986.01
CYNWYL GAEO	1,134.74	1,323.87	1,512.99	1,702.12	2,080.37	2,458.62	2,836.86	3,404.24	3,971.62
DYFFRYN CENNEN	1,149.34	1,340.91	1,532.46	1,724.02	2,107.13	2,490.25	2,873.36	3,448.04	4,022.72
LLANDDEUSANT	1,146.22	1,337.27	1,528.30	1,719.34	2,101.41	2,483.49	2,865.56	3,438.68	4,011.80
LLANDYBIE	1,151.02	1,342.87	1,534.70	1,726.54	2,110.21	2,493.89	2,877.56	3,453.08	4,028.60
LLANEGWAD	1,135.15	1,324.35	1,513.53	1,702.73	2,081.11	2,459.50	2,837.88	3,405.46	3,973.04
LLANFAIR-AR-Y-BRYN	1,133.35	1,322.25	1,511.13	1,700.03	2,077.81	2,455.60	2,833.38	3,400.06	3,966.74
LLANFIHANGEL ABERBYTHYCH	1,143.75	1,334.38	1,525.00	1,715.63	2,096.88	2,478.13	2,859.38	3,431.26	4,003.14
LLANFYNYDD	1,144.40	1,335.13	1,525.86	1,716.60	2,098.07	2,479.53	2,861.00	3,433.20	4,005.40
LLANGADOG	1,145.96	1,336.95	1,527.94	1,718.94	2,100.93	2,482.91	2,864.90	3,437.88	4,010.86
LLANGATHEN	1,144.34	1,335.06	1,525.78	1,716.51	2,097.96	2,479.40	2,860.85	3,433.02	4,005.19
LLANSADWRN	1,141.36	1,331.59	1,521.81	1,712.04	2,092.49	2,472.94	2,853.40	3,424.08	3,994.76
LLANSAWEL	1,142.38	1,332.78	1,523.17	1,713.57	2,094.36	2,475.15	2,855.95	3,427.14	3,998.33

COMMUNITY	2022/23								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
LLANWRDA	1,138.39	1,328.13	1,517.85	1,707.59	2,087.05	2,466.52	2,845.98	3,415.18	3,984.38
MANORDEILO & SALEM	1,139.20	1,329.07	1,518.93	1,708.80	2,088.53	2,468.26	2,848.00	3,417.60	3,987.20
MYDDFAI	1,137.26	1,326.81	1,516.35	1,705.90	2,084.99	2,464.08	2,843.16	3,411.80	3,980.44
CWARTER BACH	1,199.48	1,399.40	1,599.31	1,799.23	2,199.06	2,598.89	2,998.71	3,598.46	4,198.21
TALLEY	1,151.06	1,342.90	1,534.74	1,726.59	2,110.28	2,493.96	2,877.65	3,453.18	4,028.71
LLANELLI TOWN	1,194.97	1,394.14	1,593.29	1,792.46	2,190.78	2,589.11	2,987.43	3,584.92	4,182.41
LLANELLI RURAL	1,210.68	1,412.47	1,614.24	1,816.03	2,219.59	2,623.15	3,026.71	3,632.06	4,237.41
PEMBREY & BURRY PORT	1,247.00	1,454.83	1,662.66	1,870.50	2,286.17	2,701.83	3,117.50	3,741.00	4,364.50
KIDWELLY	1,272.72	1,484.85	1,696.96	1,909.09	2,333.33	2,757.57	3,181.81	3,818.18	4,454.55
LLANEDI	1,201.20	1,401.40	1,601.60	1,801.80	2,202.20	2,602.60	3,003.00	3,603.60	4,204.20
LLANGENNECH	1,211.13	1,412.99	1,614.84	1,816.70	2,220.41	2,624.12	3,027.83	3,633.40	4,238.97
LLANNON	1,248.38	1,456.45	1,664.51	1,872.58	2,288.71	2,704.84	3,120.96	3,745.16	4,369.36
PONTYBEREM	1,202.29	1,402.68	1,603.05	1,803.44	2,204.20	2,604.97	3,005.73	3,606.88	4,208.03
TRIMSARAN	1,185.62	1,383.23	1,580.83	1,778.44	2,173.65	2,568.86	2,964.06	3,556.88	4,149.70

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# COUNTY COUNCIL

## 9<sup>th</sup> MARCH 2022

### Pay Policy Statement 2022-2023

**Recommendations / Key decisions required:**

- To approve the enclosed Pay Policy Statement.

**Reasons:**

- In order to comply with Section 38(1) of the Localism Act 2011.

**Executive Board Decision Required:**            **N/A**  
**Council Decision Required:**                    **YES**

**Executive Board Member Portfolio Holder:**

Cllr. Philip Hughes (Public Protection)

<p><b>Directorate:</b> Chief Executive's</p> <p><b>Name of Head of Service:</b> Paul R. Thomas</p> <p><b>Report Author:</b> Paul R. Thomas</p>	<p><b>Designation:</b></p> <p>Assistant Chief Executive (People Management &amp; Performance)</p>	<p><b>Tel No. / E-Mail Address:</b></p> <p>01267 226123  <a href="mailto:prthomas@carmarthenshire.gov.uk">prthomas@carmarthenshire.gov.uk</a></p>
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## EXECUTIVE SUMMARY

# COUNTY COUNCIL

## 9<sup>th</sup> MARCH 2022

### Pay Policy Statement 2022-2023

The Localism Act received Royal Assent on 15th November 2011. The Act's provisions include a requirement for Local Authorities to prepare a pay policy statement for the financial year 2019 – 2020 and each subsequent financial year.

The pay policy statement for a financial year will require the approval of full Council, and cannot be delegated to the Authority's Executive, and must set out the Authority's policies for the financial year relating to the remuneration of its Chief Officers, the remuneration of its lowest-paid employees and the relationship between the remuneration of its Chief Officers, and its employees who are not Chief Officers.

The politically balanced Pay Policy Advisory Panel has input into the formulation of the Pay Policy Statement, and the recommendations of that Panel have been incorporated into final document for approval by County Council.

**DETAILED REPORT ATTACHED?**

**YES**





# IMPLICATIONS

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.**

**Signed: Paul Thomas                      Assistant Chief Executive (People Management & Performance)**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

## **1. Policy, Crime & Disorder and Equalities**

Pay and Grading structures have been Equality Impact assessed where appropriate and a programme of Equal Pay audits is in place.

## **2. Legal**

Under Section 38(1) of the Localism Act 2011, the Council is required to approve its Pay Policy Statement by 31st March each year.

## **3. Finance**

The contents of the Pay Policy reflect the Revenue Budget approved by County Council

## **5. Risk Management Issues**

The Council is statutorily bound to have a pay policy in place by 31st March each year prior to the commencement of the forthcoming financial year.

## **6. Staffing Implications**

This Pay Policy is applicable to all staff with the exception of teachers who are covered by a statutory pay framework.



## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Paul R. Thomas      Assistant Chief Executive (People Management & Performance)

1. **Scrutiny Committee** – N/A
2. **Local Member(s)** – N/A
3. **Community / Town Council** – N/A
4. **Relevant Partners** – N/A
5. **Staff Side Representatives and other Organisations**

The politically balanced Pay Policy Advisory Panel has input into the formulation of the Pay Policy Statement, and the recommendations of that Panel have been incorporated into final document for approval by County Council.

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**



# Pay Policy Statement

Including LGPS Employer's Discretionary  
Compensation Policy

2022 – 2023

March 2022



Table of Contents

- 1. Leader’s Introduction ..... 2**
- 2. Chief Executive’s Introduction ..... 5**
- 3. Purpose ..... 7**
- 4. Legislative Framework ..... 8**
- 5. Scope of the Pay Policy..... 8**
- 6. Terms and Conditions of Employment ..... 9**
- 7. Decision Making Including Consideration of Value for Money..... 19**
- 8. Collective Bargaining Arrangements with Trade Unions..... 20**
- 9. Senior Pay Remuneration ..... 21**
- 10. Talent Management ..... 30**
- 11. Performance Related Pay ..... 32**
- 12. Support for Lower Paid Staff ..... 32**
- 13. Off Payroll Arrangements..... 32**
- 14. Exit Policy ..... 33**
- 15. Pay Relativities within the Council ..... 36**
- 16. Publication..... 38**
- 17. Appendices ..... 39**

## 1. Leader's Introduction

1.1. Carmarthenshire Council recognises the public interest in public sector pay and is committed to being open, transparent and accountable and, as Leader, I want to ensure that our Council Taxpayers have access to information about how we pay people.



1.2. The Council is committed to taking an open and transparent approach to pay, which will enable the local taxpayer to readily access our pay policy statement and understand and take an informed view of whether local decisions on all aspects of remuneration are fair and make best use of public funds.

1.3. To assist with this, Carmarthenshire County Council has a cross party politically balanced Members' Pay Advisory Group that advises the Council on the content of its Pay Policy Statement.

1.4. As one of the major employers in Carmarthenshire, and the 4th largest local authority in Wales, the County Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice, including ensuring fairness in the way that it pays and rewards its existing and future employees.

1.5. Recruitment has proved challenging with reducing numbers of job applicants and competitive pay and benefits being offered by other employers. It is important therefore that the Council's pay policy sets out clearly the pay and benefits offered to its workforce which can help to inform and improve its recruitment strategy.

1.6. During 2021, the People Services Team worked hard to secure additional benefits for staff to be launched during 2022. These include "reward hub" which will provide a one stop shop for staff to access discounts and other benefits across a wide range of national and local retailers. We have also engaged with Salary Finance to provide a

financial wellbeing service. Both benefits should offer some help to staff during these challenging times.

- 1.7. This year's statement once again demonstrates how we are continuing to ensure that our employees can expect a fair salary. I am pleased to confirm that in the absence of a national pay agreement which has yet to be concluded, the Pay Policy Advisory Panel has endorsed the recommendation to continue to pay a Real Living Wage supplement to ensure that our lowest paid receive the equivalent of £9.90 per hour (including fixed allowances). This will be paid from 1<sup>st</sup> April.
- 1.8. Over the last 10 years or so, the Council has bridged a £120m budget shortfall and the reductions in funding have been exacerbated by the requirement to fund pressures in a number of service areas including statutory social care (both for adults and children), the delivery of Waste Services, and our Education service provision. The amount therefore available for all other services has consequently fallen in real terms over the same period. Even looking forward to the 2022/23 proposed increase in budget allocation by Welsh Government the Council's budget shortfall will increase further due to the significant funding requirements in the areas of pay and social care workforce pressures.
- 1.9. In light of the budget challenges facing the Council, a number of initiatives have been successful, such as the Council's TIC (Transform, Innovate & Change) team that applies the principles of lean systems thinking and process re-engineering, and has added value by helping the Council deliver over £19m of savings. There is still much to do, and whilst engaging with staff, Councillors and the public, we will now focus on delivering savings from analysing Routine Spend, maximise Income Generation potential, and continue to reduce waste, duplication and bureaucracy over the next couple of years, so that we can protect our frontline services.
- 1.10. We are committed to providing quality services which offer value for money in a way that balances concern for our lower paid employees with job security and affordability. We continue to strive to deliver high-quality essential services to Carmarthenshire's citizens in an increasingly challenging financial climate.

- 1.11. Under the direction of our Chief Executive, Wendy Walters, work continues to be under way to identify further ways to reduce costs whilst keeping citizens at the heart of everything we do.
- 1.12. The following information outlines the Council's operating basis and general position in respect of employment, pay and conditions of service and is pertinent to the current statutory requirements of the Localism Act and the Transparency Code.

Councillor Emlyn Dole



Leader Carmarthenshire County Council

## 2. Chief Executive's Introduction

2.1. Welcome to Carmarthenshire County Council's eleventh annual Pay Policy Statement. The statement sets out the Council's approach to setting pay and conditions for Chief Officers and those for the workforce. This year's statement once again demonstrates how we are continuing



to ensure that our employees can expect a reasonable wage, therefore I am pleased to confirm that, with the endorsement of the Authority's Pay Policy Advisory Panel, the Living Wage supplement will continue to form part of all our lowest paid employees' salaries, and that the Council has increased the hourly rate to £9.90 from 1 April 2022.

2.2. I also welcome the fact that the Living Wage has seen the multiple between the annual salary of our lowest paid Council employee and the Chief Executive as a ratio, yet again drop within the last 12 months, from 1:8.52 to 1:8.47.

2.3. This pay policy outlines the basis on which Carmarthenshire County Council can compete in labour markets at all levels and for all roles, enabling the Council to attract, retain, and fairly reward people with the knowledge, experience, skills and attributes that are essential to the effective delivery of services to residents, businesses, and other stakeholders in Carmarthenshire.

2.4. With the support of the private sector, the Council has in place a detailed Economic Recovery and Delivery plan to support Carmarthenshire's economy to recover as quickly as possible from the impacts of the pandemic. A Key recovery priority is to reduce unemployment rates. We will achieve this by increasing the level of our procurement spend in Carmarthenshire to support local businesses to grow, delivering training courses to job seekers to ensure that they have the necessary skills to fill vacant roles and working closely with businesses throughout the County to understand their employability requirements and assist them in filling vacant roles. This has been a crucial service during a time where sectors such as care, Hospitality and security have



been experiencing acute recruitment challenges against a back-drop of increasing demand for their services.

- 2.5. We are mindful of our obligations as an equal opportunities employer and want to ensure that people are treated fairly and with respect in all its activities and processes. The Council aims to be an organisation that recruits and retains a diverse and skilful workforce from the local community and beyond, and its approach to the pay and conditions of its workforce is intended to support this objective.
- 2.6. Furthermore, we continue to provide the opportunity for our workforce to take advantage of a number of benefits such as the purchasing of additional annual leave and agile working which provide much needed flexibility for employees as well as assisting us to manage the continued financial burdens that we face in balancing our budget and thereby enabling us to protect jobs and essential services, which is one of my key priorities.
- 2.7. Finally, the last two years have been particularly difficult for all of us as a result of the challenges we all faced during the Covid19 Pandemic. However, from an employment perspective we have been able to put in place policies that have allowed the authority to maximise the flexibility of deploying our staff where there was greatest need, so that the most vulnerable in our communities were supported and protected. I am incredibly proud and grateful to those staff who went that extra mile to respond to those challenges. This flexibility and commitment reinforce the powerful effect that a 'One-Team' approach can create.

Wendy Walters



Chief Executive - Carmarthenshire County Council

### 3. Purpose

- 3.1. The purpose of the statement is to provide transparency regarding the Council's approach to setting the pay of its employees (excluding Teachers) by identifying the methods by which salaries of all employees are determined. As a 'relevant authority' under Sections 38 to 43 of the Localism Act 2011 ('the Act') we are required under 38 (1) to prepare a pay policy statement. These statements must articulate an authority's own policies on a range of matters relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.
- 3.2. This requires English and Welsh Local Authorities to produce and publish a Pay Policy Statement for each financial year detailing:
- The Council's policies for all aspects and elements of the remuneration of its Officers and Chief Officers, which are included within Appendices A to O of this Pay Policy Statement.
  - The approach to the publication of, and access to, information relating to all aspects of the remuneration of Chief Officers.
  - The Council's policy on the remuneration of its lowest paid employees.
  - The relationship between the remuneration of its Chief Officers and other employees.
- 3.3. This is Carmarthenshire County Council's eleventh annual Pay Policy Statement and covers the period 1st April 2022 to 31st March 2023.
- 3.4. Once approved by the full Council, this policy statement will supersede the 2021/2022 Pay Policy Statement and will be subject to review in accordance with the relevant legislation prevailing at that time.

## 4. Legislative Framework

- 4.1. Under Section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the Authority thinks fit”. This Pay Policy Statement (the ‘statement’) sets out the Council’s approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011. It takes account of the “Pay Accountability in Local Government in Wales” Statutory Guidance first issued by the Welsh Government in May 2017 and updated in November 2021.
- 4.2. Under Section 39 of the Localism Act, the Pay Policy Statement must be approved by a resolution of the Authority before it comes into force and be approved before 31<sup>st</sup> March immediately preceding the financial year to which it applies.
- 4.3. 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 and, where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. With regard to the Equal Pay requirements contained within the Equality Act, the Council aims to ensure there is no pay discrimination within its pay structures and that pay differentials can be objectively justified through the use of equality proofed job evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.
- 4.4. In accordance with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, the Authority also undertakes an equal pay audit and the report is published on our website:

<https://www.carmarthenshire.gov.wales/home/council-democracy/equality-diversity/>

## 5. Scope of the Pay Policy

- 5.1. The Localism Act 2011 requires local authorities to develop and make public their Pay Policy on all aspects of Chief Officer remuneration (including on ceasing to hold office),

and also in relation to the “lowest paid” in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups.

- 5.2. The provisions in the Localism Act 2011 which relate to Pay Policy statements only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school Head Teachers/Governing Bodies are, therefore, not required to be included within the scope of Pay Policy statements. This reflects the unique employment legislation position whereby school employees are employed by the local authority but decisions about the appointment and management of such employees are mostly discharged by Head Teachers/Governing Bodies, as appropriate. However, all Governing Bodies within Carmarthenshire (including Voluntary Aided Schools) have formally agreed to adopt the pay structure and associated terms and conditions of employment for all locally employed NJC ‘green book’ staff. Teachers are employed under nationally agreed Teachers Pay and Conditions.
- 5.3. In the interests of consistency, the pay-related data which is set out in this Pay Policy statement does not include data for employees who are appointed and managed by Head Teachers/Governing Bodies.
- 5.4. This document also includes the Council’s Local Government Pension Scheme Employers’ Compensation Discretions Policy (Appendix G) which the Council is required to produce. This will be kept under review pending any revised exit pay cap regulations which are re-introduced during the life of this Policy.

## **6. Terms and Conditions of Employment**

- 6.1. The Council’s workforce numbers are approximately 8,521 people, 565 of whom work for us on a casual basis with 7,956 people employed on a permanent, temporary or fixed-term basis. Their employment is covered by a range of terms and conditions drawn from either:

- National Joint Council for Local Government Services (Green Book)
- Joint National Council for Chief Executives

- Joint National Council for Chief Officers
- Soulbury Committee
- School Teachers Pay and Conditions

To operate flexibly, the Council's workforce operates with a mix of contract types. Contracts are kept under review particularly in relation to the use of casual workers who provide valued flexibility and cover for services. These arrangements are kept under review to ensure that where casual working arrangements become more regular, the service is asked to consider using different types of contracts subject to that being acceptable to the worker. A proportion of casual workers value the flexibility and lack of obligation and often do not want to move to temporary or permanent contracts.

6.2. The following are provided as Appendices to this policy:

- Carmarthenshire County Council's Pay Grades - Local Government Services Employees (Appendix A)
- Carmarthenshire County Council's JNC Chief Executive and Chief Officer Pay Grades (Appendix B)
- Officer Employment Procedure Rules (Appendix C) - Part 4.8 of the [Council's Constitution \(gov.wales\)](#).
- National Pay Grades - Soulbury (Appendix D)
- Local Government Services Employees - Acting Up and Honoraria Schemes (Appendix E)
- Market Supplement Scheme (Appendix F)
- LGPS Employer Discretions Compensation Policy (Appendix G)
- Severance Scheme (Appendix H)
- Flexible Retirement Policy (Appendix I)
- JNC Local Authority Chief Executives Conditions of Service (Appendix J)
- JNC Local Authority Chief Officers Conditions of Service (Appendix K)
- Sample Written Statement of Particulars (Appendix L)
- Pay rates for Modern Apprentices and other Trainee positions (Appendix M)
- Returning Officer Fee Structure (Appendix N)

- Winter Maintenance Retainer Pay Arrangements (Appendix O)

6.3. A breakdown of staff numbers by pay band and gender is included in the Equal Pay Audit and Equalities Report which are published separately.

6.4. National Pay Awards

6.4.1. For all employee groups, any nationally agreed pay awards, negotiated by the local government employers in conjunction with the recognised trade unions will be applied, including to Chief Officers and the Chief Executive. The Council will pay these nationally agreed pay awards as and when determined unless full Council decides otherwise.

6.4.2. The Council will ensure that it's lowest paid continue to receive the equivalent of the Real Living Wage which is currently £9.90 per hour via the payment of a supplement with effect from 1<sup>st</sup> April 2022.

6.4.3. The calculation of the Real Living Wage takes account of all pay including allowances such as the Council's weekend working supplement and term time allowance so many of our lower paid employees are in receipt of total pay higher than the Real Living Wage. Modern Apprentices and other Trainee positions fall outside of our NJC Terms and Conditions and are not covered by Living Wage arrangements. See Appendix M for details of their pay rates.

6.5. Job Evaluation

6.5.1. Job evaluation is a systematic way of determining the value of a job in relation to other jobs within an organisation. It aims to make a systematic comparison between jobs to assess their relative value for the purpose of establishing a rational pay structure and pay equity between jobs. The Council completed a job evaluation exercise in 2010/2011 in relation to posts

governed by NJC employee conditions of service. The grading structure, which was consulted upon with the recognised trade unions and based on the outcome of the job evaluation exercise, has been in place since 2011/12 and modified only to add Grade O in 2016/17.

- 6.5.2. The Council uses the Greater London Provincial Council (GLPC) Scheme for evaluating all NJC jobs. This is a recognized scheme within local government and was developed in conjunction with trade unions.
- 6.5.3. All NJC jobs are allocated a grade which maps across to the Council's pay structure which is based upon the nationally negotiated pay spine. This determines the salaries of the large majority of the Council's non-teaching workforce.
- 6.5.4. The pay and grading structure is based on the NJC for Local Government Services (LGS) nationally agreed pay spine as revised during 2019.
- 6.5.5. All other pay-related terms and conditions are the subject of national and/or locally negotiated arrangements and referred to the Cabinet and/or Full Council as appropriate.
- 6.5.6. The senior manager grade (O) was introduced during 2016/17 to address the differential between the top of this locally agreed grading structure and the bottom of the JNC Chief Officer pay scales. This is to provide the Authority with greater flexibility in the reallocation of responsibilities following the reduction in the number of Head of Service posts. It is intended that a small number of posts will fall into this grade. Any proposal to apply Grade O to any post must be agreed and authorised by the Chief Executive via the Assistant Chief Executive.

## 6.6. Starting Salaries

- 6.6.1. The Council's practice is that all appointments to jobs with the Council are made at the minimum of the relevant pay grade, although this can be varied where justified subject to the Council's policy and guidance.
- 6.6.2. The Appointments Panel 'A' (for Corporate Directors) will determine the starting salary of Directors and Panel 'B' (for Heads of Service) will determine the starting salary of Heads of Service within agreed pay scales.

## 6.7. Other Pay-Related Terms and Conditions

- 6.7.1. All other pay-related allowances are the subject of national and / or locally negotiated agreements.
- 6.7.2. The terms and conditions of employment relating to annual leave, hours of work, overtime payments, weekend working arrangements and sick pay for all employee groups (with the exception of teaching staff) are set out in our relevant People Management policies.
- 6.7.3. During 2020/2021 and 2021/2022 a number of temporary payments and policies were introduced to support employees, aid retention and to ensure continuity of services during the COVID-19 pandemic.

These included:

- Enhanced hourly payments to care workers when working over the Christmas period – introduced to ensure staffing levels were maintained.
- Standby payments to care workers to maintain staffing levels across the public and independent care sector during emergency staffing crises
- Continuity payments to casual workers who worked regularly during the 12 weeks prior to March 2020 "lockdown"
- Flexibility around carryover of annual leave where employees have been unable to take time off due to service demands



- Suspension of fit note requirements for up to 10 days COVID-19 self isolation
- Suspension of sickness absence triggers for first 12 weeks of COVID-19 absence
- Paid time off for staff unable to attend work (and who cannot work at home) due to emergency childcare issues
- Service recovery checklists and risk assessments to ensure safe working arrangements are in place for all employees who cannot work from home
- Updated COVID-19 Vaccination Policy

Many of these policies have been and will be utilised should COVID 19 restrictions require it.

6.7.4. In addition, agreement was reached with the Trade Unions to finalise the Winter Maintenance Retainer pay arrangements. Details of which are attached as Appendix O.

## 6.8. Acting Up and Honoraria Payments

6.8.1. There may be occasions when an employee is asked to carry out duties which are of a higher responsibility to those of their substantive post for a period of time, or to 'act up' into a more senior job within the Council, covering the full range of duties of the higher job. In such circumstances an additional payment may be made in line with the Council's policy on payment of acting up or honoraria. The scheme can be found at Appendix E.

6.8.2. The Chief Executive must approve any acting up or honoraria payments proposed for Chief Officers. Where the acting up or honoraria payments would result in the total pay package exceeding £100,000, then approval must be sought from full Council.

6.8.3. Payment of honoraria will only apply to situations of more than four weeks duration and will normally be for the maximum period of up to 12 months, and subject to three monthly interval review unless otherwise agreed.

6.9. Market Supplement Scheme

6.9.1. The use of job evaluation enables the Council to set appropriate remuneration levels based on internal job size relativities within the Council. However, in exceptional circumstances it may be necessary to take account of the external pay market in order to attract and retain employees with a competitive salary where the experience, skills and capacity are in short supply.

6.9.2. The Council has a Market Supplement Scheme (see Appendix F) to ensure that the requirement for any market pay supplements is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources. It is the Council's policy that any such additional payments are kept to a minimum and reviewed on a regular basis so that they can be withdrawn where no longer considered necessary for recruitment and retention. The principles underpinning this Market Supplement Scheme are equally applicable to all other employee groups within the Council and may be implemented accordingly.

6.9.3. Currently the Council pays the following market supplements in recognition of the significant recruitment and retention difficulties the service faces:

- Approved Mental Health Practitioners – £1,000 allowance p.a. for 33 sessions on day rota and £2000 p.a. allowance for 24 sessions on out of hours rota. This arrangement is under review but will continue until such time as full consideration of the appropriate remuneration for AMHP roles is agreed.

- Social Workers who have full case holding responsibility in specific front- line Teams have received a supplement payment of £1,572 in December 2021 and will received the payment again in March 2022. There is an expectation that employees in receipt of the payment remain employed within the Authority in a qualifying role for 1 year post payment, or re-pay on a pro-rata basis if they don't.
- It is likely that a payment will continue into the next financial year, a review of the marketplace will be undertaken in March 2022 to inform the way forward.
- Mirroring the conditions under which the above Social Work market supplement payment has been made, Senior Social Work Practitioners and Assistant Team Managers in those teams received a market supplement payment of £1,001 in December 2021 and will receive the payment again in March 2022. Again, this will be reviewed in March 2022.

#### 6.10. Local Government Pension Scheme (LGPS)

- 6.10.1. Subject to qualifying conditions, employees have a right to join the Local Government Pension Scheme (or the Teachers' Pension Scheme, where applicable) and are contractually enrolled into the LGPS. The Authority operates within the auto-enrolment framework set out within the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010.
- 6.10.2. The employee contribution rates, which are defined by statute, currently range between 5.5% and 12.5% of actual pensionable pay depending on the full-time equivalent salary levels. The employer contribution rate is set by actuaries who advise the Dyfed LGPS Fund and is reviewed on a triennial basis in order to ensure that it is appropriately funded. The next triennial review will be undertaken in March 2022. The employer's contribution rate effective is 18%.

6.10.3. Employees who are active members of the LGPS have the opportunity to join the salary sacrifice shared cost Additional Voluntary Contributions (AVC) Scheme, which assists employees who wish to increase pension benefits at retirement by paying into the LGPS AVC Scheme.

#### 6.11. Other Employee Benefits

6.11.1. The Council is responsible for supporting the health, safety, wellbeing, and welfare of its employees in order to ensure that they can perform at their best. As part of this approach and in common with other large employers the Council provides a number of other benefits such as eye test reimbursement for users of display screen equipment at work, health care benefits, discounts with local businesses, financial advice and participation in the Cycle to Work and Car salary sacrifice schemes.

6.11.2. The Council was awarded the Platinum Corporate Health Standard in February 2020 because of the work it does to support the health and wellbeing of our staff. We were the first Council in Wales to hold this award and have done so continuously since 2009

6.11.3. We develop and support the implementation of Health & Wellbeing initiatives and have invested in Health and Wellbeing Coordinators who work across the Authority to promote healthy lifestyle choices, such as encouraging activity, improving diet, giving advice, motivation, and health education for all staff. The Team also develop bespoke interventions in line with departmental needs and proactively promote and assist positive attendance management.

6.11.4. We have recruited a team of volunteer departmental Health and Wellbeing Champions who work with colleagues to raise awareness of key health topics, support health initiatives and events.

- 6.11.5. An in-house team of medical experts within our Occupational Health Centre, give advice in support of positive mental and physical health, and as an authority we have signed the 'Time to Change' pledge to assist with improving public attitudes and behaviour towards people with mental health problems and reduce the stigma that people with mental health problems report in their personal relationships, social lives and at work.
- 6.11.6. Additionally, we deliver bespoke Managing Mental Health training to our managers and Mental Health awareness raising sessions for all staff. We have also trained a network of Mental Health First Aiders, who can offer informed support to colleagues.
- 6.11.7. During 2021/22 we encouraged our workforce to have flu vaccinations the cost of which was reimbursed where appropriate.
- 6.11.8. The authority encourages all its staff to have COVID-19 vaccinations and provides paid time off to those whose appointments fall within working hours. This Policy is kept under review in line with changes to national vaccination strategies. An extensive package of health, safety and wellbeing support and online resources have been made available to employees to support them during the COVID-19 pandemic. The Employee Wellbeing team has been the competent source of well-informed advice and guidance to support the organisation during the emergency and recovery stages of the pandemic and ensures risks are assessed and new safe ways of working are development in line with legislation and guidance.
- 6.11.9. During 2021/2022 the Council introduced a new Staff Rewards hub, which was launched in January 2022. The platform provides a range of financial benefits, discounts, and advice for staff.

## 7. Decision Making Including Consideration of Value for Money

7.1. As in previous years, a politically balanced Pay Policy Advisory Panel has been established to consider the Council's Pay Policy prior to its submission to County Council for approval.

7.2. The Local Government and Housing Act 1989 provides that:

- 1) It shall be the duty of every relevant authority -
  - a) to designate one of their officers as the head of their paid service; and
  - b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.
  
- 2) It shall be the duty of the head of a relevant authority's paid service, where he<sup>1</sup> considers it appropriate to do so in respect of any proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out proposals.
  
- 3) Those matters are -
  - (a) the manner in which the discharge by the authority of their different functions is co-ordinated.
  - (b) the number and grades of staff required by the authority for the discharge of their functions.
  - (c) the organisation of the authority's staff; and
  - (d) the appointment and proper management of the authority's staff.
  
- 4) It shall be the duty of the head of a relevant authority's paid service, as soon as practicable after he has prepared a report under this section, to arrange for a copy of it to be sent to each member of the authority.

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<sup>1</sup> Reference to he/him is directly quoted from legislation and not intended to be exclusive

5) It shall be the duty of a relevant authority to consider any report under this section by the head of their paid service at a meeting held not more than three months after copies of the report are first sent to members of the authority; and nothing in section 101 of the M1 Local Government Act 1972 or in section 56 of [F1, or Schedule 10 or 20] the M2 Local Government (Scotland) Act 1973 (delegation) shall apply to the duty imposed by virtue of this subsection.

6) Under the Local Authorities (Standing Order) (Wales) (Amendment) Regulations 2014 any decision to determine or vary the remuneration of those to be appointed as Chief Officers, where salaries are £100,000 or more it must be ratified by full Council.

7.3. This principle is applied to all posts which become vacant or via restructuring if appropriate, to ensure that the service can be provided as effectively and cost efficiently as possible.

## 8. Collective Bargaining Arrangements with Trade Unions

8.1. The following trade unions are part of the national machinery for pay bargaining and terms and conditions:

<b>NJC for Local Government Services</b>	<b>JNC for Chief Officers</b>	<b>Soulbury Committee</b>	<b>Teachers</b>
<ul style="list-style-type: none"> <li>• UNISON</li> <li>• GMB</li> <li>• UNITE</li> </ul>	<ul style="list-style-type: none"> <li>• UNISON</li> <li>• GMB</li> </ul>	<ul style="list-style-type: none"> <li>• Association of Educational Psychologists (AEP)</li> <li>• PROSPECT</li> <li>• NEU</li> </ul>	<ul style="list-style-type: none"> <li>• NAHT</li> <li>• NASUWT</li> <li>• NEU</li> <li>• UCAC</li> <li>• ASCL</li> </ul>

- 8.2. Trade union recognition is for the purposes of consultation and negotiation on a collective basis in relation to relevant matters, which are not determined by national negotiating bodies, which both parties agree are both appropriate and beneficial to be determined by agreement. Negotiations are conducted with the aim of reaching agreement and avoiding disputes. Recognition also relates to representation on individual trade union member basis.

## **9. Senior Pay Remuneration**

### **9.1. The Chief Executive**

- 9.1.1. Wendy Walters was appointed Chief Executive of Carmarthenshire County Council in June 2019 after 16 years of service with the Authority. Mrs Walters has previously served the Council as Director of Regeneration and Policy, Assistant Chief Executive and Head of Economic Development, as well as in other senior management positions. Prior to joining the Council, she has worked in the private and voluntary sectors.
- 9.1.2. Mrs Walters was born, raised, and has spent much of her life living in Carmarthenshire, and is a proud fluent Welsh speaker.
- 9.1.3. As Chief Executive, Mrs Walters has overall responsibility to deliver the Council's key corporate and partnership priorities as set out in the Corporate Strategy (2018 – 2023), working with Elected Members and providing strategic leadership, advice and direction to the Council in delivering its vision.
- 9.1.4. Mrs Walters leads the Corporate Management Team and works closely with Elected Members to deliver the strategic objectives of the Council.
- 9.1.5. She plays a key role in several regional collaborations, delivering residual EU funding and securing and delivering external funding programmes and



multi-million-pound regeneration developments for Carmarthenshire. Her role also includes being Clerk to the Lieutenancy, the Proper Officer for the Coroner Service, and Returning Officer for Parliamentary, National Assembly, County Council and other elections.

- 9.1.6. As Chief Executive, Mrs Walters works within the national conditions of service covered by the JNC for Chief Executives. The four Corporate Director posts are covered by the JNC for Chief Officers. Together with Head of Administration and Law (Monitoring Officer) and the Assistant Chief Executive (People Management) these posts constitute the Council's Corporate Management Team (CMT).
- 9.1.7. The Chief Executive has overall corporate management and operational responsibility for all staff and ensures the provision of professional and impartial advice in the decision-making process to the Executive Board, Scrutiny committees, the Full Council and other committees. The Chief Executive is also required to represent the Authority on partnership and external bodies (as required by statute or the council) and provides these services, on a politically neutral basis. The Chief Executive is the senior officer who leads and takes responsibility for the Council.
- 9.1.8. The Council is a large organisation with an annual revenue budgeted spend of £461m proposed for 22/23, and a 5-year capital investment programme of over £275m, delivering a wide and diverse range of services which the citizens of the County depend upon. Responding to the ongoing reductions in public service spending requires authorities to significantly change the way that they manage their services. Additionally, the Housing Revenue Budget for 22/23 is £50m, with a capital budget of £42m allocated for 22/23 to improve its housing stock.

- 9.1.9. The role of the Chief Executive is a full-time and permanent position, and the post holder is selected on merit, against objective criteria, following public advert. The Chief Executive is appointed by full Council.
- 9.1.10. The salary of the current Chief Executive with effect from the 1st April 2021 is £154,246 per annum.
- 9.1.11. The Council has a statutory duty to appoint a Returning Officer for specified Elections and Referenda. The Chief Executive undertakes this role. The Returning Officer is personally responsible for a wide range of functions in relation to the conduct of Elections and Referenda and is paid for discharging these functions in accordance with prescribed fees.
- 9.1.12. Whilst the fees for local elections were initially agreed by the Policy and Review Committee in April 1999, these have now been reviewed and benchmarked against other Local Authorities with a view to introducing a new payment framework for local elections (see Appendix N). Fees for non-local elections are set and reimbursed by the Cabinet Office or Welsh Government over which the Council has no jurisdiction.
- 9.1.13. Expenses in relation to car mileage, public transport, overnight accommodation and parking etc. are claimed back in accordance with the Council's Travel and Subsistence Policy.
- 9.1.14. The Chief Executive is an active member of the Local Government Pension Scheme as detailed in the Authority's published Statement of Accounts. There have been no increases or enhancements to the pension outside of standard arrangements. Details of the Chief Executive's pay, including any additional payments are published in the Statement of Accounts.

9.2. Chief Officers – Senior Staff

9.2.1. Employees defined by the Localism Act as Chief Officers, including Service Directors, work within the national conditions of service covered by the JNC for Chief Officers.

9.2.2. All other employees, other than a small number covered by national terms and conditions for Soulbury staff (whose pay is also determined through national bargaining), work within the national conditions of service covered by the NJC for Local Government Employees

9.2.3. The Council has 22.5 Chief Officer posts within the substantive structure at Carmarthenshire County Council which fall within the statutory definition of Section 43. As at 1<sup>st</sup> March 2022 these are:

- Chief Executive (1 post)
- Corporate Directors (4 posts)
- Assistant Chief Executive (1 post)
- Heads of Service (16.5 posts)

9.2.4. In addition to the substantive structure the following posts are shared regionally with our partners:

- Head of Integrated Services (funded by CCC/Health)
- Head of Strategic Joint Commissioning (funded CCC/Pembs)
- Programme Director, Swansea Bay City Deal (funded by Regional Partners)
- County Director - jointly funded by CCC and Hywel Dda Health Board<sup>2</sup>

9.2.5. The Council does not permit an employee occupying any post on the Council's agreed establishment to be paid other than via the Council's payroll,

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<sup>2</sup> Hywell Dda Health Board employee

except in the cases of jointly funded / shared posts when they may be on the payroll of another local authority or the Health Board.

### 9.3. Pay

9.3.1. The Pay Advisory Group recommends that Senior Officer Remuneration be subject to the relevant National Pay Awards only.

9.3.2. For the purposes of this statement, senior management means 'Chief Officers' as defined within S43 of the Localism Act. The posts falling within the statutory definition are set out below, with details of their basic salary as at 1<sup>st</sup> April 2021 <sup>3</sup> (not including 2022/23 national negotiations). These details are available on the Council's website.

- Chief Executive - fixed salary point of £154,246 (includes national pay award).
- Corporate Directors as statutory and non-statutory chief officers - the salary of the posts fall within a range of four incremental points between £124, 262 rising to a maximum of £133, 696 per annum.
- Assistant Chief Executive as direct report to the Head of Paid Service - the salary of the post falls within a range of four incremental points between £105,381 rising to a maximum of £111,670 per annum.
- Heads of Service (including the Monitoring Officer) as direct reports to statutory and non-statutory chief officers - the salary of the posts fall within a range of four incremental points between £92,275 rising to a maximum of £98,423 per annum.

9.3.3. Following appointment and on completion of a satisfactory probationary period, progression through the incremental scale of the relevant grade is subject to satisfactory performance assessed on an annual basis. The Council does not pay bonus or performance related pay to any of its staff.

9.3.4. Details of Chief Officers' pay are published in the Statement of Accounts.

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<sup>3</sup> At the time of publication pay negotiations had not been concluded so 2020/2021 salaries are quoted.

#### 9.4. Additions to Salary of Chief Officers

9.4.1. Chief Officers are remunerated in accordance with their contracts of employment, which provide for a four-point incremental salary scale and pension contributions. However, the salary for the Chief Executive is a fixed-point salary.

9.4.2. Where Chief Officers (and all other employees) use their private vehicles on Council business, the Council pays the standard HMRC mileage rate of 45 pence per mile. The Council also reimburses any other reasonable expenses, incurred by the Chief Officer whilst on Council business, on production of receipts and in accordance with JNC conditions and other local conditions.

9.4.3. In addition to the above, the Chief Officers who undertake the following roles receive an additional allowance of 10% of basic salary:

- Deputy Chief Executive
- JNC Heads of Service fulfilling a statutory role

#### 9.5. Changes to Chief Officer Remuneration

9.5.1. Any determination of the level, or changes to the level, of remuneration to be paid to a Chief Officer at appointment, where the salary is £100,000 and over will be determined by Full Council in line with the requirements of the Local Authorities' (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014.

9.5.2. The Council employs Chief Officers under JNC terms and conditions which are incorporated into individual contracts of employment. The JNC for Chief Officers negotiates on national (UK) annual cost of living pay increases for this group, and any award of the same is determined on this basis. Chief Officers employed under JNC terms and conditions are contractually entitled

to any national JNC determined pay rises and this Council will therefore pay these as and when determined in accordance with current contractual requirements.

## 9.6. Recruitment and Appointment of Chief Officers

9.6.1. The Council's Policy and Procedure relating to the recruitment of Chief Officers is contained within the Officer Employment Procedure Rules as set out in the Council's Constitution. (Appendix C).

9.6.2. The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the approved pay structure and relevant Council policies in place at the time of recruitment.

9.6.3. Any salary that exceeds the threshold of £100,000 must be approved beforehand by Full Council.

9.6.4. 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 temporary internal acting up arrangements in line with the Council's Payment of Acting Up and Honoraria Policy or external interim appointments. Internal acting up arrangements can be appointed up to a maximum of 12 months in line with the Standing Order Regulations.

## 9.7. Joint Appointments

9.7.1. The Welsh Government has introduced a Local Government and Elections (Wales) Bill, which includes a greater general power of competence, a power for local authorities to make an application to merge voluntarily, and powers to facilitate regional working through corporate joint committees.

9.7.2. To maintain transparency in matters relating to pay the intention is to require CJs to prepare, annually, a statement setting out the CJC's policies on the remuneration of its chief officers, the remuneration of its lowest paid employees and the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.

9.8. Independent Remuneration Panel

9.8.1. Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting section 143A. This enables the Panel to take a view on anything in the Pay Policy Statements of local authorities that relates to the salary of the head of paid service. Section 39 of the Local Government (Wales) Act 2015 further amended the Measure extending this function to include Chief Officers of Principal Councils. However, this function ceased on 31 March 2020.

9.8.2. The Welsh Government issued amended guidance to the Panel which can be found at Amended WG Guidance. This sets the basis on which the Panel will carry out the function contained in the legislation.

9.8.3. Section 143A of the Local Government (Wales) Measure 2011 refers to the Independent Remuneration Panel in Wales ("the IRP") and sets out their functions in relation to salaries of heads of paid service. The IRP may make recommendations about any policy in this Pay Policy Statement which relates to the salary of the council's Chief Executive and any proposed change to the salary of the council's Chief Executive. The council, will, as required, consult the IRP in relation to any change to the salary of the Chief Executive which is not commensurate with a change of the salaries of the council's other staff, and will have regard to any recommendation received from the IRP when deciding whether or not to proceed with making the change.



- 9.8.4. The council is required to identify in this pay policy statement whether any such referral has been made to the IRP, and if so, the nature of the referral, the IRP's decision and the council's response.
- 9.8.5. An authority which chooses not to follow the advice of the Panel may become subject to a Ministerial direction to reconsider their position. The Act also provides that authorities will be able to reduce (but not increase) the salary payable to their Chief Executive in advance of a recommendation from the IRP, so long as the contract under which the salary is payable does not prevent the authority from changing the salary after receiving a recommendation.
- 9.8.6. The council has not made a referral to the IRP relating to the salary payable to the Chief Executive.

## **10. Talent Management**

- 10.1. Our strategic approach to supporting talent management across the Council is underpinned by our People Strategy and the standards which we aim to achieve as an Investors in People employer.
- 10.2. We aim to support a workforce that is innovative, skilled, motivated, well informed, high performing, proud to work for Carmarthenshire County Council and committed to delivering high quality services to the public.
- 10.3. Key to delivering this is our ability to successfully recruit, retain and develop our employees to realise their full potential. The following provides an overview of our strategic approach to talent management:

10.3.1. Supporting a Learning Culture

10.3.2. In modernising our approach to learning all our employees will have the opportunity for more effective learning experiences, allowing them to access knowledge-based resources in a more agile way, whilst maximising digital tools and skills for improved personal, team and organisational performance.

- i. Performance Management - Our annual review process celebrates employee's achievements during the year as well as providing support with developing skills for their current roles, career development and succession planning. We have a supportive framework for Mentoring and Coaching at all levels and collaborate with key partners in providing this support.
- ii. Career Development – In addition to operating internal and external secondment opportunities, we encourage effective Career Development Conversations – providing potential future leaders and managers with the means to identify effective learning opportunities e.g. shadowing /attachments to projects that support organisational improvement such as our Transform, Innovate and Change programme, Internal Reviewers for Investors in People as well as those that offer both experiential and qualification opportunities e.g. Future Leaders Programme, Academi Wales Summer School.
- iii. Succession Planning – Our Work Ready programme has successfully supported Apprentices and Graduates to gain permanent employment in key service areas. Some of our most critical and effective areas for succession planning include occupations within social care. Our Workforce Development programme equips newly qualified Social Workers with the advanced knowledge, skills and qualifications they need as they progress to experienced practitioners and, in some cases to more senior practice roles. Our Language Skills Strategy not only supports statutory requirements for Welsh Language

but ensures that we are planning for future skills development to sustain excellent service provision. The implementation of the Care Academy and the transition from Work Ready Programme to Our Future Workforce will increase the focus on career pathways for learners, providing rewarding career options.

## **11. Performance Related Pay**

11.1. The Council does not pay any bonuses or performance related pay to its staff.

## **12. Support for Lower Paid Staff**

12.1. All employees, regardless of whether they are over the statutory age of 25, are paid at a minimum of the voluntary Real Living wage rate, and this on-going principle was a recommendation of the cross-party Pay Policy Advisory Panel that met on 18<sup>th</sup> February 2022.

12.2. This Authority pays supplements for weekend working (8%) and term time only working (4%) which increase the pay of mainly lower paid employees.

12.3. With the above-mentioned supplements, many of our lower graded posts now attract a total remuneration higher than the Real Living Wage.

## **13. Off Payroll Arrangements**

13.1. Where the Council is unable to recruit to a job under a contract of employment or where there is a need for specialist support for a specific project, the Council will, where necessary, consider engaging individuals under a contract for services. These will be sourced through the relevant procurement process contained within the Council's Contract Procedure Rules, ensuring the Council is able to demonstrate value for money from competition in securing the relevant service.

- 13.2. Where the contract for service is to provide cover for a vacant post, in addition to ensuring adherence to Contract Procedure Rules, decision making in relation to the appointment will be in line with the Council's rules in relation to appointments i.e. Council will determine appointments at Chief Executive Level, Appointments Committee A will determine appointments at Director level, Appointments Committee B will determine appointments at Heads of Service.
- 13.3. With effect from April 2017, the UK Government introduced "Intermediaries Legislation" known as IR35 that reformed tax rules of off payroll working in the public sector. The Council is compliant with this legislation.

## **14. Exit Policy**

### 14.1. Early Retirement, Voluntary Redundancy and Compulsory Redundancy

- 14.1.1. The Council's approach to statutory and discretionary payments on termination of employment of employees, prior to reaching normal retirement age, is set out within its Employers Discretionary Compensation Policy (Local Government Pension Scheme) statement. This discretionary policy is included as Appendix G. This will be kept under review pending any re-introduction of exit pay cap regulations during the life of this Pay Policy.
- 14.1.2. Any other payments falling outside the provisions, or the relevant periods of contractual notice shall be subject to a formal decision made in accordance with the Scheme of Delegation as contained within the Council's Constitution.
- 14.1.3. The Council operates a Severance Scheme for all its employees, payments under which are authorized in accordance with the above discretionary policy. Our current Severance Scheme is attached at Appendix H.
- 14.1.4. The Authority will comply with the Welsh Government's guidance that full Council should be given the opportunity to vote before large severance

packages beyond a particular threshold are approved for Chief Officers leaving the organisation. The guidance states that “as with salaries on appointment, the Welsh Ministers consider £100k is the right level for that threshold to be set. Members must be made aware of any statutory or contractual entitlements due to the employee and the consequences of a non-approval by Council, in which failure to fulfil the statutory or contractual obligations may enable the employee to claim damages for breach of contract”. When calculating the value of a severance package, the following payments will be included:

- a. Salary paid in lieu of notice
- b. Lump sum redundancy/severance payment
- c. Cost to the Council of the strain on the pension fund arising from early access to an unreduced pension.

#### 14.2. Flexible Retirement

- 14.2.1. Chief Officers and all other eligible Council employees are permitted to take flexible retirement in accordance with the provisions of the Local Government Pension Scheme and the Council’s Flexible Retirement Scheme.

#### 14.3. Re-employment

- 14.3.1. Employees who voluntarily leave the Council’s employment under the Council’s Severance Scheme cannot usually be re-employed in any capacity including on a casual basis, until at least 1 year has elapsed. Under no circumstances should an employee be re-appointed into the same or similar job to the one in which they were employed at the time of leaving. All such appointments should be made via the usual Authority’s recruitment procedures.

14.3.2. However, in exceptional circumstances only, employees may be re-employed by the Council prior to 1 year, subject to the agreement of the Chief Executive and Leader of the Council. In approving a re-employment, the Authority will need to be satisfied that:

- The employee is not being re-employed in a role or capacity, which is broadly similar to the role which they left voluntarily
- The rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grading which applied to the employee prior to the end of their current contract
- The employment should be for a fixed term, not exceeding one year, unless there are exceptional circumstances; and
- The arrangement must provide financial / operational advantage to the Council.

14.3.3. This will be operated entirely at the Council's discretion and the decision in respect of each application will be final.

14.3.4. Other restrictions on re-employment may apply and reference will be made to the appropriate Conditions of Service when any re-employment is being considered.

#### 14.4. £95k Exit Payment Cap

14.4.1. On Friday 12 February 2021, HM Treasury announced that the Restriction of Public Sector Exit Payments Legislation has been revoked with immediate effect, due to 'unforeseen consequences' of the legislation. On 25 February 2021, The Restriction of Public Sector Exit Payments (Revocation) Regulations 2021 were made and laid before parliament and will come into force on 19 March 2021. These regulations confirm the effect of the disapplication Directions made on the 12 February 2021 but are not retrospective. As a

consequence of the Treasury announcement the following applies to the Fund and employers:

- 14.4.1.1. For exits from 12 February 2021, LGPS administering authorities must continue to pay qualifying scheme members an unreduced pension under regulation 30(7) of the LGPS 2013 regulations. Scheme employers will be required to pay full strain costs in relation to those unreduced benefits.
- 14.4.1.2. No further regulations have been introduced to replace the disapplied directions as at the date of writing. However, the Government has stated that the cap will be re-introduced so the Policy will be amended as and when any new regulations are introduced.

## **15. Pay Relativities within the Council**

### 15.1. Lowest Paid Employees

The Council's definition of lowest paid persons for the purposes of this statement is:

- Those employed under a contract of employment with the Council who are employed on full time 37 hours per week equivalent salaries; and
- Employees whose remuneration is equivalent to Spinal Column Point (SCP) 1 of the nationally negotiated pay spine, plus any pay supplement bringing the salary up to the level of the Real Living Wage, used within the Council's local grading structure.

15.2. This definition is adopted to correlate with the National Joint Council (NJC) for Local Government Services recognition of lower paid employees within the national pay spine.

- 15.3. 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 Policy Statement.
- 15.4. The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton “Review of Fair Pay in the Public Sector” (2010).
- 15.5. Will Hutton was asked by the UK Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organization.
- 15.6. Hutton concluded that the relationship to median earnings was a more relevant measure and the Government’s Code of Recommended Practice on Data Transparency recommends the publication of the ratio between the highest rate of pay and the median average pay of the whole of the Council’s workforce (but excluding teachers and other employees appointed and managed by schools, in the case of local authorities).
- 15.7. 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 publishes the following information on an annual basis. The information for this Pay Policy is as follows (please note these ratios may change following the introduction of National Pay Awards which are yet to be agreed):

15.7.1. Multiple of Salary Ratio

- The multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio 1:8.52
- The multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio 1:5.80



- The multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio 1:7.00
- The multiple between median earning of Council employees and the average Chief Officer (full-time equivalent basis) as a ratio 1:4.77

15.7.2. The median salary in the Council is £21,699 (all staff managed by schools have been excluded from the calculation).

15.7.3. All other pay related allowances are subject to either nationally or locally negotiated rates, that are determined in accordance with collective bargaining machinery and/or Council Policy. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money against the ability to recruit and retain appropriately skilled and experienced employees that can deliver high quality services to the public.

15.7.4. New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary subject to the qualifying criteria within the Council's Recruitment Salaries Guidance.

## **16. Publication**

16.1. Upon approval by the full Council, this Pay Policy statement will be published on the Council's website.

16.2. In addition, for posts where pay is at least £60,000 per annum, as required under the Accounts and Audit (Wales) (Amendment) Regulations 2014, the Council's Annual Statement of Accounts will include a note setting out the total amount of:

- a) Salary, fees or allowances paid to or receivable by the person in the current and previous year

- b) any bonuses so paid or receivable by the person in the current and previous year
- c) any sums payable by way of expenses allowance that are chargeable to UK income tax
- d) any compensation for loss of employment and any other payments connected with termination
- e) any benefits received that do not fall within the above
- f) The Authority will present this statement to Full Council before it is formally adopted and before the end of each financial year, i.e., 31 March.

(If you require this information in an alternative format (for example large print), please contact People Management on: [CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk))

## 17. Appendices

The following are provided as Appendices to this policy:

- Carmarthenshire County Council's Pay Grades - Local Government Services Employees (Appendix A)
- Carmarthenshire County Council's JNC Chief Executive and Chief Officer Pay Grades (Appendix B)
- Officer Employment Procedure Rules (Appendix C)
- National Pay Grades - Soulbury (Appendix D)
- Local Government Services Employees - Acting Up and Honoraria Schemes (Appendix E)
- Market Supplement Scheme (Appendix F)
- LGPS Employer Discretions Compensation Policy (Appendix G)
- Severance Scheme (Appendix H)
- Flexible Retirement Policy (Appendix I)
- JNC Local Authority Chief Executives Conditions of Service (Appendix J)
- JNC Local Authority Chief Officers Conditions of Service (Appendix K)
- Sample Written Statement of Particulars (Appendix L)
- Pay rates for Modern Apprentices and other Trainee positions (Appendix M)

- Returning Officer Fee Structure (Appendix N)
- Winter Maintenance Retainer Pay Arrangements (Appendix O)

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Grade Structure		BASIC ONLY		BASIC + 8%		BASIC + 4%		
		Spinal Point	Apr-20 Salary (£'s)	Apr-20 Hrly Rate	Apr-20 Salary (£'s)	Apr-20 Hrly Rate	Apr-20 Salary (£'s)	Apr-20 Hrly Rate
Grade A	Pts 1 -2	1	17,842	9.2480	19,269	9.9876	18,556	9.6181
	Grade B	Pts 2 -3	2	18,198	9.4325	19,654	10.1872	18,926
Grade C		Pts 3 - 5	3	18,562	9.6212	20,047	10.3909	19,304
	4		18,933	9.8135	20,448	10.5987	19,690	10.2058
Grade D	Pts 5 - 7	5	19,312	10.0099	20,857	10.8107	20,084	10.4101
		6	19,698	10.2100	21,274	11.0269	20,486	10.6184
Grade E		7	20,092	10.4142	21,699	11.2472	20,896	10.8310
		8	20,493	10.6221	22,132	11.4716	21,313	11.0471
Grade F		9	20,903	10.8346	22,575	11.7012	21,739	11.2679
		11	21,748	11.2726	23,488	12.1745	22,618	11.7235
Grade G		12	22,183	11.4980	23,958	12.4181	23,070	11.9578
		14	23,080	11.9630	24,926	12.9198	24,003	12.4414
Grade H		15	23,541	12.2019	25,424	13.1779	24,483	12.6902
		17	24,491	12.6943	26,450	13.7097	25,471	13.2023
Grade I		19	25,481	13.2075	27,519	14.2638	26,500	13.7357
		20	25,991	13.4718	28,070	14.5494	27,031	14.0109
Grade J		22	27,041	14.0161	29,204	15.1372	28,123	14.5769
		23	27,741	14.3789	29,960	15.5291	28,851	14.9542
Grade K		24	28,672	14.8615	30,966	16.0505	29,819	15.4560
		25	29,577	15.3305	31,943	16.5569	30,760	15.9437
Grade L		26	30,451	15.7836	32,887	17.0462	31,669	16.4149
		27	31,346	16.2475	33,854	17.5474	32,600	16.8974
Grade M		28	32,234	16.7077	34,813	18.0445	33,523	17.3759
		29	32,910	17.0581	35,543	18.4229	34,226	17.7402
Grade N		30	33,782	17.5101	36,485	18.9111	35,133	18.2104
		31	34,728	18.0004	37,506	19.4404	36,117	18.7204
Grade O		32	35,745	18.5276	38,605	20.0100	37,175	19.2688
		33	36,922	19.1377	39,876	20.6688	38,399	19.9032
Grade P		34	37,890	19.6394	40,921	21.2104	39,406	20.4252
		35	38,890	20.1577	42,001	21.7702	40,446	20.9642
Grade Q		36	39,880	20.6709	43,070	22.3243	41,475	21.4976
		37	40,876	21.1871	44,146	22.8820	42,511	22.0346
Grade R		38	41,881	21.7080	45,231	23.4444	43,556	22.5762
		39	42,821	22.1953	46,247	23.9710	44,534	23.0832
Grade S		40	43,857	22.7322	47,366	24.5511	45,611	23.6414
		41	44,863	23.2537	48,452	25.1140	46,658	24.1841
Grade T		42	45,859	23.7699	49,528	25.6717	47,693	24.7205
		43	46,845	24.2810	50,593	26.2237	48,719	25.2524
Grade U		44	47,793	24.7724	51,616	26.7539	49,705	25.7634
		45	48,782	25.2850	52,685	27.3080	50,733	26.2963
Grade V		46	49,743	25.7831	53,722	27.8455	51,733	26.8146
		47	50,710	26.2843	54,767	28.3872	52,738	27.3355
Grade W		48	52,616	27.2723	56,825	29.4539	54,721	28.3633
		49	55,321	28.6743	59,747	30.9685	57,534	29.8214
Grade X		50	58,012	30.0692	62,653	32.4747	60,332	31.2717
		51	60,710	31.4676	65,567	33.9851	63,138	32.7261
Grade Y		52	65,244	33.8177	70,464	36.5234	67,854	35.1705
		53	68,591	35.5525	74,078	38.3966	71,335	36.9748
Grade Z		54	72,111	37.3770	77,880	40.3673	74,995	38.8719
		55	75,810	39.2943	81,875	42.4380	78,842	40.8659

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## SALARIES - CHIEF EXECUTIVE/CHIEF OFFICERS

From 01/04/2020

### Chief Executive

£	
151,967	1

### Assistant Chief Executive

£	
103,824	1
107,473	2
109,296	3
110,020	4

### Directors

£	
122,426	1
127,076	2
129,398	3
131,721	4

### Heads of Service (1)

£	
90,911	1
93,939	2
95,452	3
96,968	4

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**Appendix C - Part 4.8 - Officer Employment Procedure Rule**

[Click here to access the full information](#)

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Appendix D – Soulbury Pay Scales

**SOULBURY PAY AGREEMENT: 2020**

**Education Improvement Professionals**

<b>SCP</b>	<b>1.9.20</b>
1	36419
2	37723
3	38955
4	40203
5	41443
6	42684
7	43988
8	45243*
9	46705
10	48009
11	49295
12	50541
13	51951**
14	53209
15	54598
16	55854
17	57114
18	58350
19	59625
20	60283***
21	61549
22	62653
23	63867
24	64956
25	66121
26	67257
27	68419
28	69597
29	70777
30	71956
31	73124
32	74311
33	75498
34	76714
35	77927
36	79174
37	80402

38	81642
39	82866
40	84089
41	85318
42	86546
43	87773
44	89006
	90236
46	91468
47	92705
48	93930***
	*
49	95160***
	*
50	96392***
	*

**Notes to Educational Improvement Professionals above:**

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 staff.

\*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.

**Young People's / Community Services Manager**

**SCP**

	<b>01.09.2</b>
	<b>0</b>
1	37772
2	39008
3	40243
4	41505*
5	42786
6	44036
7	45314**
8	46767
9	47568
10	48806
11	50036
12	51269
13	52493
14	53729

15	54966
16	56207
17	57455
18	58695
19	59927
20	61186***
21	62469***
22	63782***
23	65120***
24	66486***

**Notes to Young People’s / Community Service Manager above:**

The minimum Youth and Community Service Officers' scale is 4 points.

Other salary scales to consist of not more than four consecutive points based on duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

\*normal minimum point for senior youth and community service officers undertaking the full range of duties at this level (see paragraph 5.6 of the Soulbury Report).

\*\*normal minimum point for principal youth and community service officer undertaking the full range of duties at this level (see paragraph 5.8 of the Soulbury Report).

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

**Trainee Educational Psychologists**

**SCP**

	<b>1-9-20</b>
1	24541
2	26337
3	28131
4	29929
5	31724
6	33520

**Assistant Educational Psychologists**

<b>SCP</b>	<b>1.9.20</b>
1	30166
2	31399
3	32630

4 33856

**Educational Psychologists – Scale A**

<b>SCP</b>	<b>1.9.20</b>
1	38197
2	40136
3	42075
4	44012
5	45951
6	47889
7	49714
8	51538
9	53247*
10	54959*
11	56554*

**Notes to Educational Psychologists – Scale A above**

Salary scales to consist of six consecutive points based on the duties and responsibilities attaching to posts and the need to recruit retain and motivate staff. *\*Extension to scale to accommodate structured professional assessment points.*

**Senior and Principal Educational Psychologists**

<b>SCP</b>	<b>1.9.20</b>
1	47889
2	49714
3	51538*
4	53247
5	54959
6	56554
7	57209
8	58433
9	59646
10	60880
11	62090
12	63323
13	64577
14	65790**
15	67061**
16	68318**
17	69585**
18	70850**

**Notes to Senior and Principal Educational Psychologists above**

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 staff.

\*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.





# ACTING UP AND HONORARIA POLICY

March 2021

## **1. Policy Statement**

- 1.1 The Council recognises that it may be necessary from time to time to apply an additional payment when an employee is requested to 'act up' into a higher graded post or temporarily undertake additional duties.
- 1.2 Where changes to the job are likely to be permanent, a revised job profile should be submitted to the Pay and Reward team and the post should be re-evaluated under the Council's Job Evaluation scheme.
- 1.3 Where changes are of a temporary nature and will be in place for 12 months or less, an honorarium, or acting up payment, may apply.
- 1.4 The purpose of this Policy is to ensure that the additional payments are properly evaluated and applied on a consistent basis.
- 1.5 This procedure covers all employees including centrally employed school staff except centrally employed teachers and staff on the complement of locally managed schools.

## **2. Honorarium**

- 2.1 Where there is the need for an employee to either act up into a higher graded post or take on some additional duties on a temporary basis, if there is more than one suitable employee with the appropriate skills and experience to undertake the additional duties and/or responsibilities, then a selection process will need to be followed to determine the best person to undertake those duties and/or responsibilities. Please contact your HR Advisor regarding the appropriate process to follow.
- 2.2 Honorarium payments will only apply once the acting up / additional duties have been undertaken for a period of 28 days. Payment will be backdated to day one.
- 2.3 Any honorarium payment will be for a maximum of 12 months and will be reviewed and authorised on a three-monthly basis. If the acting up / additional duties are going to continue longer than 12 months then the manager should seek advice from their HR Advisor.

## **3. Exceptions – emergency acting up**

- 3.1 There will be occasions where an employee is required to act up as emergency cover, e.g. to cover sickness absence. This will usually apply to frontline services where the service will be unable to run without someone covering the post, for example a Refuse / Recycling Loader acting up into the role of an absent Refuse / Recycling Driver.
- 3.2 An exception to the 28 day rule will be made in these instances as the acting up is likely to be for a short period and on an ad hoc basis. If you are unsure whether emergency acting up is applicable, please consult with your HR Advisor.

- 3.3 Care should still be taken to ensure fair application of the acting up opportunity where there is more than one employee with the appropriate skills to undertake the role.
- 3.4 Emergency acting up will only apply when an employee is covering the full role of the higher graded post. The full amount of the difference between the existing salary and the minimum salary of the higher grade should be paid. If the minimum salary of the acting up grade is lower, or the same as, the employee's current salary, they should be paid the honorarium at the next SCP above their current salary.
- 3.5 In cases of emergency cover, payment will be made from day 1 of the acting up. Details of the acting up should be submitted to payroll by the manager.

#### **4. Procedure**

- 4.1 A business case must be made by the relevant manager to support the application for an honorarium payment using the "Request for an Honorarium Payment" form (Appendix 1) and submitted to the departmental Director for approval.

Types of evidence include:

- The reason for the payment, e.g. to cover for long term absence, or to undertake a specific piece of work.
  - Details of the post affected and the grades of the substantive and higher graded post.
  - Whether the extent of the duties are full or partial – if partial, the duties must have been evaluated by the Pay and Reward team before submitting the business case.
  - Cost – calculation of the amount per month the employee would be entitled to receive.
- 4.2 The full amount of the difference between the existing salary and the minimum salary of the higher grade should be paid. If the minimum salary of the acting up grade is lower, or the same as, the employee's current salary, they should be paid the honorarium at the next SCP above their current salary.
- 4.3 Where longer term situations may apply, e.g. maternity cover, the Authority's Recruitment and Selection policy should be followed.
- 4.4 Where the additional duties are evaluated as being the same grade as the employee's substantive post, no payment will be made. It is for the manager to ensure that the additional workload is manageable within the employee's standard working hours, or, with the appropriate approval, authorise overtime where necessary.

## **5 Method of payment**

- 5.1 Honorarium payments will be made on a monthly or four-weekly basis in line with the employee's normal pay periods and will be shown as a separate, identifiable payment on the payslip.

## **6 Authorisation**

- 6.1 Once the business case has been agreed by the Director it should be forwarded to the Senior HR Advisor for their consideration. Where the payment request is in relation to additional duties, and the role is covered by the Job Evaluation scheme, the Pay and Reward team will also need to authorise to confirm that the grade being applied is correct.
- 6.2 The business case will then be passed to Payroll for the payment to be set up.

## **7.0 Monitoring**

- 7.1 Honorarium and acting up payments will be regularly monitored by the People Management division.

## **8.0 Employees on protected salaries**

Employees who are on protected salaries and who undertake duties of a higher grade than their substantive grade, but not higher than their protected salary, are not entitled to receive any additional remuneration. They should still be encouraged to undertake the opportunity of acting up as part of their development to assist them in improving their promotion prospects.

## **9.0 Ending the acting up / temporary additional responsibilities**

The employee should be fully supported, and their performance regularly reviewed, whilst undertaking additional duties. Additional training and support may be required during the acting up period. If concerns regarding performance do arise then these should be discussed before the decision is taken to end the acting up / temporary additional responsibilities arrangement.

If a post that has been covered by acting up arrangements is advertised and the employee who has been covering the role is the successful applicant, the period of acting up will be taken into account when agreeing the spinal column point they will be paid on.

When the arrangement is ended, at least one week's notice should be given and a further change of circumstance form must be completed by the manager to ensure that payment for acting up/additional duties is ended. Settling back into their original role can be difficult for an employee and managers need to be sensitive to potential concerns in this respect. Employees who have acted up into a role have no automatic right to it on a more permanent basis.

However, employees who have acted up/taken on additional responsibilities who are not subsequently appointed to a higher graded post following competitive interviews must receive constructive feedback as to why they were not successful.

This is with the exception of acting up arrangements due to health & safety and/or minimum staffing requirements which can be reviewed on a daily basis by the operating manager.

## **10.0 CONCERNS BY EMPLOYEES**

The fair application of the above policy is designed to avoid concerns raised by employees in respect of acting up/ temporary additional responsibility arrangements. However, where an employee has a concern they should first seek to resolve the matter informally by discussing it with their line manager, in keeping with the Council's Grievance Procedure. The advice of the HR Advisor should be sought at an early stage in these circumstances in order to avoid any ongoing concerns.

## **ENSURING EQUALITY OF OPPORTUNITY**

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format, please contact [CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk)



**APPENDIX A**

**Business case – application for honorarium payment**

<b>Department</b>	
<b>Division</b>	
<b>Employee name</b>	
<b>Employee number</b>	
<b>Substantive job title</b>	
<b>Post number – substantive post</b>	
<b>Current salary</b>	
<b>Reason for payment:</b> <i>(please include title, post number and grade of post being covered or, if taking on additional duties, include full details of the duties being undertaken over and above the substantive role)</i>	
<b>Period of payment *</b>	dd/mm/yyyy to dd/mm/yyyy
<b>Amount of payment</b>	£
<b>Monthly or four-weekly</b> <i>(delete as applicable)</i>	Monthly / four-weekly

\*payment should be for a maximum of 3 months. If payment needs to be extended past this a new form must be submitted for authorisation. Honorarium payment should not exceed 12 months in total.

<b>Authorisation by line manager</b>	
Full name	
Job title	
Signature	
Date	
<b>Approved by Director</b>	
Full name	
Job title	
Signature	
Date	
<b>Agreed by Pay and Rewards section</b>	
Full name	
Job title	
Signature	
Date	
<b>Agreed by Senior HR Adviser</b>	
Name	
Job title	
Signature	
Date	

NB: no payments will be processed until all sections have been completed.

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# MARKET SUPPLEMENT SCHEME POLICY

MARCH 2021

## 1. Purpose of scheme

The use of a Job Evaluation scheme allows for the creation of a fair and equitable pay structure which ensures rates of pay are based on robust criteria across the organisation. However, the resulting rates of pay may not necessarily reflect the value of jobs in the wider external marketplace.

This market supplement scheme has been developed to recognise that there may be times when specific skills and experiences are in short supply. Use of market supplement payments is one way of ensuring we secure sufficient employees with the required skills to safeguard the provision of these services.

A key purpose of the scheme is to ensure that any market supplements are paid fairly and consistently to avoid the risk of non-compliance with equal pay legislation. There would need to be clear evidence that the basic rate of pay being paid by Carmarthenshire County Council for a specific job is significantly lower than the market rate for a relevant and equivalent post in a similar market and that any recruitment or retention problems are due to rates of pay.

However, the introduction of market supplements must be properly controlled in order to avoid the creation of potentially unlawful pay disparities and Equal Pay Act risks. There are, therefore, very specific rules to the application of market supplements to ensure that they can be objectively justified.

Market Supplements must be:

I. restricted to a limited number of jobs where there is clear evidence that the Council's own pay is significantly lower and / or demonstrably competitive to the market rate for specific jobs **and** there are enduring recruitment or retention problems.

II. applied only where there are recruitment or retention problems in relation to a very specific role (a generic application to, for example, all social workers, could not be justified if the problems related to childcare social workers alone).

III. designated as temporary and subject to regular review and monitoring as to outcomes.

IV. applied to existing as well as newly recruited post-holders in the relevant job.

V. clearly identified as separate from basic pay (so that their basis is understood by the employee and they can be justified if an equal pay issue arises).

VI. ideally paid separately from basic pay, either monthly, quarterly, half yearly or as an annual payment (whichever best serves as a recruitment and/or retention measure).

VII. capable of being withdrawn. The contractual terms and a process for withdrawal should be clear and established.

VIII. phased out or withdrawn if a review shows they are not consistent with the above criteria.

IX. payments will not normally be made to employees still in their probation period or during any other initial training period. This will be agreed with the department when payment of a market supplement is being considered.

## **2. Scope of the scheme**

This procedure covers all employees including centrally employed school staff except centrally employed teachers and staff on the complement of locally managed schools.

## **3. Use of scheme**

This scheme replaces any earlier scheme operated by Carmarthenshire County Council and will be operated alongside the Carmarthenshire County Council pay and grading structure.

The scheme will be applied to specific posts on a temporary basis where a suitable business case is developed and approved. The scheme is not designed to reflect an individual's performance.

The scheme will be subject to periodic review to ensure it remains relevant.

## **4. Preparation of a market supplement business case**

Before a business case is put forward for a market supplement, the Head of Service must satisfy him/herself that all non-pay related measures to successfully recruit and / or retain a staff member have been reasonably explored, including a review of the skills, qualifications and experiences required for the post.

If a market supplement is still considered appropriate, the Head of Service should develop a business case which should be submitted to the Assistant Chief Executive (People Management), or nominated representative, with evidence of failure to recruit and / or retain staff as well as evidence of pay rates for the role in other relevant organisations.

The Assistant Chief Executive (People Management) or their nominated representative will respond to the Head of Service to either recommend the market supplement be paid or to refuse the request.

The following information will be taken into account when making the decision whether it is appropriate to pay a market supplement.

- Evidence demonstrating the nature and extent of the recruitment / retention difficulties;
- The extent of the potential impact on services if the recruitment / retention difficulties are not resolved;
- The likely duration of the problem;
- Evidence of pay data from the relevant comparator organisations. This may be based on local, regional or national data depending on what is relevant for the post. Ideally this data should include the whole package not just basic pay so total packages can be compared.

There are a number of indicators that may suggest that there is a severe recruitment and / or retention problem within a particular service. It is important to note that these are merely indicators; they do not mean that a post will attract a market supplement.

The indicators are as follows:-

- The post has been advertised externally on three occasions and those three attempts have resulted in failure to appoint an individual to the post.
- Information concerning turnover within a post or a group of posts within the Council.
- Information concerning the external labour market, e.g. awareness of the failure of universities to recruit students to particular courses.
- Information gained through the medium of exit questionnaires or Interviews.
- Any other significant retention issues.

**Managers should explore alternative recruitment solutions when a post is advertised for the second and third time; managers must not advertise the post three times without reviewing the documentation and methods used. At the same time, a manager does not have to advertise a post on three separate occasions if there is substantial evidence from other sources of information that there may be a case for paying a market supplement.**

## **5. Funding**

The payment of market supplements will be funded by the division in which the post lies. If the post is cross-divisional then the cost will be shared by those divisions concerned.

## **6. Payment of market supplements**

Payment will be calculated by the Assistant Chief Executive (People Management) or nominated representative in conjunction with the Pay and Reward Team. The payment will be based on the median salary for the equivalent roles, taken from an independent external salary survey.

## **7. Calculation of a market supplement**

All supplements will be calculated as additional increments based on the evidence supplied and will be the nearest increment below the comparator salary. The payment should be set at a level that is considered will alleviate the recruitment and retention / operational difficulties but which is not excessive and can be justified in terms of salary paid to the comparator jobs in the market.

The purpose, justification and extent of any market supplement must be transparent and records maintained to demonstrate this so that the Council can respond effectively to any challenge regarding the rationale for such a payment.

Market supplements will be identified as a separate item on payslips and do not form part of the basic pay for the post. They will be subject to tax, NI and pension contributions in the normal way.

Market supplements will be taken into account for overtime calculations and any other enhancements / allowances.

## 8. Duration and Review of payments

The duration of the payment will be determined at the outset based upon how long the recruitment difficulties are likely to continue and will be confirmed in writing to the employee. The initial supplement payment period will be for a maximum of 12 months.

The market supplement will be reviewed at least every 12 months or earlier if necessary. If the departmental manager believes the market supplement needs to continue they will need to provide a new business case, containing up to date information, at each review. This business case will be considered by the Assistant Chief Executive (People Management) or nominated representative along with any other relevant information.

Where the business case to support the continued payment is no longer relevant and sustainable the supplement shall be withdrawn and contractual notice given to the post holder(s) in writing.

Where the decision to withdraw a market supplement is made, this will apply to all posts within the same job group (e.g. all Social Workers within Children's Services) and their post holders simultaneously.

There are a number of situations which may trigger a withdrawal of market supplement payment and these include:-

- Job group no longer has any vacancies
- Posts can be filled after first advertisement
- Turnover has reduced to an acceptable level
- Market research shows there is no longer any justification for the payment

This list is not exclusive.

## 9. Management of the scheme

The scheme and all payments made under it will be monitored and reviewed annually and the outcome reported to the Assistant Chief Executive (People Management) or their nominated representative and the department.

Vacancies should be advertised in the usual way, denoting the grade and salary for the post. The market supplement should be quoted as a separate figure, as follows:-

**Salary £XX,XXX to £XX,XXX (plus additional market supplement up to a maximum of £xxx where appropriate).**

## 10. Interpretation

Any matters of interpretation arising from the scheme are to be determined by the Assistant Chief Executive (People Management).

## 11. Ensuring equality of treatment

### ENSURING EQUALITY OF OPPORTUNITY

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format please contact People Management on [CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk)

## Appendix 1

### **APPLICATION FOR APPROVAL FOR PAYMENT OF A MARKET SUPPLEMENT**

This form is to be completed and signed by the manager requesting a market supplement payment and then forwarded to the Senior Pay and Reward Advisor.

#### **1. POST DETAILS**

<b>Post title</b>	
<b>New or existing post?</b>	
<b>Post number(s) if existing post(s)</b>	
<b>Number of staff in this post (including any vacancies)</b>	
<b>Department</b>	
<b>Division</b>	
<b>Grade</b>	
<b>Salary range</b>	
<b>Total amount of market supplement requested (monthly amount)</b>	
<b>Period for which the payment of a market supplement is sought (maximum initial period 12 months)</b>	

#### **2. JUSTIFICATION FOR PAYMENT**

This section asks for evidence in support of the request for payment of a market supplement (all boxes must be completed).

<b>(1) Describe the job or group of jobs for which payment of a market supplement is requested. Give a brief outline of responsibilities. (Attach the job description, person specification and organisation chart)</b>



**(2) Please confirm that the job profile and evaluation of the post(s) has been checked recently to ensure it is up to date.**

Confirmed (please tick):

**(3) What evidence is there of pay-related recruitment and / or retention difficulties?**

**(a) Number of times the post has been advertised (including dates of adverts)**

**(b) Number of responses to job adverts**

**(c) Assessment of the quantity of responses (adequate, inadequate)**

**(d) Assessment of the quality of responses (e.g. satisfactory, below required standard)**

**(e) Turnover statistics for the post(s)**

**(f) Supporting data from exit interviews, staff surveys or other feedback**

**(g) Articles in professional bodies' journals / websites, press etc. re: skill shortages and / or evidence from national pay surveys**

**(4) What evidence is there that pay (and not other factors) is causing the recruitment / retention problems being experienced?**

<b>(5) What other recruitment / retention initiatives have been tried / exhausted? (e.g. change in methods / types of advertising; changes to information for potential job applicants)</b>
<b>(6) Have alternatives to paying a market supplement been considered, i.e. measures to resolve 'non-pay' issues. If so, please specify. For example:</b> <ul style="list-style-type: none"> <li>• Is there a regional / national shortage for which new / alternative training schemes would be a more appropriate solution?</li> <li>• Are there issues within the occupational group, service or team that could be more appropriately resolved by management action?</li> <li>• What other measures have been explored (e.g. appropriate changes to the job role / responsibilities; qualification / knowledge / experience requirements; changes to working arrangements including flexible working options)?</li> </ul>
<b>(7) Is filling the post(s) essential to maintaining adequate staffing levels to ensure service delivery requirements? (Include any legal implications and how long the post(s) have been vacant)</b>
<b>(8) Has the impact of making the payment on other staff in the team / service been considered and how do you intend to deal with this?</b>

**(9) Labour market data: the 'going rate' for the job:**  
**(a) What appears to be the going rate per annum?**

**(b) Is this local, regional or national?**

**(c) What sources have been used to obtain this data (e.g. recent media advertisements, survey data, pay databases, other organisations)?**

**(10) Comparable posts**

Comparable posts are those which are comparable to the post being assessed for a market supplement on the basis of the criteria below. Please provide the following information for comparable posts in **three** organisations.

- Job title
- Salary range
- Other benefits
- Authority / organisation
- Key requirements in the job description / person specification and how these compare to those for the internal post
- How does the comparable post compare in terms of job size, type/size of organisation, scope and responsibilities (e.g. local population, number of people supervised, number employed in service area, size of budget etc.
- Any additional supporting data
- What is the source of the information?

**3. PAYMENT AMOUNT AND TYPE**

Total amount of payment requested per annum	£
Basis (or rationale) for the calculation of the payment	

If approved, how will the market supplement be paid?

Instalment amount	£
Frequency – monthly, quarterly, bi-annually, annually	

--	--

**4. SOURCE OF FUNDING**

Please specify where the additional payment will be funded from (e.g. existing budget new budget, grant funding)

--

**5. ANY OTHER COMMENTS**

Include any additional information in support of this application not mentioned elsewhere.

--

**6. SIGNATURE OF MANAGER MAKING THE APPLICATION**

<b>Signature:</b>
<b>Your job title:</b>
<b>Department / division:</b>
<b>Date:</b>

**7. APPROVAL BY Assistant Chief Executive (People Management)**

I agree that payment of a market supplement is appropriate and that all necessary checks have been carried out in line with Carmarthenshire County Council's policies and procedures and that all other avenues have been explored.

<b>Date of People Management agreement:</b>	
<b>Agreed</b>	<b>Yes / No</b>
<b>If no, what is the reason?</b>	
<b>Details of any amendment to the original proposal and reasons</b>	

<b>Signed:</b>	
<b>Job title:</b>	

### 8. ADMINISTRATION

<b>Date manager informed of decision</b>	
<b>Effective date of payments / start of payment</b>	
<b>HR service / department informed</b>	
<b>Names of staff to be paid the supplement and date they are informed of the decision.</b>	
<b>Review date (maximum 12 months from start date of payment)</b>	

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The Authority is required to publish its policy in respect of the Discretionary Compensatory Regulations under the Local Government Pension Scheme (LGPS). These discretions are subject to change, either in line with any change in regulations or by due consideration by the Authority. These provisions do not confer any contractual rights.

#### **LGPS Regulations 2013**

- The Authority has used its discretion not to contribute to a shared cost APC scheme (**Regulation 16 (2)(e) and 16 (4)(d)**).
- The Authority will consider whether all or some benefits can be paid if an employee reduces his/her hours or grade (flexible retirement). Each application will be considered on its own merits following full consideration of all financial and service delivery implications. The Authority may waive the resulting actuarial reduction on benefits paid on flexible retirement, in whole or in part, providing that appropriate supporting evidence is presented (**Regulation 30 – 6 -8**).
- The Authority may waive, in whole or in part, the actuarial reduction on benefits which a member draws before normal pension age (early retirement), providing appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Regulation 30 – 8**).
- The Authority has used its discretion not to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (**Regulation 31**).

#### **LGPS (Transitional Provisions, Savings and Amendment) Regulation 2014**

- The Authority will consider all requests to “switch on” the 85 year rule for a member drawing benefits on or after age 55 and before age 60, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Schedule 2, para. 1(2) and 2(2)**).
- The Authority may waive, on compassionate grounds, the resulting actuarial reduction applied to benefits from pre 1 April 2014 membership, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Schedule 2, para. 2(3)**).

#### **LGPS (Early Termination of Employment) (Discretionary Compensation) Regulations 2006**

- The Authority will base the redundancy pay at actual weeks pay where this exceeds the statutory weeks pay limit (Regulation 5).
- The calculation for redundancy pay will be based on the statutory redundancy weeks pay x 1.5. e.g. under the statutory redundancy table the maximum redundancy weeks calculation is 30 weeks, the Authority will pay up to a maximum of 45 weeks. Where an individual has reached aged 55 they will also receive release of unreduced pension benefits built up to the date of termination (Regulation 6).
- For efficiency of service retirements where an individual has reached aged 55 they will receive release of unreduced pension benefits built upto the date of termination (Regulation 6).

- Where there is a mutual agreement for the release of an individual under the Authority's Severance Scheme the Authority will use its discretion to give compensation payments based on actual salary. The discretionary payments will be based on age and service, with a multiplier to be applied of 1.5, and limited to a maximum of 45 weeks. Where an individual has reached aged 55 they will also receive release of unreduced pension benefits built up to the date of termination.
- 2 years continuous qualifying service is required to access these Compensation Arrangements.

#### **LGPS (Benefits, Membership and Contributions) Regulations 2007**

- Each request for early payment of deferred benefits on or after age 55 and before age 60 will be considered on its own merits following full consideration of all financial and service delivery issues. The Authority may waive the resulting actuarial reduction on compassionate grounds applied to deferred benefits paid early, providing that appropriate supporting evidence is presented. **(Regulation 30 - 2 and 5)**.
- The Authority has used its discretion not to augment membership for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014 **(Regulation 12)**.
- The Authority will consider all requests to grant an application for early payment or suspended tier 3 ill health pension on or after age 55 and before age 60, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications. The Authority may waive, on compassionate grounds, the actuarial reduction applied to benefits paid early, providing that appropriate supporting evidence is presented. **(Regulation 30A -3 and 5)**

#### **LGPS Regulations 1997 (as amended)**

- The Authority may grant application, from a post 31.3.98 / pre 1.4.08 leaver or from a councillor, for early payment of benefits on or after age 55 and before age 60, as appropriate and in light of the circumstances relating to each case. The Authority may waive, on compassionate grounds, the actuarial reductions applied to benefits paid early for a post 31.3.98 / pre 1.4.08 leaver or a councillor leaver, as appropriate and in light of the circumstances relating to each case **(Regulation 31 – 2 and 5)**
- The Authority may grant to councillor optants out and pre 1.04.08 employee optants who continue in service, to receive a pension and lump sum from their NRD without reduction, after taking into account the circumstances relating to each case **(Regulation 31 – 7A)**

Dyfed Pension Fund Administering Authority discretions are available on [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk). The full list of discretionary policies for Carmarthenshire County Council can also be found on this site.

**If you require this information in any other format please contact your HR team on 01267 246100.**



# Severance Scheme

April 2021

[carmarthenshire.gov.wales](http://carmarthenshire.gov.wales)

Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



Page 105

## **Contents**

General Principles	2
Scope	2
The Scheme	2
Process	2
Ensuring Equality of Opportunity	4

## **General Principles**

Carmarthenshire County Council (CCC) is committed to working with employees and trade unions to minimise the impact of budget reductions on its services and workforce. However, Local Government continues to face a difficult economic future which could result in significant budget reduction. This will inevitably affect the way we provide services and the employees who provide those services. The Severance Scheme provides financial support to employees who leave their employment early due to efficiency.

## **Scope**

This scheme applies to employees of Carmarthenshire County Council who have a minimum of two years qualifying service, excluding staff employed by locally managed schools where the governing body will determine the policy.

In line with the business case approval process, an employee subject to any disciplinary or capability triggers or procedures will be unable to access the Severance Scheme unless specific agreement is reached between their manager and HR Advisor.

## **The Scheme**

The scheme follows the principles of the Discretionary Compensatory Regulations which are subject to change by the Authority. These provisions do not confer any contractual rights.

Payment will be made in accordance with the table of severance payments.

Payment will be made through the first available payroll after the termination date. Release of pension benefits will be considered for those LGPS members aged 55 or over.

Voluntary severance ends the employment contract through mutual consent on an agreed date.

## **Process**

The department will review your expression of interest to determine whether the request can be supported and whether a business case can be made to release you.

There is no right to severance. The decision made by the Authority will be final therefore there is no appeals process within this scheme.

If you are interested in exploring the possibility of voluntary severance, please complete the enclosed expression of interest form and discuss your request with your line manager.

Please do not contact the Pensions Section to request an estimate of your benefits. This will only be provided if the expression of interest form is completed and returned. However, some useful guidance and information can be found on the Dyfed Pension Scheme Website including an online calculator: <https://mypensiononline.dyfedpensionfund.org.uk>

Following receipt of your expressions of interest your Head of Service will review your request. You will then be contacted to explore your request in more detail and to discuss the implications.

You will not be committed to any expressions of interest until you sign an acceptance form and Settlement Agreement, as appropriate, which confirms termination of employment on a mutually agreeable date. Once signed, the Authority is not obliged to accept any subsequent request you may make to withdraw from the agreement.

Employees leaving the Council's employment on the grounds of Voluntary Severance will do so on the basis of a **mutually agreed termination date, with no notice period being applicable on either side** and with **no payment in lieu** for any outstanding holidays, time off in lieu or flexi leave.

Employees who voluntarily leave the Council's employment under this Scheme cannot work for Carmarthenshire County Council again in any capacity, including on a casual basis, until at least one year has elapsed. No employee should be re-appointed into the same or similar job to the one in which they were employed at the time of leaving. All such appointments should be made via the usual Authority's recruitment procedures.

In very exceptional circumstances an employee may be re-employed by the Council prior to one year expiring, subject to the joint agreement of the Chief Executive and Leader of the Council. In approving a re-employment the Authority will need to be satisfied that:

- the employee is not being re-employed in a role or capacity which is broadly similar to the role they left voluntarily;
- the rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grading which applied to the employee prior to the end of their current contract;
- the employment should be for a fixed term, not exceeding one year, unless there are exceptional circumstances; and

- the arrangement must provide financial / operational advantage to the Council.

This will be operated entirely at the Council's discretion and the decision in respect of each application is final.

Further information can also be found via the HR pages on the Intranet. If you are unable to access these pages, please contact your line manager.

Please contact your departmental HR Advisor should you require any further clarification in respect of the Scheme.

## **ENSURING EQUALITY OF OPPORTUNITY**

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format please contact People Management on

[CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk)

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# Flexible & Phased Retirement Policy

People Management

January 2020

## Introduction

We (Carmarthenshire County Council) are committed to providing more choice and flexibility to you (our employees) if you wish to make a gradual adjustment from work into retirement or stay in work beyond Normal Pension Age (NPA), making your transition from working life to retirement an enjoyable one.

We recognise that attracting and retaining a well-trained, well-motivated, flexible and mixed age workforce, with a wide range of skills and experience, is essential to the provision of quality services.

This policy sets out how you can work with your manager to achieve flexibility for as you approach retirement.

In keeping with legislation, we have not operated a compulsory retirement age for our employees since 1 October 2011.

## Scope

This policy applies to all employees who are active members of the Local Government Pension Scheme (LGPS) but excluding support staff and teachers employed by locally managed schools where the governing body will determine the policy and unattached teachers who are not active members of the Teachers' Pension Scheme (TPS).

Unattached teachers who are active members of the TPS should refer to the section of the policy which applies to them.

This policy should also be read in conjunction with our [Employer Discretionary Policy](#).

It should also be read in conjunction with our [Redeployment Policy](#) which offers support to employees who are 'at risk' of losing their employment.

If you are not a member of the LGPS or TPS and wish to make a request reduced working hours please refer to our [Flexible Working Policy](#).

## Key Points

- Flexible/phased retirement is a planned approach to retirement that involves a voluntary reduction in hours and/or move to a lower graded post and at the same time allowing access to accrued pension benefits.
- There is no automatic right for you to work on reduced hours or grade, whilst drawing pension benefits. However, all such requests will be considered in a reasonable manner.
- It is necessary to obtain the relevant approval in line with the our [Retirement Business Case procedure](#).



- If you have been an active member of the LGPS/TPS for at least **2 years** or have transferred previous pension rights into the scheme, can consider the possibility of Flexible/Phased Retirement.
- You may voluntarily draw your LGPS/TPS pension benefits without a reduction on attaining Normal Pension Age (NPA).
- You must seek our agreement to draw your pension benefits at the earliest from the age of 55 whilst continuing to work on reduced hours or in a job on a lower salary.
- Pension benefits must be drawn, at the latest one day before reaching the age of 75.
- Guidance for LGPS members on the 85-year rule is provided at **Appendix 1**
- Guidance for TPS members on phased retirement is provided at **Appendix 2**

### What is Normal Pension (NPA) Age?

The NPA for the purposes of the LGPS is the same as the State Pension Age (SPA), although there are other options to retire earlier or to continue working, within the LGPS regulations. You can check your state pension age by visiting the government website at: [www.gov.uk/calculate-state-pension](http://www.gov.uk/calculate-state-pension)

NPA for the purposes of TPS is explained in **Appendix 2** due to changes to the scheme that will come into effect on 1<sup>st</sup> April 2015.

### What is flexible/phased retirement?

Flexible/phased retirement enables you to access your LGPS/TPS pension (actuarial reductions may apply) and phase into retirement by:

- reducing your working hours; and/or
- moving to a job on a lower salary

Alternatively, you can request to continue to work on reduced hours or grade and decide not to access any pension benefits until NPA, when there would be no actuarial reductions.

### What are the benefits of having a flexible/phased retirement policy?

This is a change from retiring at a specified age to a much more flexible approach so that you can plan, financially and socially, and make a gradual adjustment from work into retirement.

It also benefits us as we are able to retain experienced staff with valuable skills and enabling better succession planning.

## Eligibility for flexible/phased retirement

If you are a member of the LGPS/TPS<sup>1</sup> you may, from the age of 55, approach your line manager regarding an application for flexible/phased retirement. It will be important for you to consider your proposed working pattern, how the change will impact on you financially, including your pension benefits and the impact your request may have on the service. It will help your manager if you include in your application your solution to any potential negative impact on service delivery as a result of accommodating a reduction in working hours/grade.

It is also your line manager's responsibility to carefully consider an application for flexible/phased retirement and examine how the flexible/phased retirement application and desired working pattern can be accommodated within a service area or function. Where the request cannot be supported your line manager should explore alternative options with you which may be mutually agreeable.

Where the application can be supported your line manager must present a retirement business case which must be approved in relation to both:

- reduction in hours and/or grade; and
- early payment of the pension benefits.

The business case should include details of the impact on service delivery and the benefit to your Department as well as to yourself and any associated costs. The following criteria must be satisfied:

- You must be employed by us on a permanent contract of employment; and
- For LGPS members it is recommended that there should be a reduction in hours of at least 20% or a reduction in grade. We will consider all applications taking into account all financial and service delivery issues on a case by case basis.
- For TPS members please refer to **Appendix 2**.

In all cases, including where you request a gradual reduction in hours over a period of time, the business case should detail the proposed reductions in hours; the dates of the reduction and the proposed final retirement date at the outset. This is to ensure succession planning.

Where a flexible/phased retirement application and the subsequent business case demonstrate a cost to us, the business case must clearly set out the cost and service benefits of agreeing the application. It is your manager's responsibility to ensure that the business case provides all the information required.

There is no trial period for flexible retirement under the LGPS and, once it has been agreed, the decision cannot be reversed, because of the direct impact upon the pension benefits. There can be no reversal of the decision to reduce the number of hours whilst still in the same post.

For phased retirement under TPS the reduction must be for a minimum period of 12 months.

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<sup>1</sup> Non LGPS/TPS Members should refer to the Flexible Working Policy

## Conditions of Service

If you reduce your hours in the same job, all the conditions of your contract of employment will be retained, pro rata part time, including recognition of continuous service for purposes of annual leave and sick pay, and for employment rights such as redundancy payments.

If you start a new job, you will receive a new contract of employment and, provided local government service is continuous without a break, this will be recognised for purposes of annual leave and sick pay, and for employment rights, such as redundancy payments.

## Financial implications of flexible/phased retirement

The annual pension and lump sum retirement grant (if applicable) are paid with effect from the date of flexible/phased retirement and Additional Voluntary Contributions (AVC's) may be accessed if you choose too.

After taking flexible retirement you may contribute to the LGPS in the new or part time job and start an additional pension that will be accessed when they finally retire. It is important to note that the new local government pension record is a separate pension accrual. This means that the previous service (relating to the pension put into payment as a result of flexible retirement) will not count as accrued service in respect of the later benefits.

If you are taking phased retirement under TPS please refer to **Appendix 2**.

You are responsible for obtaining your own independent financial and pension advice as the Council is not able to provide this but the following information might be helpful:

- Flexible/phased retirement will have the effect of reducing salary and partially replacing this with pension benefits. Depending on the level of salary reduction and the amount of accrued pension benefits, the overall level of income received during the period of flexible/phased retirement, or at the eventual date of retirement from the Council, might be less than that received by continuing to work in the original contract until the LGPS/TPS normal pension age or beyond;
- the pension is treated as taxable income and will, therefore, be subject to income tax deductions, in the same way as your salary;
- on reaching state pension age, you might become entitled to state pension benefits over and above your LGPS/TPS pension benefits. You are advised to seek advice from the relevant government department.

## Pension reduction & implications

The amount of pension benefits awarded under flexible/phased retirement is calculated in the same way as for voluntary early retirement (LGPS) or actuarially adjusted benefits (TPS). Pension benefits will be subject to a reduction if they are drawn before the LGPS/TPS deemed NPA.

You may remain in the pension scheme and accrue a second pension (LGPS) or continue to accrue additional pensionable service (TPS) based on your reduced hours/grade. These

benefits will become payable without actuarial reduction at NPA, or anytime thereafter should you choose to remain working beyond NPA but must be accessed at least 1 day before your 75<sup>th</sup> birthday. You will be covered for all pension benefits such as ill health retirement and death in service. You can also purchase Additional Pension Contributions or pay Additional Voluntary Contributions.

### Waiving the pension reduction

The LGPS regulations allows us as your employer the discretion to waive the pension reduction. This will only be possible in **exceptional circumstances** in accordance with our Employer Discretionary Policy. Your manager must seek advice from the HR team before proceeding with any flexible retirement application where it is proposed that we will bear the cost of the pension reduction and the reasons for doing so must be set out clearly within the Business Case.

In the event that the we agree to waive the pension reduction and the flexible retirement application is approved, should you subsequently submit your resignation; voluntarily increase your hours of work or apply for another job within the Authority prior to the agreed retirement date, we reserve the right to recover from you the full cost of the actuarial strain incurred.

### Flexible Retirement Applications Procedure

Applications will be processed as follows:

- you can review your current pension information via Pension Online via [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk) or [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk);
- you make a formal request in writing to your line manager outlining the reduction in hours or grade requested and proposed dates;
- your line manager will arrange a mutually convenient time to discuss the application with you;
- your line manager will confirm if the application can be supported subject to the approval of the Flexible Retirement Business Case;
- your line manager will contact the HR Team to obtain actuarial strain pension figures for the business case and to provide actual pension figures for you;
- you will confirm with your line manager if you wish to proceed with your application on receipt;
- your line manager completes the Flexible Retirement Business Case and submits for approval to your Head of Service or Director in accordance with the Retirement Business Case Guidelines.

Once approved

- for reduced working hours: your line manager must confirm the variation in working hours and commencement date to the HR Employee Services Team;
- for a reduction in grade: you should apply for suitable vacancies in accordance with the our Recruitment and Selection policy or if eligible, the Redeployment Policy where you are deemed 'at risk. Once successful in being offered/redeployed in an alternative post, you should seek confirmation of the pension benefits payable. If you wish to proceed with the application final approval must be sought from the existing

Head of Service who will be required to finalise the Flexible Retirement Business Case for approval in accordance with agreed procedures.

Flexible/Phased Retirement is discretionary on our part and therefore there is no right of appeal where an application is not approved.

However, where an application cannot be supported by your line manager they should seek advice from the HR Team in advance of confirmation to you to ensure that the case has been reasonably considered and to explore any potential alternative solutions.

### **Ensuring Equality of Treatment**

This policy must be applied consistently to all employees irrespective of race, colour, nationality (including citizenship), ethnic or national origins, language, disability, religion, belief or non-belief, age [subject to statutory regulations], sex, gender identity and expression, sexual orientation, parental, marital or civil partnership status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team

If you require this information in an alternative format (for example large print), please contact People Management on Ext: 6184 or email [PMBusinessSupportUnit@cararthenshire.gov.uk](mailto:PMBusinessSupportUnit@cararthenshire.gov.uk)

## Appendix 1

### LGPS 2014 ALL Wales Pension Fund Factsheet

#### 85-year Rule

#### When can I retire?

The Normal Pension Age (NPA) under the Local Government Pension Scheme (LGPS) 2014 is linked to your State Pension Age (SPA)<sup>1</sup>, with a minimum age of 65. However, you may voluntarily retire from age 55, but your benefits may be actuarially reduced to take account of early payment before your NPA.

#### What is the 85 Year Rule?

The 85-year rule is a test to assess whether a member's benefits would be reduced, if they retire before their NPA. If a member's age plus their Scheme membership (both measured in whole years), added up to 85 or more, their benefits were **NOT** reduced. If the rule was NOT satisfied, a full reduction was applied to a member's benefits.

#### When was the 85 Year Rule removed?

On 1 October 2006, the 85-year rule was removed from the Regulations. If you were an active member as at 30 September 2006, some or all of your membership will still be protected by the 85 Year Rule. If you were covered by the 85 Year Rule, it will continue to apply from 1 April 2014. However, if you joined the LGPS on or after 1 October 2006, the 85 Year Rule will NOT apply to your circumstances.

#### Am I protected under the 85 Year Rule?

If you were an active member as at 30 September 2006 and choose to retire before your NPA, having met the 85 Year Rule, you will have some form of protection.

If you were **born on or before 31 March 1956**, all benefits built up to 31 March 2016 will be protected in full. Benefits from 1 April 2016 will be reduced for the period from your date of leaving to your SPA.

If you were **born on or between 1 April 1956 and 31 March 1960**, all benefits built up to 31 March 2008 will be protected in full, **BUT** benefits built up between 1 April 2008 and 31 March 2020 will be reduced on a 'tapered' basis for the period from your date of leaving to age 65 (the normal retirement age under the 2008 Scheme). Any benefits built up after 1 April 2020 will be reduced in **FULL** for the period from your date of leaving to your SPA.

If you were **born on or after 1 April 1960**, all benefits built up to 31 March 2008 will be protected in full, **BUT** benefits built up from 1 April 2008 until your date of leaving will be reduced in **FULL**. For membership from 1 April 2008 to 31 March 2014, the reduction will be for the period from your date of leaving to your 65th birthday. Your membership from 1 April 2014 will be reduced for the period from your date of leaving to your SPA.

#### How much of a 'reduction' will apply?

Your benefits will be reduced in accordance with guidance issued by the Government Actuary's Department (GAD). The period from your date of leaving to the appropriate retirement age will be measured in years and days, therefore the percentage reduction will be amended for part years. (Factors as at 08/01/2019).

Years Early	Annual Pension Reduction	Automatic Lump Sum Reduction
0	0%	0%
1	5.1%	2.3%
2	9.9%	4.6%
3	14.3%	6.9%
4	18.4%	9.1%
5	22.2%	11.2%
6	25.7%	13.3%
7	29.0%	15.3%
8	32.1%	17.3%
9	35.0%	19.2%
10	37.7%	21.1%
11	41.6%	21.1%
12	44.0%	21.1%
13	46.3%	21.1%

### Will the 85 Year Rule apply if I retire from age 55?

With the introduction of the LGPS 2014 from 1 April 2014, you are able to voluntarily retire from age 55 (without your Employer's consent). If you do choose to voluntarily retire between age 55 and 60, any 85 Year Rule protections will **NOT** automatically apply and your benefits will therefore be reduced in **FULL**. However, if you choose to retire on or after age 60, any 85 Year Rule protections **WILL** apply. The ability to apply the 85 Year Rule to voluntary retirement between age 55 and 60 is at the discretion of your Employer. Your Employer will have a policy on this matter.

### What if I am made redundant or have to retire on the grounds of efficiency?

If you are made redundant by your Employer or if you have to retire on the grounds of efficiency and you are aged 55 or over, your benefits will come into payment immediately **WITHOUT** reduction.

### Further Information

This factsheet gives general guidance only. For further information, please contact:  
Tel: **01267 224 043** Email: **pensions@carmarthenshire.gov.uk**

## Appendix 2

### Phased Retirement for members of the Teachers' Pensions Scheme

If you are an unattached-teacher you may want to continue working while drawing some of your accrued pension benefits.

Phased retirement under the TPS allows you to decide how much of your accrued pension benefits to take, up to a maximum of 75% of total benefits. Please note that this is not the same as 75% of the available benefits at each phased retirement event. If you take 75% of your benefits at your first phased retirement, then a subsequent phased retirement will look at the new benefits, i.e. those already accrued at the point of the first retirement and the new accrual during the phased retirement and take 75% of those benefits minus the 75% already taken to calculate the 'Additional Pension' to be paid under the second phase of the retirement award. If members have accrued final salary and career average benefits, they don't have to access both sets of benefits when they take phased retirement, i.e. they could choose to only take up pension from their final salary pension or vice versa. They can, of course, choose to take benefits from both, subject to the maximum 75%.

Phased retirement is a practical option, if some simple guidelines are followed.

#### If an unattached teacher requests phased retirement

1. Your Pensionable Salary must reduce by at least 20%, compared to their previous six months earnings, for a minimum of 1 year following the date of phased retirement, e.g. this could be because your hours have reduced, or you have taken up a post of lesser responsibility (and hence lesser salary).
2. You may take phased retirement and following a break in service start a new appointment in a support role in an educational establishment, such as a classroom assistant. The new appointment can be with the same or a different employer but must be within six months of the previous job ceasing.
3. You may take phased retirement if you have a break in employment provided it is not more than six months of the previous job ceasing.
4. The application form for phased retirement must be signed by the employer responsible for the new working arrangement and must be made within three months of you taking up employment.
5. Protected members can take a maximum of two phased retirements before finally retiring. Career average members can take up to three phased retirements before finally retiring, but only two before age 60.

However, from April 2015 changes to the Teachers' Pension Scheme will affect some teachers interested in taking phased retirement. It is strongly advised to consult the Teachers' Pensions website for up to date information prior to making a request.

You can obtain an application form from the secure member area, '[My Pension Online \(MPO\)](#)'. As you are required to complete a number of questions and options you must take care in checking that you have correctly completed all the relevant sections. You can assess your options, with respect to converting pension to a lump sum, e.g. using the modellers available on 'My Pension Online'.



You'll be required to confirm:

- your proposed phased retirement date;
- the start date and the new salary that will be paid; and
- details of service and salary since your last service update or from a date requested by Teachers' Pensions.

If there is any delay in providing the information you may not receive your benefits at your retirement / payable date. Applications should be submitted at least three months before the proposed retirement date, but any application received more than six months from the retirement will be rejected. This is because service and salary details can change in the intervening period.

### **Normal Pension Age (NPA) for TPS?**

The NPA for the purposes of the TPS depends when you joined the scheme. If you've only been a member of the TPS Scheme since 1 January 2007 you will have a Normal Pension Age (NPA) of 65.

However, if you were a member of the Teachers' Pension Scheme before 1 January 2007 then your normal pension age will be 60 – provided you haven't had a break in service of more than five years.

If you had a break of more than five years, your NPA remains at 60 for service up to the end of the break in service, but it will be 65 for any future service. In pension terms you'll be classed as a 'member with mixed service'.

Please note changes to NPA effective from 1<sup>st</sup> April 2015: There is no change to members' final salary normal pension age from 1 April 2015. With effect from 1 April 2015 members' career average normal pension age will be equal the state pension age (SPA) or 65 where that is higher. Employees can check their state pension age by visiting the government website at: [www.gov.uk/calculate-state-pension](http://www.gov.uk/calculate-state-pension)

For the latest information please visit [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

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**Appendix J - Joint Negotiating Committee for Local Authority Chief Executives  
National Salary Framework & Conditions of Service Handbook**

**JOINT NEGOTIATING COMMITTEE**  
*for*  
**LOCAL AUTHORITY CHIEF EXECUTIVES**

**NATIONAL SALARY FRAMEWORK**  
**&**  
**CONDITIONS OF SERVICE**

**HANDBOOK**

UPDATED 13 OCTOBER 2016

## **PREAMBLE**

**The Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities is the national negotiating body for the pay and conditions of service of chief executives in England and Wales.**

**The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists of chief executives nominated by the Association of Local Authority Chief Executives and Senior Managers (ALACE). ALACE is registered as an independent trade union.**

### **Employers' Secretary:**

SARAH MESSENGER  
LGA, Local Government House  
Smith Square  
London SW1P 3HZ

### **Officers' Side Secretary:**

IAN MILLER Hon Secretary ALACE  
[www.alace.org.uk](http://www.alace.org.uk)  
  
Tel: 07515 190917  
Email: [alacehonsec@yahoo.co.uk](mailto:alacehonsec@yahoo.co.uk)

<b>Appendix 1</b>	<b>Constitution</b>	<b>15</b>
<b>Appendix 2</b>	<b>Joint Guidance on Appraisal of the Chief Executive</b>	<b>18</b>
<b>Appendix 3</b>	<b>Considerations in Developing Remuneration Committees – Joint Guidance</b>	<b>21</b>
<b>Appendix 4</b>	<b>JNC agreed protocols for Joint Secretarial conciliation</b>	<b>23</b>
<b>Appendix 5</b>	<b>A: The Model disciplinary procedure &amp; guidance to the procedure <b>England</b> (page 30)</b>	<b>25</b>
	<b>B: The Model disciplinary procedure &amp; guidance to the procedure <b>Wales</b> (page 55)</b>	
<b>Appendix 5a</b>	<b>Flow diagram relating to Model Disciplinary Procedure <b>England</b></b>	<b>76</b>

**NB:**

*All hyperlinks and email addresses contained in this Agreement are correct at the time of publication. Please notify the Joint Secretaries of any discrepancies by emailing them at the addresses shown on the cover page.*

## **THE CHIEF EXECUTIVE**

### **1. DEFINITION**

The term “chief executive” means the officer who is the head of the council’s paid service. The duties and responsibilities of the post shall be determined by the individual employing authority. They shall include the statutory responsibilities of the head of the paid service, and such other duties as determined by the authority, which should include the following:-

(i) Responsibility for:

(a) leading the management team or equivalent, in particular in securing a corporate approach

(b) securing the provision of advice on the forward planning of objectives and services

(c) ensuring the efficient and effective implementation of the council’s programmes and policies across all services and the effective deployment of the authority’s resources to those ends.

For these purposes the chief executive has authority over all other employees of the council.

(ii) Advising the council, its executive and its committees on all matters of general policy and all other matters upon which his or her advice is necessary, with the right of attendance at all committees of the council and all subcommittees and working parties.

(iii) Advising the leader or elected mayor of the council, or where appropriate the party group leaders, on any matter relevant to the council’s functions.

(iv) Representing and negotiating on behalf of the council on external bodies and networks.

(v) Advising or making suitable arrangements for advising the Lord Mayor, Mayor or Chair of the council on all matters within the duties of that office.

### **2. ADVICE TO POLITICAL GROUPS**

The chief executive shall not be required to advise any political group of the council, either as to the work of the group or as to the work of the council, neither shall he or she be required to attend any meetings of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with the chief executive and which includes adequate safeguards to preserve the political neutrality of the chief executive in relation to the affairs of the council.

### **3. WHOLE-TIME SERVICE**

The chief executive shall devote his or her whole-time service to the work of the council and shall not engage in any other business or take up any other additional appointment without the express consent of the council. He or she shall not subordinate his or her duty as chief executive to his or her private interests or put himself or herself in a position where his or her duty and private interests conflict.

### **4. PERFORMANCE APPRAISAL**

This guidance is intended for use by senior elected members and the chief executive when agreeing a process for appraising the performance of the chief executive. The focus of this process should be on clarifying what the chief executive is expected to achieve and on identifying any continuing development needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable. The LGA, Regional Employers' Organisations, ALACE and SOLACE are potential sources of advice and assistance. Guidance is attached at **Appendix 2**.

### **5. FIXED TERM CONTRACTS**

Fixed term contracts can raise issues of considerable legal complexity. It is important for both sides to understand the implications of the contract before completing it. The joint secretaries are available to act in an impartial role in that process if requested by either side. **Paragraph 13.4** contains further information regarding procedures for the ending of a fixed-term contract.

## **SALARIES**

### **6. SALARY FRAMEWORK**

The salary paid to a chief executive will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 7** or the authority expressly agrees that they shall be retained by the officer, shall be paid by the officer into the council's accounts.

## **7. RETURNING OFFICER FEES**

The chief executive shall be entitled to receive and retain the personal fees arising from such of the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions as he or she performs subject to the payment of pension contributions thereon, where appropriate, Unless a specific term has been included in the chief executive's contract referring to alternative arrangements.

## **8. SETTING REMUNERATION LEVELS**

The Localism Act 2011 requires councils to produce and publish a pay policy statement. According to the Act and statutory guidance published in 2012 and 2013, the statement should include the local authority's policy on specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency arrangements. It should also set out the approach to be adopted towards pay dispersion, (i.e. differentials). In addition, the Local Government Transparency Code 2015 requires councils to publish the differential between the taxable benefits of senior managers and the median taxable earnings figure for the council's whole workforce, and details of senior employee salaries (above £50,000), names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.

In this context it is essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief executives have been made in an open and accountable way.

One option is for a council to establish a remuneration committee. The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3**.

The establishment of a remuneration committee is of course optional and different models may well suit individual authorities. What is clear though is that more than lip service must be paid to the notion of providing a verifiable and accountable process for recommending the remuneration level of the most highly-paid official.

## **OTHER CONDITIONS OF SERVICE**



## **9. APPLICATION OF TERMS AND CONDITIONS GENERALLY**

A chief executive shall enjoy terms and conditions in other respects not less favourable than those accorded to other officers employed by the council. Such terms and conditions may include:

Adoption Scheme

Car Allowances

Continuous Service

Grievance

Health, Safety & Welfare

Maternity / Paternity Scheme

Official Conduct

Reimbursement of Expenditure

Sickness Scheme

Training & Development

## **10. REMOVAL EXPENSES: NEW APPOINTMENTS**

In the case of officers taking up new appointments, authorities may (in the interests of local government and to facilitate the moving of officers) reimburse fully or contribute towards the costs reasonably incurred in removal and in setting up a new home, and other costs reasonably incurred in taking up a new appointment.

## **11. ANNUAL LEAVE**

The chief executive shall be entitled to a minimum of 30 days' annual leave (in addition to statutory and other public holidays but inclusive of any long service leave, extra statutory and local holidays). In exceptional circumstances and by mutual agreement annual leave may be carried forward to the next leave year.

## **12. RESTRICTIONS ON RE-EMPLOYMENT**

After termination of the chief executive's employment he / she:

- (i) will not divulge any information to any third party which is confidential to the authority
- (ii) will not, without the consent of the authority, within a period of 12 months take up employment with or provide services for reward to any body:
  - (a) if during the chief executive's last two years of employment the authority has been involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward
  - (b) which is likely to benefit from commercially sensitive information which is known to the chief executive by virtue of his / her past employment by the authority

### **13. PROCEDURES FOR, DISCIPLINE, CAPABILITY, REDUNDANCY AND OTHER DISMISSALS**

13.1 In principle it is for each local authority to determine its procedures and practical arrangements for the handling of disciplinary action and termination of the employment contract, taking into account the relevant considerations in general employment law. However, in the case of a chief executive (head of paid service) there are further legal requirements for certain types of disciplinary action and dismissal.

13.2 In England, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and in Wales, the Local Authorities Standing Orders (Wales) Regulations 2006 provide a degree of protection for chief executives against unwarranted political interference in their role as heads of paid service of local authorities. In England, the Regulations require that the council takes into account any advice, views or recommendations of an independent panel before a chief executive can be dismissed, for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract. In Wales, the regulations require that a Designated Independent Person is required to investigate and make a recommendation in the event of disciplinary action being taken against the chief executive on the grounds of misconduct or if there is any other proposal to dismiss the chief executive for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract. The considerations and the management of these different types of disciplinary action and potential dismissal therefore will vary.

13.3 There are, therefore, differences between the English and Welsh regulations and accordingly there are two separate procedures (one for local authorities in England and one for local

authorities in Wales). The model procedures with guidance on their application and operation in both countries are introduced below **A England** and **B Wales**, and contained at **Appendix 5a (England)** and **Appendix W5a (Wales)**.

## **A ENGLAND**

### **Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts**

13.4 Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of an Independent Investigator or Independent Panel (**England Page 49**).

However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities. In addition, dismissals for all reasons including those set out in this paragraph must be approved by the Council itself.

### **Disciplinary action on grounds of conduct, proposals to dismiss on the grounds of misconduct and proposals to dismiss for other reasons such as capability and some other substantial reason**

13.5 Disciplinary action or situations in which there is the potential to dismiss on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of an Independent Investigator. Where it results in a proposal to dismiss, it will require the involvement of an Independent Panel before the Council considers the proposal.

13.6 The JNC has developed model procedures to use in these cases where an Independent Investigator and Independent Panel may be required and the matter cannot be resolved informally.

13.7 A summary table at **Appendix 5d** indicates the appropriate procedures to follow for the different types of situations, i.e. whether the issue should follow a local procedure or whether it should follow the JNC model procedure.

### **Considerations prior to contemplating disciplinary action**

13.8 Taking disciplinary action against a chief executive can be a difficult, time-consuming and potentially very expensive process made more complex because it happens so rarely that many elected members and senior staff will be unfamiliar with the relevant legal and employment contract provisions.

13.9 A key issue is whether formal disciplinary action is necessary at all or whether informal resolution to a problem could provide a better solution in the circumstances. This will sometimes be the case and the Joint Secretaries may be able to assist. (See paragraphs 13.11 – 13.14).

13.10 Where formal procedures are to be engaged, the JNC urges elected members and those who advise them to ensure that they understand the procedure, seek appropriate advice at every stage and do not compromise the outcome of any proceedings. (See paragraphs 13.15 – 13.20).

### **Early informal resolution and joint secretarial conciliation**

13.11 Authorities should have regard to the ACAS advisory handbook *Discipline and Grievance at Work*. A key message in this guidance is that prevention is better than cure: “The use of formal disciplinary procedures should be considered a ‘last resort’ rather than the first option. Many problems can be sorted out through informal dialogue”.

13.12 The JNC encourages authorities to adopt this informal approach. Experience shows that once formal disciplinary procedures have been instituted against a chief executive the inevitable high profile of the case can make it more difficult for normal working relationships to be resumed. There might also be an effect on staff morale and it is possible for there to be negative publicity in the local and sometimes national media.

13.13 A guiding principle of the early informal approach is therefore to obtain improvement and remedy problems. Where potential disciplinary problems (either conduct or performance) are identified then either of the parties may wish to approach the appropriate JNC Side Secretary. The Joint Secretaries are available at any stage in the proceedings to facilitate discussions between the parties and act as impartial conciliators. **Appendix 4** sets out the JNC’s protocol for Joint secretarial conciliation. Joint secretarial assistance can also be requested during the formal stages of the procedure although the scope for resolution may be reduced by then as the parties are more likely to have adopted adversarial positions.

13.14 Conciliation is preferable to the use of formal procedures if it can bring about a mutually agreed solution to any problems. While the process itself is informal any resolution should make it clear what specific changes in behaviour and / or performance are expected and within what

timescales. Depending on the nature of the case, a mutually agreed resolution could include, for example:

▣ For minor performance and conduct issues it may make sense for there to be an off-the-record agreement that an informal warning will be issued. If the chief executive is prepared to accept such a warning in the appropriate spirit then it may not be in either party's interest for the formal procedures to be initiated.

▣ Where there are performance shortcomings with a relatively inexperienced chief executive then one solution could be for a more experienced, possibly retired, chief executive to act as a mentor.

### **The formal JNC procedure and associated guidance**

13.15 The model procedures have been agreed by the JNC in the light of the experience of the Joint Secretaries in their involvement in individual cases. The procedure includes appropriate variations for application in councils with leader / cabinet executives, mayor / cabinet executives and those operating a committee system.

13.16 Where informal resolution is not possible the model procedure should apply unless alternative arrangements have been agreed by both parties locally. The model procedure can also be modified by mutual agreement to suit the particular circumstances of the case, but not so as to contradict the requirements of the Standing Orders Regulations. There is an obligation on both the authority and its chief executive to give fair consideration to reasonable proposals from the other party to modify the model procedure to suit local circumstances.

13.17 The principles of natural justice and good management practice must govern the conduct of any proceedings against the chief executive. Authorities should also have full regard to the principles and standards set out in *Discipline and Grievance - ACAS Code of Practice*.

13.18 The procedure should be handled as quickly as is consistent with the need to investigate the case and to give the chief executive a fair opportunity to reply fully to complaints. In order to use the model procedure, authorities will need to do some preparatory work by considering appropriate committees and delegated powers before incidents which might engage the procedure arise.

13.19 The Joint Secretaries of the JNC should be notified as soon as it is proposed to use the procedure and it is recommended that both parties contact the appropriate side secretary as soon as possible to ascertain whether more detailed assistance might be desirable

13.20 The range of possibilities is difficult to cover completely within the content of this handbook. However, the handbook contains the model procedure and guidance on the operation of the procedure and associated issues. There are also flow diagrams to assist in making the process as clear as possible. Further advice and guidance can be sought from the Joint Secretaries.

## **B WALES**

### **Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts**

W13.4 Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of a Designated Independent Person. However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities.

### **Disciplinary action on grounds of conduct, proposals to dismiss on the grounds of misconduct and proposals to dismiss for other reasons such as capability and some other substantial reason**

W13.5 Disciplinary action or situations in which there is the potential to dismiss on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of a Designated Independent Person. There are also additional considerations as to the impact of the Standing Orders Regulations such as limits on suspension of the chief executive and the powers and method of appointment of the Designated Independent Person, which authorities and chief executives need to be aware of.

W13.6 The JNC has developed model procedures to use in these cases where a Designated Independent Person may be required and the matter cannot be resolved informally. The model procedures with guidance on their application and operation are contained at **Pages 54-75**.

W13.7 A summary table at **Appendix 5d** indicates the appropriate procedures to follow for the different types of situations, i.e. whether the issue should follow a local procedure or whether it should follow the JNC model procedure.

### **Considerations prior to contemplating disciplinary action**

W13.8 Taking disciplinary action against a chief executive can be a difficult, time-consuming and potentially very expensive process made more complex because it happens so rarely that many elected members and senior staff will be unfamiliar with the relevant legal and employment contract provisions.

W13.9 A key issue is whether formal disciplinary action is necessary at all or whether informal resolution to a problem could provide a better solution in the circumstances. This will sometimes be the case and the Joint Secretaries may be able to assist. (See paragraphs W13.11 – W13.14).

W13.10 Where formal procedures are to be engaged the JNC urges elected members to ensure that they understand the procedure, seek appropriate advice at every stage and do not compromise the outcome of any proceedings. (See paragraphs W13.15 – W13.21).

### **Early informal resolution and joint secretarial conciliation**

W13.11 Authorities should have regard to *Discipline and Grievances at Work: The ACAS Guide*. A key message in this guidance is that prevention is better than cure: “The use of formal disciplinary procedures should be considered a ‘last resort’ rather than the first option. Many problems can be sorted out through informal dialogue”.

W13.12 The JNC encourages authorities to adopt this informal approach. Experience shows that once formal disciplinary procedures have been instituted against a chief executive the inevitable high profile of the case can make it more difficult for normal working relationships to be resumed. There might also be an effect on staff morale and it is possible for there to be negative publicity in the local and sometimes national media.

W13.13 A guiding principle of the early informal approach is therefore to obtain improvement and remedy problems. Where potential disciplinary problems (either conduct or performance) are identified then either of the parties may wish to approach the appropriate JNC Side Secretary. The Joint Secretaries are available at any stage in the proceedings to facilitate discussions between the parties and act as impartial conciliators. **Appendix 4** sets out the JNC’s protocol for Joint Secretarial conciliation. Joint Secretarial assistance can also be requested during the formal stages of the procedure although the scope for resolution may be reduced by then as the parties are more likely to have adopted adversarial positions.

W13.14 Conciliation is preferable to the use of formal procedures if it can bring about a mutually agreed solution to any problems. While the process itself is informal any resolution should make it clear what specific changes in behaviour and / or performance are expected and within what

timescales. Depending on the nature of the case, a mutually agreed resolution could include, for example:

☐ For minor performance and conduct issues it may make sense for there to be an off-the-record agreement that an informal warning will be issued. While the law is clear that to take any sort of disciplinary action the Designated Independent Person process has to be used, it may be sufficient for elected members to express their concerns informally and let the matter rest there. If the chief executive is prepared to accept such a warning in the appropriate spirit then it may not be in neither party's interest for the formal procedures to be initiated.

☐ Where there are performance shortcomings with a relatively inexperienced chief executive then one solution could be for a more experienced, possibly retired, chief executive to act as a mentor.

### **The formal JNC procedure and associated guidance**

W13.15 The model procedures have been agreed by the JNC in the light of leading counsel's opinion and the experience of the Joint Secretaries in their involvement in individual cases. The procedure is suitable for application in councils with leader/cabinet executives and mayor / cabinet executives.

W13.16 Where informal resolution is not possible the model procedure should apply unless alternative arrangements have been agreed locally. The model can also be modified by mutual agreement to suit the particular circumstances of the case, but not so as to contradict the requirements of the Standing Orders Regulations. There is an obligation on both the authority and their chief executive to give fair consideration to reasonable proposals from the other party to modify the model procedure to suit local circumstances.

W13.17 The principles of natural justice and good management practice must govern the conduct of any proceedings against the chief executive. Authorities should also have full regard to the principles and standards set out in *Discipline and Grievance - ACAS Code of Practice*

W13.18 The procedure should be handled as quickly as is consistent with the need to investigate the case and to give the chief executive a fair opportunity to reply fully to complaints. In order to use the model procedure, authorities will need to do some preparatory work by considering appropriate committees and delegated powers before incidents which might engage the procedure arise.

W13.19 The Joint Secretaries of the JNC should be notified as soon as it is proposed to use the procedure and it is recommended that both parties contact the appropriate side secretary as soon as possible to ascertain whether more detailed assistance might be desirable.



W13.20 The range of possibilities is difficult to cover completely within the content of this handbook. However, the handbook contains the model procedure and guidance on the operation of the procedure and associated issues. There are also flow diagrams to assist in making the process as clear as possible. Further advice and guidance can be sought from the Joint Secretaries.

W13.21 In the event that as a result of following the formal procedure the decision is taken to appoint a DIP, the JNC has produced a brief Guidance Note (**Appendix 6**) to assist members, Chief Executives and the DIP to understand the role.

#### **14. Grievance Procedures**

In principle it is for each local authority to determine its procedures and practical arrangements for the handling of grievances, taking into account the relevant considerations in general employment law. However, in the case of a chief executive, there are particular factors which may need to be borne in mind in the case of a grievance against a chief executive or a grievance brought by a chief executive, and the JNC has therefore adopted model procedures for use in such circumstances. These are set out in **Appendix 7**.

## **APPENDIX 1**

### **CONSTITUTION**

#### **1. TITLE**

The Committee shall be known as the Joint Negotiating Committee for Chief Executives of Local Authorities (hereinafter referred to as “the Committee”).

#### **2. SCOPE**

The Committee shall have within their scope all chief executives of all principal local authorities in England and Wales as defined in paragraph 1 of the national conditions of service.

#### **3. MEMBERSHIP**

The Committee shall consist of not more than 11 members on each side. The current membership is appointed as follows:-

***Representing local authorities:***

Local Government Association 9

Welsh Local Government Association 1

***Representing chief executives:***

Association of Local Authority Chief Executives

and Senior Managers 11

**4.** If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the constitution, such failure to appoint shall not vitiate the

decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his / her place.

5. A member of the Committee shall automatically retire on ceasing to be a member of the organisation which he / she represents.

6. On the occurrence of a casual vacancy, a new member shall be appointed by the organisation in whose representation the vacancy occurs and shall sit until the end of the period for which his / her predecessor was appointed.

## **FUNCTIONS**

7. The functions of the Committee shall be to consider from time to time the salary framework and general conditions of service of the officers named in paragraph 2 hereof and to make recommendations in regard to such scales and conditions to the local authorities by which such officers are employed.

Provided that, in considering general conditions of service, the Committee shall have regard to the general conditions of service now or hereafter recommended by the National Joint Council for Local Government Services or to any agreed alternative local conditions.

All recommendations made by the Committee to local authorities shall be sent simultaneously to the bodies named in paragraph 3 hereof.

## **PROCEDURE**

8. **Sub-Committees** The Committee may appoint from their own members such sub-committees as they may consider necessary and with such authorities as they may from time to time determine. The reports of all sub-committees shall be submitted to the full Committee.

9. **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. The Chair, or in his / her absence the Vice-Chair, shall preside at all meetings of the Committee. In the

absence of both the Chair and the Vice-Chair at any meeting, a Chair shall be elected to preside. In no case shall a Chair have a second or casting vote.

**10. Officers** Each side shall appoint a joint secretary.

**11. Meetings** Meetings of the Committee shall be held as often as may be necessary, and the Chair shall call a special meeting if so requested by one-third of either side of the Committee. The notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat, and no other matters shall be discussed. A special meeting shall take place within fourteen days after the request has been received.

**12. Voting** The voting in the Committee and in sub-committees shall be by show of hands or otherwise as the Committee or sub-committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members entitled to vote present on each side of the Committee or sub-committee, as the case may be.

**13. Quorum** The quorum of the Committee shall be 8, consisting of 4 representatives from each side. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.

**14. Notices of meetings** All notices of meetings of the Committee and of any sub-committee thereof shall be sent to the respective members at least seven clear days before the date of the meeting.

## **FINANCE**

**15.** Each side shall meet its own expenses.

## **APPLICATION**

**16.** In the event of any question arising as to the interpretation of recommendations issued by the Committee and their application to a particular chief executive or of any other question arising relating to salaries which cannot be settled by the employing authority and the officer concerned, the Committee shall at the request of either party consider the matter and endeavour to assist them in securing a settlement.

## **ARBITRATION**

**17.** In the event of a dispute over terms and conditions of employment arising between the two sides of the Committee on any matter, the dispute shall, at the request of either side, be reported to the Advisory, Conciliation and Arbitration Service (ACAS) by the Joint Secretaries with a request that the matter be referred for settlement by arbitration. The arbitration award shall be accepted by the two sides, and shall be treated as though it were an agreement between the two sides.

## **AMENDMENTS TO CONSTITUTION**

**18.** Alterations in the constitution of the Committee shall be made as follows:

(a) in paragraph 3 of this constitution any change to the organisations represented on each Side, shall be a matter for each Side to determine

(b) all other clauses can only be changed with the assent of both bodies named in paragraph 3

## **APPENDIX 2**

### **JOINT GUIDANCE ON APPRAISAL OF THE CHIEF EXECUTIVE**

#### **1. INTRODUCTION**

1.1 This guidance is intended for use by senior elected members and the chief executive when agreeing a process for appraising the performance of the chief executive. The focus of this process should be on clarifying what the chief executive is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.

1.2 The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief executive's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

#### **2. RESPONSIBILITY FOR APPRAISAL**

2.1 The responsibility for appraising the chief executive lies with senior elected members. It is a contractual obligation on the part of both the chief executive and the employing council to engage in a regular process of appraisal.

2.2 It will be for local decision in the light of local circumstances whether the appraisal should be carried out by a small committee representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief executive is employed by the council as a whole, not by the controlling group, and is therefore required to serve all of the council.

#### **3. AIMS OF APPRAISAL**

☐ To identify and clarify the key objectives, priorities and targets of the council and appropriate timescales for their achievement over the next (e.g. twelve) months

☒ Agree what the chief executive should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to deliver the council's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively

☒ Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance

☒ Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals

☒ Discuss developmental requirements. The chief executive will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief executive with the requisite skills to meet the council's objectives. The parties should be proactive and anticipate future developmental needs in the context of the council's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between leading members and the chief executive. It should not be assumed that it is only the chief executive who may need to adjust his / her approach to the working relationship

3.1 Appraisal should be set in the context of the council's objectives, priorities and targets, generally expressed in corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the council as a whole.

#### **4. THE APPRAISAL CYCLE**

4.1 Appraisal should take place on a predetermined date, **at least annually**, backed up by regular monitoring meetings at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

#### **5. KEY ELEMENTS OF THE APPRAISAL PROCESS**

☒ Continuous two-way monitoring of performance against objectives

☒ Preparation for an appraisal interview

☒ An appraisal interview where recent and current performance, future objectives and development needs are discussed

☒ Agreement on action required from either party to ensure required performance is achievable

☒ A continuing process of informal discussion regarding performance

## **6. The appraisal interview and afterwards**

☒ Both parties should be well informed and prepared for the interview

☒ The process should be two-way

☒ The interview should be free from interruptions, and notes should be taken when necessary

☒ The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions

☒ Targets which are realistic and capable of being monitored should be agreed

☒ Any agreed personal development plans should be implemented within the agreed timescale

☒ The chief executive should be given a reasonable opportunity to correct any shortfalls in performance

☒ A date for the next review should be agreed

## **7. EXTERNAL ASSISTANCE**



7.1 External assistance in facilitating the appraisal process can be helpful in providing an independent perspective.

7.2 Within the local government 'family', it may be sought from the Local Government Association or by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE or SOLACE. Alternatively such assistance may be available from commercial sources, such as consultancy firms.

7.3 Such assistance from the aforementioned organisations may take the form of them either directly participating in the process for which a fee may be requested to cover staff time or the recommendation of, for example, a suitably experienced recently retired senior officer or other independent individual.

**Note: If external assistance is sought, it must have the agreement of both sides.**

## **8. OTHER MATTERS**

8.1 The detailed content of appraisal interviews should normally be treated as confidential to the participants, unless both parties agree that it would be helpful for the targets agreed for the ensuing period to be shared more widely. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.

8.2 This may be useful in acting as a reminder that the chief executive and members need to ensure that chief officers are in their turn appraised.

8.3 It should, however, not be assumed that the process for appraising the chief executive should be followed in precise detail for other staff. There is a fundamental difference between elected members appraising the chief executive and managers appraising subordinates. The principles, nevertheless, are the same.

## **APPENDIX 3**

### **CONSIDERATIONS IN DEVELOPING REMUNERATION COMMITTEES – JOINT GUIDANCE**

#### **1. Composition**

1.1 In order to be representative but viable, the Committee needs to be small but it can be useful to have an odd number of members to ensure that clear decisions can be taken. Working by consensus is also a viable option. It is suggested that the Committee should have no more than 5 members.

1.2 The Committee can be composed entirely of elected members if this is the most workable solution in an authority but consideration may be given to having some external representation. Any external members should of course have no conflicts of interest and should be experienced in managing large organisations.

## **2. Remit**

2.1 The Committee will be responsible for providing advice and will have delegated authority for making decisions or recommendations to the full council (or another committee) on pay and remuneration issues within its agreed remit in relation to the chief executive.

2.2 To make properly informed decisions on pay policy the Committee will need to ensure that it has comprehensive, relevant and reliable advice and market data provided by the online pay benchmarking system [epaycheck](#) (incl hyperlink). Further advice is also available from the Local Government Association or by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE or SOLACE. Alternatively such assistance may be available from commercial sources, such as consultancy firms.

2.3 The remit of the Committee would include all those elements of the remuneration package which are not set nationally (e.g. pensions) or by overall council policy, including:

- ☐ Fixed point salary
- ☐ Variable pay elements
- ☐ Some additional benefits within the context of overall pay.

2.4 It would also be responsible for oversight of any performance / contribution-related pay scheme for the chief executive (targets to be set and reviewed elsewhere as part of the chief executive's appraisal process).

2.5 The Committee would not be responsible for the actual operation of any appraisal processes, which should be kept separate.

## **3. Process**

3.1 The Committee should meet at least annually to:

- ☐ Determine any requirement for a formal review of the relevant pay market
- ☐ (Where determined necessary) commission relevant research and analysis and make recommendations thereon
- ☐ Review any remuneration issues arising from established performance / contribution-related pay assessment

#### **4. Recommendations**

4.1 The Committee's recommendations should be based on data / advice / evidence / views collected from a number of possible sources, including (but not limited to):

- ☐ The council's own personnel / HR function, possibly in the form of a report on current issues
- ☐ National and / or Regional Employers' Organisations
- ☐ Independent external pay data / advice / facilitation from:

- ☐ External consultancy organisations with relevant experience in pay market analysis
- ☐ Pay benchmark information (from local employers / other similar local authorities)

- ☐ Performance data drawn from council-wide performance management indicators
- ☐ Submissions made by the Association of Local Authority Chief Executives and Senior Managers on behalf of their members

4.2 The Committee would then make reasoned recommendations to the relevant Committee of the council or would be in a position to act with delegated authority, as defined within the constitution.

4.3 In addition, in the first year of operation, the Committee would need to meet initially to agree the pay data to be collected and to agree its expectations of the process. The Committee would

also need to determine what it would recommend as an overall executive pay policy, having regard to the general pay and employment strategy of the council.

4.4 The Committee may also need to hold additional meetings at the request of the council, when advice is required for example on changes to existing systems or if a new appointment is to be made.

## **5. Confidentiality and Protocols**

5.1 Confidentiality should always be maintained whilst discussions are taking place and until decisions are published. It may well be advisable to agree other protocols for the operation of the Committee, to which members would be expected to adhere.

### **APPENDIX 4**

#### **JNC AGREED PROTOCOLS FOR JOINT SECRETARIAL CONCILIATION**

##### **1. General principles**

1.1 Conciliation is an informal process designed to assist the parties in exploring the ground for possible agreement between them.

1.2 If conciliation is to work the participants must therefore have the confidence to float suggestions without compromising their respective positions. It is therefore essential that, if ultimately no agreement is possible, any avenues explored informally should not then be used in any subsequent discussions, unless agreed by both parties.

1.3 To achieve this objective the conciliation needs to be underpinned by the following principles:

##### **☐ Informality**

The conciliation process is informal, which means that the proceedings should be off the record and non-legalistic

##### **☐ No pre-conditions**

Neither side should seek to impose any pre-conditions on the process, unless by joint agreement

### ☒ **Without prejudice**

This is probably the most important principle. Neither party will have the confidence to float suggestions for resolution if they are likely to prejudice their position later on. The parties must therefore mutually respect this principle and guarantee that they will not use anything discussed in conciliation at a later stage or publicise it

### ☒ **No publicity**

These principles could be undermined if either of the parties used the media to publicise its case. Accordingly there should not be any publicity unless the parties agree to the contrary

## **2. Process for the conciliation meeting**

2.1 As conciliation is an informal process there is no need for case statements. However, the Joint Secretaries need to familiarise themselves with the case beforehand so the respective parties are asked to provide a briefing note for this purpose which indicates what they are seeking to achieve.

2.2 It is for the individual parties to decide who will represent them at the conciliation meeting. For the council the Joint Secretaries believe that there should be a minimum of a politician with sufficient authority to make decisions and / or provide policy direction (this would probably need to be the leader of the council) together with a technical adviser (who may be an officer of the council or other appropriate person). For ALACE it would normally be the chief executive and ALACE adviser. This is not intended to constrain the number of people participating in the process but, if the number of representatives from either side is large, it would be helpful to restrict the number during any face-to-face discussions (see below).

2.3 The Joint Secretaries will conduct the conciliation meeting along the “shuttle-diplomacy” lines used by ACAS. This means that any of the following is possible as a formulation for discussions:

☒ The Employers’ Secretary (or their representative) will probably start with a briefing from council representatives while the Staff Side Secretary (or their representative) will probably start with a briefing from their member

☒ The Joint Secretaries are likely to have their own private discussions at various points during the proceedings

- ▣ The Joint Secretaries together may ask to have discussions with either or both of the respective parties
- ▣ The Joint Secretaries may judge that it would be helpful for them to have discussions with the two parties together. In this event, if either party has brought a large team, it would be helpful if only a few representatives were present during such joint discussions

2.4 The council is asked to provide at least three suitable rooms. The nature of conciliation means that discussions may be long and there may be periods when one or both of the parties is waiting for other discussions to take place.

2.5 Where the matter is resolved the parties will have to agree how it is to be processed and any joint communications. If no resolution is possible then it is important that the principles outlined above in **paragraph 1.3** are observed.

**APPENDIX 5**

**THE MODEL DISCIPLINARY PROCEDURES & GUIDANCE TO THE PROCEDURES (A. ENGLAND and B. WALES)**

**CONTENTS OF MODEL PROCEDURES & GUIDANCE**

**England    Wales**

	Independent Person (Wales).		
	Conducting the initial investigation, treatment of witness evidence, conflicts of interest, maintaining the fairness of the procedure, other possible actions, power to agree financial settlements, access to appropriate professional, independent or medical advice, evidence of performance issues.		
6.	<b>Appointment of an Independent Investigator (England) or Designated Independent Person (Wales)</b>	44	69
	Power to appoint the Designated Independent Person, agreeing terms of reference and remuneration.		
7.	<b>The Independent (Person) investigation</b>	45	70
	Resources, working arrangements, powers to extend or end suspensions, confidential contact at authority.		
8.	<b>Receipt and consideration of the Independent Investigator / Designated Independent Person's Report by the Investigating and Disciplinary Committee</b>	47	72
	The report of the Independent Investigator / Designated Independent Person, consideration of new material evidence, recommendations by the Independent Investigator / Designated Independent Person, decision by the Investigating and Disciplinary Committee.		
9.	<b>Action short of dismissal</b>	48	73
	Action short of dismissal to be taken by the Investigating and Disciplinary Committee.		
10.	<b>Where the Investigating and Disciplinary Committee propose dismissal</b>	49	73
11	<b>Appeals</b>	52	74
	Appeals against proposals to dismiss to the council, appeals against action short of dismissal to Appeals Committee.		





## Introduction

The model procedures should be followed except in so far as the parties locally agree to vary them. The council has discretion in how far to follow the agreed guidance. The Local Government Association (LGA) and the Association of Local Authority Chief Executives and Senior Managers (ALACE) through the JNC for Chief Executives commend this model procedure because:

- ▣ The procedure and guidance have been drawn-up in light of the experience of the Joint Secretaries in their involvement with individual cases;
- ▣ Its variants apply to constitutions with council leader / cabinet executives, mayor/cabinet executives and those councils operating a committee system;

Local authority chief executives are protected under specific regulations that make distinctive provisions, compared to other employees. The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and the Local Authorities (Standing Orders) (Wales) Regulations 2006 aim to protect the chief executive from unwarranted political interference in their role as head of paid service of the authority. High levels of accountability work most effectively within clear criteria for responsibilities. Even with the distinctive role of Head of Paid Service, disciplinary action will need to be based on clear evidence.

Local authority elected members will want to ensure that they:

- ▣ Understand the procedure to be used;
- ▣ Seek appropriate advice at every stage;
- ▣ Do not compromise the outcome of any proceedings;
- ▣ Allow every opportunity for fair procedures to operate.

This guidance outlines the key elements of procedures for disciplining chief executives.

The elements of what is procedure and what is guidance to the procedure is arranged in such a way as to present each element of the model procedure – immediately followed by the relevant part of the guidance for ease of reference.

As there are significant differences between the English and Welsh regulations, for ease of understanding there are two separate sections:

**A. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – ENGLAND (from page 29)**

**B. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – WALES (from page 54)**

Further guidance on process applying to both procedures is expressed in flow diagram format which is provided as **Appendices 5a, W5a, 5b and 5c.**

## **A. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – ENGLAND**

### ***1. 1. Issues requiring investigation – (procedure)***

Where an allegation is made relating to the conduct or capability of the chief executive or there is some other substantial issue that requires investigation, the matter will be considered by the Investigating & Disciplinary Committee (IDC).

This Committee will be a standing committee appointed by the council. Arrangements for flexibility are recommended in the event that a member of the standing committee has a conflict of interest.

Other structures are necessary to manage the whole process, including an Independent Panel should there be a proposal for the dismissal of the chief executive. This will be comprised of independent persons, appointed in accordance with ***The Local Authorities (Standing Orders) (England) Regulations 2001*** as amended.

### ***Issues requiring investigation – (guidance)***

#### ***1.1 The Local Authorities (Standing Orders) (England) Regulations 2001 as amended***

1.1.1. The Local Authorities (Standing Orders) (England) Regulations 2001 (the Regulations) (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) provide that the dismissal of a chief executive in cases of disciplinary action (as defined in the Regulations) may only take place if the proposal to dismiss is approved by way of a vote at a meeting of the authority, after they have taken into account:

- ☐ any advice, views or recommendations of a panel (the Independent Panel)
- ☐ the conclusions of any investigation into the proposed dismissal and
- ☐ any representations from the protected officer concerned

1.1.2 **Disciplinary action:** in relation to a member of staff of a local authority is defined in the Regulations as “any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and

includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract”.

The definition of disciplinary action would therefore include other reasons for dismissal such as capability or some other substantial reason including a breakdown in trust and confidence between the chief executive and the authority.

1.1.4 The attached **Appendix 5d** (potential reasons for termination table) sets out those circumstances that could potentially result in dismissal and whether or not they are covered by this procedure.

## **1.2 Structures to manage the procedure**

1.2.1 A key feature of the model procedure is the specific roles envisaged by the Investigating and Disciplinary Committee (IDC), the Appeals Committee, the Independent Panel and the council. Authorities will need to consider a number of important issues around the composition of committees and the delegation of appropriate powers. In particular, it must be borne in mind that staffing issues are a non-executive function and so these bodies have to be put in place by the council not the Leader / Mayor or executive.

1.2.2 The IDC must be a politically balanced committee comprising, it is suggested, five members. Where authorities operate a leader / cabinet or mayor / cabinet executive structure, this must include at least one member of the executive. This Committee may need to be in a position to take decisions and appropriate actions as a matter of urgency. It may need to meet at very short notice to consider allegations and decide whether there is a case to answer and to consider whether suspension of the chief executive might be appropriate. It is also possible that in some circumstances members of the IDC may find themselves in a position where they have a conflict of interest. It is therefore recommended that authorities take this into account when constructing the committee and its powers, including the quorum and substitutes. The IDC also has an important role in considering the report of an Independent Investigator. The role of the IDC is explained further at appropriate stages in the guidance. (The Committee that performs this function may locally be known by a different name although its role and responsibilities will be that outlined throughout this document and referred to herein as the IDC. This Committee may also fulfil other functions).

1.2.3 The Appeals Committee must be a politically balanced committee of, it is suggested, five members who are not members of the IDC. Where authorities operate an executive structure this must include at least one member of the executive. The Appeals Committee will have a more limited role. Its purpose will be to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to impose no sanction or a lesser sanction.

1.2.4 The JNC has agreed that the Independent Panel should comprise of independent persons (at least two in number) who have been appointed by the council, or by another council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011. Councils are required to issue invitations for membership of the Panel in accordance with the following priority order:

(a) an independent person who has been appointed by the council and who is a local government elector in the authority's area

(b) any other independent person who has been appointed by the council and

(c) an independent person who has been appointed by another council or councils

1.2.5 Appropriate training should be provided for Independent Panel members.

1.2.6 It should be noted that any remuneration paid to members of an Independent Panel may not exceed that payable in respect of their role under the Localism Act.

1.2.7 A requirement for any disciplinary process is to carry out an investigation of the allegations to establish the facts of the case and to collate evidence for use in the disciplinary hearing. In the case of a chief executive, it will normally be necessary to engage an independent person for this purpose, and this person is referred to here as the Independent Investigator. Arrangements have been agreed to enable the speedy appointment of a competent and experienced person to perform this role, with the assistance of the Joint Secretaries.

### **1.3 Managing access to the procedure (See also Para 5 of this guidance) – considering the allegations or other issues under investigation**

1.3.1 The procedure itself does not require that every single issue which implies some fault or potential error on the part of the chief executive be investigated using this process. It is for the authority to decide the issues that will engage the formal process.

1.3.2 Authorities will therefore need to consider what constitutes an 'allegation' made relating to the conduct or capability of the chief executive and what it considers are other substantial issues requiring investigation. Clearly the route for complaints against the council and the chief executive and for issues that might be substantial and require some form of investigation, and possibly formal resolution, is varied. Ideally, procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded, or trivial or can best be dealt with under some other procedure.

1.3.3 For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the council's general complaints procedure. If the matter is a grievance from a member of staff directed against the chief executive, it may be appropriate to first deal with it through the council's grievance procedure. Of course if the matter were a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would be one that would be suitable for an investigation under the disciplinary procedure.

1.3.4 An authority will need to put into place arrangements that can manage the process. In particular - that records are kept of allegations and investigations and that there is a clear route into the disciplinary procedure. It could be, for example, that in the case of allegations against the chief executive, the monitoring officer and the Chair of the IDC would oversee referrals to that Committee.

1.3.5 Where the issue to be investigated is related to the sickness absence or capability of the chief executive in terms of performance, there is likely to be a link with the authority's sickness procedure or appraisal / performance management procedure.

1.3.6 Where management action is required in respect of the normal sickness of the chief executive, the authority needs to be clear about who takes appropriate actions. Initially, it could be the Director of HR (according to local procedures) who will follow the authority's normal sickness absence procedures. Whoever is responsible will report to the IDC as appropriate to the matter being investigated – in particular where procedures have been followed to the point where dismissal appears to be a possibility (see flow diagrams **Appendices 5a, 5b & 5c** for reference).

1.3.6 Any shortcomings in a chief executive's performance can be better identified, and therefore remedied, at an early stage if there is an objective performance appraisal system in place as required by the JNC agreement (see **Appendix 2**).

1.3.7 For a chief executive the system is likely to be linked to objectives in the authority's community plan and the performance objectives should be specific, measurable, achievable, realistic and time-related. It may, but will not necessarily, be the system against which pay progression is measured (see flow diagram **Appendix 5c**).

## **2. Timescales – (guidance)**

2.1 An important principle when taking disciplinary action is that the process should be conducted expeditiously but fairly. There is, therefore, a need to conduct investigations with appropriate thoroughness, to arrange hearings and allow for representation. It is not in the interests of the council, or the chief executive, that proceedings are allowed to drag on without making progress towards a conclusion.

## **2. Timescales – (procedure)**

It is in the interests of all parties that proceedings be conducted expeditiously.

It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.



## **2.2 Statutory and indicative timescales**

2.2.1 The procedure does not set out explicit timescales except the specific requirement in the Local Authority (Standing Orders) (England) Regulations 2001 for the appointment of the Independent Panel at least 20 working days before the meeting of the council at which consideration as to whether to approve a proposal to dismiss is to be given. In this guidance we make reference to other statutory timescales and restrictions which are applicable to disciplinary procedures more generally, such as those contained in the Employment Relations Act 1999 (in connection with the right to be accompanied).

## **2.3 Avoiding delays in the procedure**

One cause of delay in the procedure is the availability of the key people necessary to manage and control the process.

### **2.3.1 Availability of Independent Investigator**

An Independent Investigator should only be formally appointed once the IDC has determined that there is a case that requires further investigation. However to minimise delays in any potential investigation, steps should be taken to identify a shortlist of three potential Independent Investigators from the list held by the JNC Joint Secretaries (see paras 6.3 and 6.4) concurrently with arrangements for the initial meeting of the IDC. This is not pre-judging whether an investigator will be needed, but a practical step to assist in minimising any delays.

### **2.3.2 Availability of the chief executive in case of sickness**

(a) It is possible that the sickness of the chief executive could impact on the ability to follow the disciplinary procedure. This may be because:

☐ the issue under investigation is the chief executive's sickness in itself (ie. a capability issue); or alternatively,

☐ while during an investigation for another reason such as allegations about the chief executive's conduct, the chief executive commences sickness absence during the disciplinary process.

(b) In principle, the sickness of the chief executive will invoke the local authority's normal sickness procedures. The nature of the investigation and facts surrounding the sickness will dictate the appropriate way of dealing with the issue.

(c) If the investigation is about the long-term sickness or frequent ill-health problems experienced by the chief executive the authority should have already obtained appropriate medical information and advice by following its local processes. This would normally include referral to the authority's occupational health adviser who would examine the chief executive and / or seek further medical information from the chief executive's GP or any specialist dealing with the case. However, the IDC or Independent Investigator may feel the need for further or more up-to-date advice and again they should use the authority's normal processes and procedures to obtain this. If the chief executive's absence or problems at work are as a result of a disability which places him / her at a substantial disadvantage compared to others without the disability, then the authority must consider and undertake reasonable adjustments in order to remove the disadvantage. The IDC must satisfy itself that this has been fully considered and that no further reasonable adjustments could be made which would remedy the situation.

(d) Where the issue under investigation is not health-related and is, for example, the conduct of the chief executive and he / she then commences sickness absence then the approach will depend on the type and length of the illness and exactly when it occurs during the process.

(e) A short period of illness should not normally create a major problem although the timing of the illness can create difficulties if it coincides with scheduled meetings for investigating or hearing aspects of the case. If this occurs then reasonable efforts should be made to rearrange the meeting. However, if the sickness becomes more persistent or is likely to become longer term then the authority will take steps to identify whether the chief executive, although possibly not fit to perform the full range of duties, is fit enough to take part in the investigation or disciplinary hearing.

(f) If it appears that there will be a long period of ill health which will prevent the chief executive taking part in the process, the authority and possibly the Independent Investigator will have to make a judgement as to how long to wait before proceeding. In some cases it may be appropriate to wait a little longer where a prognosis indicates a likely return within a reasonable timescale.

(g) However, where this is not the case, the authority will in most cases need to press ahead given the importance of resolving issues which can have a significant impact on both parties due to the nature and high profile of the role of chief executive. If this is the case the authority should ensure that the chief executive is given the opportunity to attend any meetings or hearings. However, the chief executive should be informed that if they cannot attend the meetings or hearings then they would proceed without them. If this is the case the chief executive may make written

submissions to be considered and may also send their representative to speak on their behalf before a decision is taken.

### **2.3.3 Availability of representative**

The availability of the chief executive's representative can also be a possible cause of delay. Reasonable account should be taken of the availability of all relevant parties when setting dates and times of meetings. Where it is simply not possible to agree dates to suit everybody the authority needs to be aware of the statutory right to be accompanied at disciplinary hearings and to take this into account when setting dates (see **Paragraph 4**).

### **2.3.4 Availability of witnesses**

If the Independent Investigator or the IDC allows either party to call witnesses and the witnesses are unable to attend, their evidence should not be discounted and should still be considered. Alternatives may include written statements or minutes / records where individuals have been interviewed as part of the investigation. However, such evidence may not carry the same weight as evidence that can be subjected to cross-examination.

### **2.3.5 Availability of committee members**

(a) It is recommended that, in establishing the IDC and the Appeals Committee, authorities take availability issues into account and any operational quorum when considering the numbers of members to serve on these committees.

(b) It should be particularly borne in mind that the IDC might need to be able to meet at short notice to consider serious allegations against the chief executive.

### **2.3.6 Availability of Independent Panel members**

The Independent Panel must be appointed at least 20 days before the council meeting at which consideration whether or not to approve a proposal to dismiss is to be given. The appointment of Independent Panel members should, therefore, take into account their availability to undertake their role within that timescale.

### **3. Suspension – (guidance)**

3.1 Although suspension in order to investigate an allegation or a serious issue is not disciplinary action in itself, it is a serious step in the process that should be managed well. Unlike with most other posts, the suspension of the chief executive may come immediately to the attention of the local and perhaps national media with potentially damaging consequences for the reputation of the chief executive and the authority.

3.2 Where a chief executive is suspended and facing allegations this is potentially stressful for the individual and disruptive to the council. It is therefore in the interests of all parties that such cases are dealt with as expeditiously as possible.

### **3. Suspension – (procedure)**

Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

However, the IDC will need to consider whether it is appropriate to suspend the chief executive. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the chief executive might compromise the investigation or impair the efficient exercise of the council's functions.

In any case, the chief executive shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

An elected member should hold the delegated power to suspend the chief executive immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the chief executive are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

The continuance of a suspension should be reviewed after it has been in place for two months.

### **3.3 Alternatives to suspension**

Suspension will not be appropriate in every case, as this will depend on the nature of the allegation or seriousness of the issue. Before suspending the chief executive, careful consideration should be given to whether it is necessary and whether there are any other suitable alternative ways of managing the situation, for example by agreeing particular working arrangements such as working from home for a period or working in some other way that protects the chief executive and authority from further allegations of a similar nature.

### **3.4 Power to suspend**

(a) The chief executive is the head of paid service and normally bears the delegated responsibility for implementing council policy on staffing matters. However, when it is the chief executive who is the subject of an allegation or investigation, the authority will need to be clear about who has the power to suspend the chief executive and in what circumstances.

(b) The point at which it may become clear that suspension is an appropriate action is likely to be at the stage where the IDC has conducted its initial assessment. The model procedure therefore envisages that the IDC should have the power to suspend the chief executive.

### **3.5 Short notice suspension**

(a) The procedure also recognises that in exceptional circumstances it may be necessary to suspend at very short notice and before the IDC can meet, e.g. because the remaining presence of the chief executive could be a serious danger to the health and safety of others, or a serious risk to the resources, information or reputation of the authority. An elected member should hold the delegated power to suspend in an emergency. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

### **3.6 Suspension protocols**

If suspension were deemed appropriate, the IDC (or in exceptional circumstances, the chair) would also be the appropriate body to agree or authorise any protocols which are necessary to manage the suspension and the investigation. For example, the chief executive might request access to workplace materials and even witnesses. Arrangements should be made to manage such requests and facilitate appropriate access. Another general principle would be that whilst suspended, the chief executive would remain available to participate in the investigation and to attend any necessary meetings. Therefore other important issues would include communication

#### ***4. Right to be accompanied – (procedure)***

Other than in circumstances where there is an urgent requirement to suspend the chief executive, he or she will be entitled to be accompanied at all stages.

channels for day-to-day communication and any stipulations for reporting any scheduled or unscheduled absence from the area, e.g. pre-arranged holiday.

### **3.7 Review of suspension**

Where the chief executive is suspended, the suspension should be reviewed after two months, and only continued following consultation with the Independent Investigator and after taking into account any representations made by the chief executive.

#### ***4. Right to be accompanied – (guidance)***

4.1 Although the statutory right to be accompanied applies only at a disciplinary hearing, the JNC procedure provides the opportunity for the chief executive to be accompanied at all stages by their trade union representative or some other person of their choice, at their own cost.

4.2 The procedure recognises that there may be, in exceptional circumstances, a need to suspend the chief executive at short notice, when it is not possible to arrange for their trade union representative to be present. These circumstances might include for example where there is a serious risk to the health and safety of others or serious risk to the resources, information, or reputation of the authority.

4.3 Although it would be beneficial to agree dates for the necessary meetings required, the procedure cannot be allowed to be delayed owing to the unavailability of a representative. The statutory right to be accompanied in a disciplinary hearing contained in s.10 of the Employment Relations Act 1999 applies only to hearings where disciplinary action might be taken or be confirmed, that is to say when a decision may be taken on the sanction, or a decision may be confirmed during an appeal. In this model procedure the statutory entitlement to be accompanied would arise:

☐ where the IDC considers the report of the Independent Investigator and provides the chief executive with the opportunity to state their case before making its decision.

☐ during any appeal against the decision taken by the IDC.

**5. *Considering the allegations or other issues under investigation – (procedure)***

The IDC will, as soon as is practicable inform the chief executive in writing of the allegations or other issues under investigation and provide him / her with any evidence that the Committee is to consider, and of his / her right to present oral evidence.

The chief executive will be invited to put forward written representations and any evidence including written evidence from witnesses he / she wishes the Committee to consider. The Committee will also provide the opportunity for the chief executive to make oral representations. At this initial consideration of the need to investigate further, it is not anticipated that witnesses will be called. The discretion to call witnesses lies solely with the IDC.

The IDC will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the chief executive before taking further action.

The IDC shall decide whether:

- the issue requires no further formal action under this procedure or
- the issue should be referred to an Independent Investigator

at a council meeting considering a proposal for dismissal and also fulfilling the requirement relating to a right of appeal

4.4 At these important stages (IDC receiving the report of the Independent Investigator and any appeal against the decision taken by the IDC), if the chief executive's trade union representative is unavailable for the date set then the chief executive will have the right under the provisions of the Employment Relations Act 1999, to postpone the meeting for a period of up to one week.

4.5 If the representative is unable to attend within that period the authority will have the right to go ahead with the hearing without further delay, although reasonable consideration should be given to arranging an alternative date.

**5. *Considering the allegations or other issues under investigation – (guidance)***

5.1 The range of issues and to some extent the seriousness of the issues, which come before the IDC, will depend on the filter that the council adopts. Issues such as those relating to sickness absence and performance are likely to arise at the IDC having followed the authority's sickness absence or performance management / appraisal procedures (see **Paragraph 1.3**).

5.2 It is possible in some cases that with some minimal investigation the IDC can dismiss the allegation without even the need to meet with the chief executive. However, this procedure is aimed at dealing with situations where the matter is not so easily disposed of. It therefore provides a process whereby the chief executive is made aware of the allegations and provided with the opportunity to challenge the allegations or to make their response.

5.3 When an issue comes before the IDC it needs to make a judgement (see **paragraph 5.4.1**) as to whether the allegation can be dismissed or whether it requires more detailed investigation, in which case this will be undertaken by an Independent Investigator. If the IDC is of the opinion that the allegations do not warrant an investigation, this should be immediately notified to the chief executive without delay, and, if necessary, the complainant informed accordingly. If the IDC is of the opinion that the matter is not serious but there is some minor fault or error, then it can issue an unrecorded oral warning in accordance with its standard procedures.

5.4 The appointment of an Independent Investigator is a serious step but does not mean that the chief executive is guilty of some misdemeanour. In some cases the eventual result of the investigation will be to absolve the chief executive of any fault or wrongdoing. The appointment of an Independent Investigator operates so that both the authority and the chief executive can see that matters are dealt with fairly and openly. However, the matter still needs to be handled carefully in public relations terms due to the potential damage to the reputation of the chief executive or the local authority.

#### **5.4.1 Threshold test for the appointment of an Independent Investigator**

Cases will vary in complexity but the threshold test for the IDC in deciding whether to appoint an Independent Investigator is to consider the allegation or matter and assess whether:

☐ if it were to be proved, it would be such as to lead to the dismissal or

other action which would be recorded on the chief executive's personal file and

☐ there is evidence in support of the allegation sufficient to require further



investigation

#### **5.4.2 Conducting the initial IDC investigation**

(a) It is intended that this stage is conducted as expeditiously as possible with due regard to the facts of the case. At this stage it is not necessarily a fully detailed investigation of every aspect of the case as that will be the responsibility of the Independent Investigator (if appointed). In order to avoid delay the IDC will want to explore the availability of potential Independent Investigators on the list maintained by the JNC Joint Secretaries at an early stage (see paras 6.3 and 6.4). However, it is important that before any decision is taken to formally appoint an Independent Investigator, the chief executive is aware of the allegations that have been made against him / her (or the issue to be addressed) and given the opportunity to respond.

(b) This will be achieved by:

- ☐ The IDC writing to the chief executive setting out the allegations / issues and providing any evidence to be considered
- ☐ Providing the opportunity for the chief executive to respond to the allegations in writing and to provide personal evidence or witness statements. The calling of witnesses at this stage is at the discretion of the IDC
- ☐ Providing the opportunity for the chief executive to appear before the IDC

(c) Fair notice should be given to enable the chief executive adequate time to prepare a response to the allegations or issues under investigation. During the initial hearing by the Committee, the chief executive is entitled to attend and can be accompanied by a representative (subject to **paragraph 2.3.3** and **paragraph 4**).

#### **5.4.3 Treatment of witness evidence**

In general, if the authority has witness evidence relating to an allegation this should be presented in written form to the chief executive, although in exceptional cases it might be appropriate to anonymise the evidence in order to protect the identity of a witness. However, it remains important that the detail of the allegation is put to the chief executive in order that he / she understands the case against him / her.

#### **5.4.4 Conflicts of interest**

(a) The model procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing IDC. **Paragraph 1.2** indicates the basic rules concerning its membership. However, because a standing committee will comprise named councillors, there may be occasions when this presents problems of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Committee, although they will of course be able to give evidence, if required. The authority should attempt to construct its Committees, and establish quorums and substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the council to establish a new Committee to perform the function of the IDC.

(b) Declarations of interest are matters for individual councillors who are required to follow their authority's code of conduct for elected members and can seek advice from their Monitoring Officer. Problems could follow for the speed at which the case is conducted if the chief executive considers there are valid grounds for making a formal complaint to the council about the involvement of a councillor in a case.

#### **5.4.5 Maintaining the fairness and integrity of the procedure**

Where there is a matter that requires investigation it is important that a fair and correct procedure is followed. Allegations against the chief executive or serious issues that require resolution should follow this procedure. It is important that councillors do not undermine the fairness of the procedure by for example putting motions to full council about the case as there is a serious risk that it could prejudice the disciplinary procedure. Additionally, such actions will not only create adverse publicity for the authority and the chief executive but may create conflicts of interest and could limit the role that those councillors can then take as the case progresses.

#### **5.4.6 Other appropriate actions**

(a) It could be that when faced with an issue, whether it be an allegation of misconduct, or connected with the capability of the chief executive, or some other substantial issue, the IDC might be in a position to consider alternatives to immediately moving to the appointment of an Independent Investigator or alternatively to dismiss the allegation or issue.

(b) Clearly this will depend on the facts of the matters being investigated. It could be that the authority has another more appropriate policy or procedure to follow. Alternatively, it could be that the issue is one which might benefit from some mediation or attempts to resolve the particular issue in dispute prior to moving formally to appointing an Independent Investigator.

(c) It is possible at any stage to consider the mutual termination of the contract and sometimes this will be a suitable alternative for all concerned. This might particularly be the case where relationships are breaking down but there is no evidence of misconduct attached to the chief executive. The Joint Secretaries could be available to assist (see **Appendix 4**).

(d) If any financial settlements are considered, it is important that such an arrangement:

☐ Falls within the authority's discretions under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, or

☐ Is a payment in consideration of an agreement that compromises a genuine legal claim that the chief executive might have at a Court or Employment Tribunal

In both cases the settlement must also comply with any other restrictions on exit payments, such as the £95,000 cap on such payments, including the circumstances in which the council may exercise powers to waive the cap.

(e) The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 are designed to enable a local authority to compensate employees whose employment terminates on grounds of redundancy or in the interests of the efficient exercise of the authority's functions. It is therefore possible that a payment will be legitimate in certain circumstances. However, where there is an obvious case requiring disciplinary action and the allegation is such that dismissal is a likely outcome, it is not likely that an external auditor will sanction a deal under the current regulations.

(f) The authority must take appropriate legal advice when attempting to reach a financial settlement to ensure that any payment is justified and lawful. Relevant considerations will include the likelihood of the claim succeeding and the amount of compensation that could be awarded by a Court or an Employment Tribunal.

#### **5.4.7 Power to agree financial settlements**

When considering its delegation of power the authority must include consideration of which Committee or Officeholder has the authority to negotiate a settlement and also a process by which any settlement would be sanctioned including liaison with the external auditor.

#### **5.4.8 Access to appropriate professional / independent advice**

(a) Conducting an investigation into allegations or serious issues involving the chief executive can be demanding on the individuals involved. The IDC (and the Appeal Committee and council) will have access to the local authority's officers, but given the closeness of relationships between the

chief executive and the other senior officers this can be a difficult time for those required to advise the Committee, to conduct investigations internally, or to source advice from outside the authority.

(b) The authority should provide that the IDC has powers to appoint external advisers as appropriate. Useful sources of general advice on the operation of the procedure and assistance with conducting investigations include the Local Government Association by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE.

In addition to this general advice and assistance, given the potential complexity of the issue, authorities might also require access to their own legal advice.

#### **5.4.9 Ill-health - medical advice**

In cases of capability related to sickness or where during the course of any other investigation, the ill-health of the chief executive results in their unavailability it will be important that the IDC has access to appropriate medical advice from the council's Occupational Health provider (see **paragraph 2.3.2**).

#### **5.4.10 Performance**

(a) Where the issue is one of capability in terms of performance or competence, other than ill-health, the council will need to be in a position to establish or demonstrate the nature of the concerns. Evidence will be necessary in order to justify a further investigation.

(b) This might come from a variety of sources, e.g. performance appraisal records, inspection reports, etc. Where the council follows an established appraisal / performance management process, this can also provide an appropriate route to establishing issues suitable for referral to the IDC (see **Appendix 2**).

(c) Where the issue is breakdown of trust and confidence, the council will need to be able to establish that the fault for the breakdown could reasonably be regarded as resting solely or substantially with the chief executive.

## ***6. Appointment of an Independent Investigator - (procedure)***

The IDC will be responsible for appointing an Independent Investigator, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.

The Independent Investigator should be selected from the list maintained by the National Joint

## ***6. Appointment of an Independent Investigator - (guidance)***

6.1 Where a decision has been taken to appoint an Independent Investigator, it is important that the council moves quickly to take this forward. This is particularly important if the chief executive has been suspended. This can be assisted if the availability of potential Independent Investigators is explored at an early stage.

6.2 This will require that the council is clear as to who has the power to appoint the Independent Investigator and to agree the terms of remuneration and working methods. The model procedure envisages that this will be the responsibility of the IDC.

6.3 It is in the interests of the council and the chief executive that both sides should have confidence in the independence and relevant competence of the Independent Investigator, not least to avoid, or at least minimise, argument later in the process about the quality or credibility of the investigation. To this end, it has been agreed that the Joint Secretaries will maintain a list of potential Independent Investigators, who have been selected for their suitability and experience for this work. Independent Investigators on that list will be offered on a 'taxi-rank' basis subject to their availability within the desired timescales, and no material connections with the council or the chief executive nor any connection to the allegations.

6.4 The Council will approach the National Joint Secretaries and will be supplied with the top three names from the list (if in exceptional circumstances three names are not available, both local parties will agree to choose from a shorter list). If these are acceptable to the council, the chief executive will be invited to select one of the names. The only acceptable reason for not selecting from the names supplied being conflict of interest. If an appointment is not agreed by the chief executive within 14 days of the date of the names being supplied, the council will be at liberty to select an Investigator from the names supplied.

## **6.5 Terms of reference – allegations or issues to be investigated**

(a) When appointing an Independent Investigator it is important that they are provided with terms of reference. The Investigator will need to be:

- ▣ aware of the precise allegation(s) or issue(s) to be investigated
- ▣ provided with access to sources of information and people identified as relevant to the case
- ▣ aware of expectations regarding timescales and any known factors which could hinder their investigation, e.g. the availability of key people

(b) The IDC will be responsible for providing this information. It will also be in a position to discuss timescales for the investigation.

## **6.6 Remuneration**

Remuneration for the Independent Investigator will be set at the Local Government Association's normal consultancy rate for external consultancy work.

## ***7. The Independent investigation – (guidance)***

### **7.1 Resources**

7.1.1 The amount of time required to be spent on the investigation will depend on the case. Due to the demands on their time, the Independent Investigator could decide to delegate some of the

## ***7. The Independent investigation – (procedure)***

**The ACAS Code of Practice on Discipline and Grievance** requires there to be an investigation to establish the facts of the case before proceeding to the disciplinary hearing. The JNC believes that, for chief executives, this should be carried out by an Independent Investigator. He / she should determine the procedure for the investigation, either operating on the basis of an independent investigation using his / her powers to access information, or a formal hearing, at which the allegations and supporting evidence including evidence provided by witnesses are presented by the authority's representative and the chief executive or his / her representative is able to present his / her case. While the recommended procedure allows for either option, on balance the JNC's preference is for the 'investigation' model, but the decision on this remains with the Independent Investigator.

Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report stating in his/her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason; and recommending any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.

investigation work to an assistant. This should be agreed with the IDC and the chief executive should be informed. If the work is delegated to someone else outside of the authority this might also

require further discussion on any difference in the terms of remuneration for the assistant to the Independent Investigator

## **7.2 Working arrangements**

7.2.1 Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report:

- ▣ stating in his / her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or other issue under investigation; and
- ▣ to recommend any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.

7.2.2 The methodology adopted by the Investigator should be confirmed with the parties. However, the JNC believes that the Independent Investigator should operate on the basis either of a process of evidence gathering, hearing submissions etc or a formal hearing, at which both parties will have the usual opportunities to present evidence, cross-examine witnesses etc. Both parties can be represented by an individual of their choice (the chief executive's representation should be obtained at his / her own expense). While the recommended procedure allows for either option, on balance the JNC's preference is for the 'investigation' model, but the decision on this remains with the Independent Investigator.

## **7.3 Suspension**

7.3.1 The Independent Investigator does not have the power to suspend the chief executive, but if the chief executive has been suspended for two months, the IDC is required to review the suspension (see **paragraph 3.2.5**).

## **7.4 Confidential contact at authority**

7.4.1 Although the Independent Investigator has a degree of independence, it is advisable to agree some protocols for his / her investigation in order that disruption to the council's work is kept to a minimum at what can be a difficult time. The Independent Investigator will also require agreed contact and reporting arrangements with the parties. It is recommended therefore that the council designates an officer to administer the arrangements.



## ***8. Receipt and consideration of the Independent Investigator's report by the IDC – (procedure)***

The IDC will consider the report of the Independent Investigator, and also give the chief executive the opportunity to state his / her case and, to question witnesses, where relevant, before making a decision.

Having considered any other associated factors the IDC may:

- Take no further action
- Recommend informal resolution or other appropriate procedures
- Refer back to the Independent Investigator for further investigation and report
- Take disciplinary action against the chief executive short of dismissal

7.4.2 During the investigation the Independent Investigator will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed.

## **8. Receipt and consideration of Independent Investigator's report by the IDC - (guidance)**

### **8.1 Report of the Independent Investigator**

8.1.1 The report of the Independent Investigator is made to the IDC which will have delegated powers from the authority to receive the report and take a decision on the outcome. Unless the chief executive is exonerated by the report then at this stage the chief executive should be given the opportunity to state his/her case before the committee makes its decision.

8.1.2 This may be done in one of two ways, according to the process followed by the Independent Investigator:

If the Independent Investigator has proceeded by way of an evidence-gathering process, the Committee should hold a hearing, giving both the Independent Investigator and the chief executive the right to call and question each other's witnesses

☐ If the Independent Investigator has held a full hearing, the Committee may choose to limit their meeting to a consideration of the Independent Investigator's report. However, the Committee will need to consider whether to call witnesses for clarification, bearing in mind the ACAS Code of Practice requirement that the employee should be given a reasonable opportunity to call relevant witnesses. The Independent Investigator and the chief executive should both attend the meeting and be given an opportunity to summarise their case.

Under both options the IDC hearing should be conducted in accordance with the ACAS Code of Practice.

## **8.2 New material evidence**

8.2.1 Where there is, at this stage, new evidence produced which is material to the allegation / issue and may alter the outcome, the IDC may:

- ☐ take this into account in making their decision or
- ☐ request that the Independent Investigator undertake some further investigation and incorporate the impact of the new evidence into an amended report

## **8.3 Recommendations by the Independent Investigator – outcomes or options**

8.3.1 The Independent Investigator is expected to recommend any disciplinary action that appears to be appropriate. At this stage clarity is to be welcomed and a clear reasoned recommendation should be given. However, it could be that there is not one obvious action and it may be that the Independent Investigator recommends a range of alternative actions.

8.3.2 Whilst the Independent Investigator's role is to make recommendations on disciplinary action, he / she may wish to comment on potential options for the way forward following the investigation process.

## **8.4 Decision by the IDC**

8.4.1 The IDC should take its decision on the basis of the Independent Investigator's report, and its own findings. It is open to the Committee to impose a lesser or greater sanction than that

recommended and it is obviously important for later stages of the procedure that the reasons for doing so are recorded.

### ***9. Action short of dismissal – (guidance)***

9.1 Where the chief executive is found to have no case to answer, appropriate communication should be prepared with the chief executive to ensure as far as possible that there is no damage to the chief executive's reputation.

9.2 Where the decision taken by the IDC is action short of dismissal, the action will be taken by the Committee itself. There is no requirement to seek confirmation by the council (or in authorities operating Mayor and cabinet or leader and cabinet executives, checking to see whether there are any objections raised by members of the executive). The constitution of the IDC will need to include the delegated power to take disciplinary action in these circumstances.

### ***9. Action short of dismissal – (procedure)***

The IDC may agree to impose no sanction, or to take action short of dismissal, in which case the Committee will impose an appropriate penalty / take other appropriate action.

***10. Where dismissal is proposed – (procedure)***

**Proposal to dismiss on the grounds of misconduct and for other reasons such as capability or some other substantial reason**

**Executive constitutions only**

In Mayor / cabinet and leader / cabinet **executive constitutions only**. The IDC will inform the Proper Officer that it is proposing to the council that the chief executive be dismissed and that the executive objections procedure should commence.

**Executive objections procedure**

The Proper Officer will notify all members of the executive of:

- The fact that the IDC is proposing to the council that it dismisses the chief executive
- Any other particulars relevant to the dismissal
- The period by which any objection to the dismissal is to be made by the leader / elected mayor on behalf of the executive, to the Proper Officer

At the end of this period the Proper Officer will inform the IDC either:

- that the leader / elected mayor has notified him / her that neither he / she nor any member of the executive has any objection to the dismissal
- that no objections have been received from the leader / elected mayor in the period or
- that an objection or objections have been received and provide details of the objections

The IDC will consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, then the Committee will act accordingly, i.e. it will consider the impact of the executive objections on its proposal for dismissal, commission further investigation by the Independent Investigator and report if required, etc.

9.3 The chief executive has a right of appeal against the decision (see **paragraph 11**).

Having satisfied itself that there are no material and well-founded objections to the proposal to dismiss, the IDC will inform the chief executive of the decision and put that proposal to the Independent Panel along with the Independent Investigator's report and any other necessary

proposal to the Independent Panel along with the Independent Investigator's report and any other necessary material. This is not a full re-hearing and will not involve the calling of witnesses

### **The role of the Independent Panel**

Where the IDC is proposing dismissal, this proposal needs to go before the Independent Panel.

Both parties should be present or represented (the IDC might be represented by its Chair or other nominated person at the meeting). The Panel should receive any oral representations from the Chief Executive, in which case it should invite any response on behalf of the IDC to the points made, and may ask questions of either party. The Independent Panel should review the decision and prepare a report for Council. This report should contain a clear rationale if the Panel disagrees with the recommendation to dismiss.

### **The role of the Council**

The council will consider the proposal that the chief executive should be dismissed, and must take into account:

- Any advice, views or recommendations of the Independent Panel
- The conclusions of the investigations into the proposed dismissal
- Any representations from the chief executive

The chief executive will have the opportunity to appear before the council and put his or her case to the council before a decision is taken.

### **Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts**

Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of an Independent Investigator or Independent Panel.

However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities. In addition, dismissals for all reasons including those set out in this paragraph must be approved by the Council itself.

## **10. Where the IDC proposes dismissal – (*guidance*)**

10.1 Where the Committee proposes dismissal, the Regulations require that the council must approve the dismissal before notice of dismissal is issued. Additionally, in councils that operate with either a Mayor and cabinet executive or a leader and cabinet executive, notice of dismissal must not be issued until an opportunity has been given to members of the executive to object to the dismissal.

### **10.2 Executive objections procedure**

10.2.1 The executive objections procedure set out in the model procedure reflects the requirements of the Standing Orders Regulations (see Schedule 1, Part 1 (Mayor and cabinet executive), Paragraph 6 and Part 2 (leader and cabinet executive), Paragraph 6).

10.2.2 It is important that the authority identify The ‘Proper Officer’ to undertake the role specified in the Regulations, i.e. notifying members of the executive of the proposal to dismiss, providing relevant information and the timescale during which any material and well-founded objections should be made.

10.2.3 It will also be appropriate to explain that in order for an objection to be considered material and well-founded, the objection would need to be not only based on evidence (well-founded) but must also be relevant to the case (material).

10.2.4 Given the procedure followed it would be unusual for a member of the executive to be in a position to raise an objection that would be sufficient to change the outcome significantly. However, this may be the case.

10.2.5 It is for the IDC to decide whether any objections put forward by members of the executive are material and well-founded. If they are, then the Committee will need to consider the effect of the objection and act accordingly. For example, this may require further investigation.

### **10.3 The role of the Independent Panel**

10.3.1 The Independent Panel must be appointed at least 20 days before the meeting of the council at which the recommendation for dismissal is to be considered.

10.3.2 It is likely that Independent Panel members will be unfamiliar with their role under the Regulations and with matters relating to the working environment of chief executives. Accordingly, it is important for Panel members to be offered appropriate training for the role the Panel is to fulfil.

10.3.3 The role of the Panel is to offer any advice, views or recommendations it may have to the council on the proposal for dismissal. The Panel will receive the IDC proposal and the reasons in support of the proposal, the report of the Independent Investigator and any oral and / or written representations from the chief executive. The Independent Investigator may be invited to attend to provide clarification if required. The Panel will be at liberty to ask questions of either party.

10.3.4 The Panel should then formulate any advice, views or recommendations it wishes to present to the council. If the Panel is recommending any course of action other than that the council should approve the dismissal, then it should give clear reasons for its point of view.

#### **10.4 The role of the Council**

10.4.1 The Regulations require that in all constitutions, where there is a proposal to dismiss the chief executive, the council must approve the dismissal before notice of dismissal is issued. The council must therefore consider the proposal and reach a decision before the chief executive can be dismissed.

10.4.2 Given the thoroughness and independence of the previous stages, in particular, the investigation of the Independent Investigator (where applicable), it will not be appropriate to undertake a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the proposal to dismiss, and any advice, views or recommendations of the Independent Panel.

10.4.3 The chief executive will have the opportunity to attend and be accompanied by their representative and to put forward his / her case before a decision is reached.

10.4.4 The Council is at liberty to reject the proposal to dismiss. It can then decide on the appropriate course of action which could include substituting a lesser sanction or, in a case of misconduct or other reasons such as capability or some other substantial reason, referring it back to the IDC to determine that sanction.

## **11. Appeals – (guidance)**

### **11.1 Appeals against dismissal**

11.1.1 *Discipline and Grievance – ACAS Code of Practice* requires that an employee who has been dismissed is provided the opportunity to appeal against the decision.

11.1.2 As the Standing Orders Regulations require that the council approves the dismissal before notice of dismissal is issued, there might be some concerns about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss. The model procedure therefore envisages that the council meeting fulfils the requirement for an appeal. Before the council takes a decision on the recommendation to dismiss the chief executive it will take representations from the chief executive. Those representations will constitute the appeals process.

### **11.2 Appeals against action short of dismissal**

#### ***11. Appeals – (procedure)***

##### ***Appeals against dismissal***

Where the IDC has made a proposal to dismiss; the hearing by the council will also fulfil the appeal function.

##### ***Appeals against action short of dismissal***

If the IDC takes action short of dismissal, the chief executive may appeal to the Appeals Committee. The Appeals Committee will consider the report of the Independent Investigator and any other relevant information considered by the IDC, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The chief executive will have the opportunity to appear at the meeting and state his / her case.

The Appeals Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.



11.2.1 Appeals against actions short of dismissal will be heard by the Appeals Committee. The appeal hearing will take the form of a review of the case and the decision that was taken by the IDC.

11.2.2 This process should follow the procedure that the local authority applies generally to its other employees.

### ***1. Issues requiring investigation – (procedure)***

Where an allegation is made relating to the conduct or capability of the chief executive or there is some other substantial issue that requires investigation, the matter will be considered by the Investigating & Disciplinary Committee (IDC).

This Committee will be a standing committee appointed by the council. Arrangements for flexibility are recommended in the event that a member of the standing committee has a conflict of interest.

## **B. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE - WALES**

### ***1. Issues requiring investigation – (guidance)***

#### ***1.1 The Local Authorities (Standing Orders) (Wales) Regulations 2006***

1.1.1 The Local Authorities (Standing Orders) (Wales) Regulations 2006 (Regulation 8, and Schedule 4) require that no disciplinary action be taken against the chief executive other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). The definition of disciplinary action (Interpretation, Regulation 2) is wide.

1.1.2 Disciplinary action: in relation to a member of staff of a relevant authority (county council or county borough council) means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

This definition would therefore include other reasons for dismissal such as capability or some other substantial reason including a breakdown in trust & confidence between the chief executive and the authority.

1.1.3 Therefore, although the definition refers to disciplinary action, it clearly requires that any action that could lead to a warning for misconduct or where there are circumstances which may result in a proposal for dismissal for any reason other than the following be covered by the process:

- ☑ Redundancy;
- ☑ Expiry of a fixed term contract;
- ☑ Retirement or termination on permanent ill-health grounds.

1.1.4 The attached **Appendix 5d** sets out those circumstances that could potentially result in dismissal and whether or not they are covered by this procedure.

## **1.2 Structures to manage the procedure**

1.2.1 A key feature of the model procedure is the specific roles envisaged by the IDC, the Appeals Committee and the council. Authorities will need to consider a number of important issues around the composition of committees and the delegation of appropriate powers. In particular, it must be borne in mind that the appointment and dismissal of staff are non-executive functions. Therefore these bodies have to be put in place by the council not the leader / Mayor or executive.

1.2.2 The Welsh regulations require (Regulation 9 (1)) that when it appears that an allegation of misconduct which may lead to disciplinary action has been made against the head of paid service (chief executive) the authority must appoint a committee (“an investigation committee”) to consider the alleged misconduct. In this model the JNC envisages that for practical reasons, not explicitly set out in the regulations, this committee will have a wider function than performing only the initial investigation. For example it will also receive the report of the Designated Independent Person, may make recommendations to full council, may take disciplinary action itself in some circumstances (in accordance with the regulations) and have a number of other functions such as powers to suspend the chief executive and appoint a Designated Independent Person, etc. It is therefore referred to throughout as the Investigating and Disciplinary Committee (IDC) (It does not matter what the committee is called locally, and it could for example perform other local functions. The important feature is that it has appropriate powers and resources to perform its role and responsibilities). It is also envisaged and strongly advised that authorities should have a standing committee rather than attempt to set one up only when an allegation arises. The IDC must be a politically balanced committee comprising a minimum of three members (Regulation 9 (2)) although an authority might wish to have a larger committee, particularly if this is necessary to achieve political balance. Where authorities operate a leader / cabinet or mayor / cabinet executive structure, this must include one member of the executive but not more than half of the members of the committee are to be members of the executive. This Committee may

need to be in a position to take decisions and appropriate actions as a matter of urgency. It may need to meet at very short notice to consider allegations and decide whether there is a case to answer and to consider whether suspension of the chief executive might be appropriate. It is also possible that in some circumstances members of the committee may find themselves in a position where they have a conflict of interest. It is therefore recommended that authorities take this into account when constructing the committee and its powers, including the quorum and substitutes. The role of the IDC is explained further at appropriate stages in the guidance.

1.2.3 The Appeals Committee is not stipulated in the Standing Orders Regulations but again has a practical purpose in relation to the procedure. Again it must be a politically balanced committee and it is strongly recommended that it be a standing committee. The number of members is not specified but it is suggested, as with the IDC that there is a minimum of three members but that an authority might wish to have a larger committee. The members of the Appeals Committee should not be members of the IDC. Where authorities operate an executive structure this must include one member of the executive but not more than half of the members of the committee are to be members of the executive. The Appeals Committee will have a more limited role. Its purpose will be to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to award no sanction or a lesser sanction.

### **1.3 Managing access to the procedure (see also paragraph 5.1)**

1.3.1 The procedure itself does not require that every single issue which implies some fault or potential error on the part of the Chief executive be investigated using this process. It is for the authority to decide the issues that will engage the formal process.

1.3.2 Authorities will therefore need to consider what constitutes an 'allegation' made relating to the conduct or capability of the Chief executive and what it considers are other substantial issues requiring investigation. Clearly the route for complaints against the council and the chief executive and for issues that might be substantial and require some form of investigation, and possibly formal resolution, is varied. Ideally, procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded, or trivial or can best be dealt with under some other procedure.

1.3.3 For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the council's general complaints procedure. If the matter is a grievance from a member of staff directed against the chief executive, it may be appropriate to first deal with it through the council's grievance procedure. Of course if the matter were a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would be one that would be suitable for an investigation under the disciplinary procedure.

1.3.4 An authority will need to put into place arrangements that can manage the process. In particular - that records are kept of allegations and investigations and that there is a clear route into the disciplinary procedure. It could be, for example, that in the case of allegations against the chief executive, the monitoring officer, and the Chair of the IDC would oversee referrals to that Committee. Alternatively, some authorities might prefer that the role were performed by the HR Director.

1.3.5 Where the issue to be investigated is related to the sickness absence or capability of the chief executive in terms of performance, there is likely to be a link with the authority's sickness procedure and appraisal / performance management procedure.

## ***2. Timescales – (procedure)***

It is in the interests of all parties that proceedings be conducted expeditiously. It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

1.3.6 Where management action is required in respect of the normal sickness of the chief executive, the authority needs to be clear about who takes appropriate actions. Initially, it could be the normal management team of elected members or Director of HR (according to local procedures) who will follow the authority's normal sickness absence procedures. Whoever is responsible will report to the IDC as appropriate to the matter being investigated – in particular where procedures have been followed to the point where dismissal appears to be a possibility (see flow diagrams **Appendices W5a, 5b and 5c**).

1.3.7 Any shortcomings in a chief executive's performance can be better identified, and therefore remedied, at an early stage if there is an objective performance appraisal system in place as required by the JNC agreement (see **Appendix 2**). For a chief executive the system is likely to be linked to objectives in the authority's community plan and the performance objectives should be specific, measurable, achievable, realistic, and time-related. It may, but will not necessarily, be the system against which pay progression is measured (see **Appendix 5c**).

## **2. Timescales – (guidance)**

2.1 An important principle when taking disciplinary action is that the process should be conducted expeditiously but fairly. There is, therefore, a need to conduct investigations with appropriate thoroughness, to arrange hearings and allow for representation. It is not in the interests of the

council, or the chief executive, that proceedings are allowed to drag on without making progress towards a conclusion.

## **2.2 Statutory and indicative timescales**

2.2.1 The procedure does not set out explicit timescales except those specifically referred to in the Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended). In this guidance we also make reference to other statutory timescales and restrictions which are applicable to disciplinary procedures more generally, such as those contained in the Employment Relations Act 1999 (in connection with the right to be accompanied).

## **2.3 Avoiding delays in the procedure**

One cause of delay in the procedure is the availability of the key people necessary to manage and control the process.

### **2.3.1 Availability of the Designated Independent Person (DIP) (see paragraph 6)**

(a) The Local Authority (Standing Orders) (Wales) Regulations 2006 require that the Designated Independent Person must be agreed between the council and the chief executive within 1 month of the date on which the requirement to appoint the Designated Independent Person arose otherwise a Designated Independent Person will be nominated by Welsh Ministers for formal appointment by the council. The practicalities of discussing and agreeing on the DIP is a matter which could be delegated to an appropriate officer, eg, Monitoring Officer or HR Director.

(b) There is no provision in the Regulations on the amount of the fee to be paid to the DIP for their work. However, the Regulations do provide that the authority must pay reasonable remuneration to the DIP, including any reasonable costs.

(c) Where a decision has been taken to appoint a DIP it is important that the authority move quickly to achieve this to adhere to the timescale set out in the regulations in (a) above but also due to the two-month time limit on suspension, this is also particularly important where the chief executive has been suspended.

(d) The regulations provide that it is the committee's responsibility to appoint the Designated Independent Person. This would include agreeing the terms of remuneration and working methods for the Designated Independent Person.

(e) The JNC Joint Secretaries maintain a list of individuals who have the necessary knowledge and experience of local government issues to act at this level and in this capacity. The list is intended to provide a resource to local authorities. It also provides a way to help avoid unnecessary delays.

### **2.3.2 Availability of the chief executive in case of sickness**

(a) It is possible that the sickness of the chief executive could impact on the ability to follow the disciplinary procedure. This may be because:

- ▣ the issue under investigation is the chief executive's sickness in itself (i.e. a capability issue); or alternatively
- ▣ while during an investigation for another reason such as allegations about the chief executive's conduct, the chief executive commences sickness absence during the disciplinary process

(b) In principle, the sickness of the chief executive will invoke the local authority's normal sickness procedures. The nature of the investigation and facts surrounding the sickness will dictate the appropriate way of dealing with the issue.

(c) If the investigation is about the long-term sickness or frequent ill-health problems experienced by the chief executive the authority should have already obtained appropriate medical information and advice by following its local processes which would normally include referral to the authority's occupational health adviser who would examine the chief executive and / or seek further medical information from the chief executive's GP or any specialist dealing with the case. However, the IDC or Designated Independent Person may feel the need for further or more up-to-date advice and again they should use the authority's normal processes and procedures to obtain this. If the chief executive's absence or problems at work are as a result of a disability which places him / her at a substantial disadvantage compared to others without the disability, then the authority must consider and undertake reasonable adjustments in order to remove the disadvantage. The IDC must satisfy itself that this has been fully considered and that no further reasonable adjustments could be made which would remedy the situation.

(d) Where the issue under investigation is not health-related and is e.g. the conduct of the chief executive and the chief executive then commences sickness absence then the approach will depend on the type and length of the illness and exactly when it occurs during the process.

(e) A short period of illness should not normally create a major problem although the timing of the illness can create difficulties if it coincides with scheduled meetings for investigating or hearing aspects of the case. If this occurs then reasonable efforts should be made to rearrange the meeting. However, if the sickness becomes more persistent or is likely to become longer term then the authority will take steps to identify whether the chief executive, although possibly not fit to perform the full range of duties, is fit enough to take part in the investigation or disciplinary hearing.

(f) If it appears that there will be a long period of ill health which will prevent the chief executive taking part in the process, the authority and possibly the DIP will have to make a judgement as to how long to wait before proceeding. In some cases it may be appropriate to wait a little longer where a prognosis indicates a likely return within a reasonable timescale.

(g) However, where this is not the case, the authority will in most cases need to press ahead given the importance of resolving issues which can have a significant impact on both parties due to the nature and high profile of the role of chief executive. If this is the case the authority should ensure that the chief executive is given the opportunity to attend any meetings or hearings. However, the chief executive should be informed that if they cannot attend the meetings or hearings then they would proceed without them. If this is the case the chief executive may make written submissions to be considered and may also send their representative to speak on their behalf before a decision is taken.

### **2.3.3 Availability of representative**

The availability of the chief executive's representative can also be a possible cause of delay. Reasonable account should be taken of the availability of all relevant parties when setting dates and times of meetings. Where it is simply not possible to agree dates to suit everybody the authority needs to be aware of the statutory right to be accompanied at disciplinary hearings and to take this into account when setting dates (see **Paragraph 4**).

### **2.3.4 Availability of witnesses**

If the Designated Independent Person allows either party to call witnesses and the witnesses are unable to attend, their evidence should not be discounted and should still be considered. Alternatives may include written statements or minutes / records where individuals have been interviewed as part of the investigation. However, such evidence may not carry the same weight as evidence that can be subjected to cross-examination.

### **2.3.5 Availability of committee members**



(a) It is recommended that, in addition to the requirements set out in **paragraphs 1.22 and 1.23** in establishing the IDC and the Appeals Committee, authorities take availability issues into account and any operational quorum when considering the numbers of members to serve on these committees.

(b) It should be particularly borne in mind that the IDC might need to be able to meet at short notice to consider serious allegations against the chief executive.

### **3. Suspension – (guidance)**

#### **3. Suspension – (procedure)**

Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

However, the IDC will need to consider whether it is appropriate to suspend the chief executive. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the chief executive might compromise the investigation or impair the efficient exercise of the council's functions.

In any case, the chief executive shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

An elected member should hold the delegated power to suspend the chief executive immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the chief executive are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

Any suspension must not last longer than 2 months unless the Independent Person has used his / her power to direct an extension to that period.

3.1 Although suspension in order to investigate an allegation or a serious issue is not disciplinary action in itself it is a serious step in the process that should be managed well. Unlike with most other posts, the suspension of the chief executive may come immediately to the attention of the local and perhaps national media with potentially damaging consequences for the reputation of the chief executive and the authority.

3.2 Where a chief executive is suspended and facing allegations this is potentially stressful for the individual and disruptive to the council. It is therefore in the interests of the chief executive and the council that such cases are dealt with as expeditiously as possible.

### **3.3 Alternatives to suspension**

Suspension will not be appropriate in every case, as this will depend on the nature of the allegation or seriousness of the issue. Before suspending the chief executive, careful consideration should be given to whether it is necessary and whether there are any other suitable alternative ways of managing the situation, for example by agreeing particular working arrangements such as working from home for a period or working in some other way that protects the chief executive and authority from further allegations of a similar nature.

### **3.4 Power to suspend**

(a) The chief executive is the head of paid service and normally bears the delegated responsibility for implementing council policy on staffing matters. However, when it is the chief executive who is the subject of an allegation or investigation, the authority will need to be clear about who has the power to suspend the chief executive and in what circumstances.

(b) The point at which it may become clear that suspension is an appropriate action is likely to be at the stage where the IDC has conducted its initial assessment. The model procedure therefore envisages that that Committee should have the power to suspend the chief executive.

### **3.5 Short notice suspension**

The procedure also recognises that in exceptional circumstances it may be necessary to suspend at very short notice and before the IDC can meet, e.g. because the remaining presence of the chief executive could be a serious danger to the health and safety of others, or a serious risk to the resources, information or reputation of the authority. An elected member should hold the

delegated power to suspend in an emergency. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

### **3.6 Suspension protocols**

(a) If suspension were deemed appropriate, the IDC (or in exceptional circumstances, the chair) would also be the appropriate body to agree or authorise any protocols which are necessary to manage the suspension and the investigation. For example, the chief executive might request access to workplace materials and even witnesses. Arrangements should be made to manage such requests and facilitate appropriate access. Another general principle would be that whilst suspended, the chief executive would remain available to participate in the investigation and to attend any necessary meetings. Therefore other important issues would include communication channels for day-to-day communication and any stipulations for reporting any scheduled or unscheduled absence from the area, e.g. pre-arranged holiday.

### **3.7 Time limits on suspension**

(a) Where the chief executive is suspended The Local Authorities (Standing Orders) (Wales) Regulations 2006 (Regulation 8, Schedule 4) specify that any suspension for the purposes of investigating the allegation must be on full pay and terminate no later than 2 months from the day the suspension takes effect. This period can be extended by the Designated Independent Person who also has the power to vary the terms on which any suspension has taken place.

(b) Where a chief executive is suspended and it is decided that a Designated Independent Person shall be appointed, the authority must look to a speedy appointment. It is not always easy to identify and agree terms with a Designated Independent Person and any delay in commencing the process could create the danger that the 2-month period may expire before a DIP is in place. The regulations indicate that the chief executive would then be entitled to return to work. If such

## **4. Right to be accompanied – (procedure)**

Other than in circumstances where there is an urgent requirement to suspend the chief executive, he or she will be entitled to be accompanied at all stages.

a situation arises it would be preferable to try to reach an agreement with the chief executive on an alternative to them returning to the office until the Designated Independent Person has been appointed.

## **4. Right to be accompanied – (guidance)**

4.1 Although the statutory right to be accompanied applies only at a disciplinary hearing, the JNC procedure provides the opportunity for the chief executive to be accompanied at all stages by their trade union representative or some other person of their choice, at their own cost.

4.2 The procedure recognises that there may be, in exceptional circumstances, a need to suspend the chief executive at short notice, when it is not possible to arrange for their trade union representative to be present. These circumstances might include for example where there is a serious risk to the health and safety of others or serious risk to the resources, information, or reputation of the authority.

4.3 Although it would be beneficial to agree dates for the necessary meetings required, the procedure cannot be allowed to drag on owing to the unavailability of a representative. The statutory right to be accompanied in a disciplinary hearing contained in s.10 of the Employment Relations Act 1999 applies only to hearings where disciplinary action might be taken or be confirmed. That is to say when a decision may be taken on the sanction or a decision may be confirmed during an appeal. In this model procedure the statutory entitlement to be accompanied would arise:

- ▣ where the IDC considers the report of the Designated Independent Person and provides the chief executive with the opportunity to state their case before making its decision
- ▣ during any appeal against the decision taken by the IDC
- ▣ At a council meeting considering a proposal for dismissal and also fulfilling the requirement relating to a right of appeal

4.4 At these important stages (IDC receiving the report of the DIP and any appeal against the decision taken by that Committee), if the chief executive's trade union representative is unavailable for the date set then the chief executive will have the right under the provisions of the Employment Relations Act 1999, to postpone the meeting for a period of up to one week.

4.5 If the representative is unable to attend within that period the authority will have the right to go ahead with the hearing without further delay, although reasonable consideration should be given to arranging an alternative date.

**5. Considering the allegations or other issues under investigation –  
(procedure)**

The IDC will, as soon as is practicable inform the chief executive in writing of the allegations or other issues under investigation and provide him / her with any evidence that the Committee is to consider including the right to hear oral evidence.

The chief executive will be invited to put forward written representations and any evidence including evidence from witnesses he / she wishes the Committee to consider.

The Committee will also provide the opportunity for the chief executive to make oral representations.

The IDC will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the chief executive before taking further action.

The IDC shall decide whether:

- the issue requires no further formal action under this procedure; or
- the issue should be referred to a Designated Independent Person.

**5. Considering the allegations or other issues under investigation – (guidance)**

5.1 The range of issues and to some extent the seriousness of the issues, which come before the IDC, will depend on the filter that the council adopts. Issues such as those relating to sickness absence and performance are likely to arise at the IDC having followed the authority's sickness absence or performance management / appraisal procedures (see **paragraph 1.3**).

5.2 It is possible in some cases that with some minimal investigation the IDC can dismiss the allegation without even the need to meet with the chief executive. However, this procedure is aimed at dealing with situations where the matter is not so easily dismissed. It therefore provides a process whereby the chief executive is made aware of the allegations and provided with the opportunity to challenge the allegations or to make their response. The IDC has a number of specific powers. It

(a) may make such enquiries of the chief executive or any other person it considers appropriate

(b) may request the chief executive or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit, and (c) may receive written or oral representations from the chief executive or any other person it considers appropriate

5.3 When an issue comes before the IDC it needs to make a judgement as to whether the allegation can be dismissed or whether it requires more detailed investigation by a Designated Independent Person (DIP). The regulations (Reg 9 (2)) require that the Committee must make its decision within 1 month of its appointment to consider the allegation. As the procedure envisages a standing committee in place to consider allegations we believe that the 1 month period would begin to run from the date that the 'allegation' was put to the Committee for consideration.

5.4 The appointment of a Designated Independent Person is a serious step but does not mean that the chief executive is guilty of some misdemeanour. In some cases the eventual result of the investigation will be to absolve the chief executive of any fault or wrongdoing. The appointment of a Designated Independent Person operates independently so that both the authority and the chief executive can see that matters are dealt with fairly and openly. However, the matter still needs to be handled carefully in public relations terms due to the potential damage to the reputation of the chief executive or the local authority.

#### **5.4.1 Threshold test for the appointment of a DIP**

Cases will vary in complexity but the threshold test for the IDC in deciding whether to appoint a Designated Independent Person is to consider the allegation or matter and assess whether:

- ☐ if it were to be proved, it would be such as to lead to the dismissal or other action which would be recorded on the chief executive's personal file; and
- ☐ there is evidence in support of the allegation sufficient to require further investigation.

#### **5.4.2 Conducting the initial IDC Investigation**

(a) It is intended that this stage is conducted as expeditiously as possible with due regard to the facts of the case. At this stage it is not necessarily a fully detailed investigation of every aspect of the case as that will be the responsibility of the Designated Independent Person (if appointed). However, it is important that before any decision is taken to appoint a Designated Independent

Person the chief executive is aware of the allegations that have been made against him / her (or the issue to be addressed) and given the opportunity to respond.

(b) This will be achieved by:

☐ The IDC writing to the chief executive setting out the allegations / issues and providing any evidence to be considered.

☐ Providing the opportunity for the chief executive to respond to the allegations in writing and to provide personal evidence or witness evidence.

☐ Providing the opportunity for the chief executive to appear before the IDC and to call witnesses.

(c) Fair notice should be given to enable the chief executive adequate time to prepare a response to the allegations or issues under investigation. During the initial hearing by the IDC, the chief executive is entitled to attend and can be accompanied by a representative (subject to **paragraph 2.3.3** and **paragraph 4**).

#### **5.4.3 Treatment of witness evidence**

In general, if the authority has witness evidence relating to an allegation this should be presented to the chief executive, although in exceptional cases it might be appropriate to anonymise the evidence in order to protect the identity of a witness. However, it remains important that the detail of the allegation is put to the chief executive in order that he / she understands the case against him / her.

#### **5.4.4 Conflicts of interest**

(a) The model procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing IDC. **Paragraph 1.2.2** indicates the basic rules concerning its membership. However, because a standing committee will comprise named councillors, there may be occasions when this presents problems of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Committee, although they will of course be able to give evidence, if required. The authority should attempt to construct its Committees, established quorums, and substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the council to establish a new Committee to perform the function of the IDC.



(b) Declarations of interest are matters for individual councillors who are required to follow the authority's Code of Conduct for Members and can seek advice from their Monitoring Officer or Standards Committee. Considerable problems could follow for the speed at which the case is conducted if the chief executive considers there are valid grounds for making a formal complaint to the Public Services Ombudsman for Wales about the involvement of a councillor in a case.

#### **5.4.5 Maintaining the fairness and integrity of the procedure**

Where there is a matter that requires investigation it is important that a fair and correct procedure is followed. Allegations against the chief executive or serious issues that require resolution should follow this procedure. It is important that councillors do not undermine the fairness of the procedure by for example putting motions to full council about the case as there is a serious risk that it could prejudice the disciplinary procedure. Additionally, such actions will not only create adverse publicity for the authority and the chief executive but may create conflicts of interest and could limit the role that those councillors can then take as the case progresses.

#### **5.4.6 Other appropriate actions**

(a) It could be that when faced with an issue, whether it be an allegation of misconduct, or connected with the capability of the chief executive, or some other substantial issue, the IDC might be in a position to consider alternatives to immediately moving to the appointment of a Designated Independent Person or alternatively to dismiss the allegation or issue.

(b) Clearly this will depend on the facts of the matters being investigated. It could be that the authority has another more appropriate policy or procedure to follow. Alternatively, it could be that the issue is one which might benefit from some mediation or attempts to resolve the particular issue in dispute prior to moving to appointing a Designated Independent Person.

(c) It is possible at any stage to consider the mutual termination of the contract and sometimes this will be a suitable alternative for all concerned. This might particularly be the case where relationships are breaking down but there is no evidence of misconduct attached to the chief executive. The Joint Secretaries could be available to assist (see **Appendix 4**).

(d) If any financial settlements are considered, it is important that such an arrangement:

☐ Falls within the authority's discretions under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 or

☐ Is a payment in consideration of an agreement that compromises a genuine legal claim that the chief executive might have at a Court or Employment Tribunal

(e) The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 are designed to enable a local authority to compensate employees whose employment terminates on grounds of redundancy or in the interests of the efficient exercise of the authority's functions. It is therefore possible that a payment will be legitimate in certain circumstances. However, where there is an obvious case requiring disciplinary action and the allegation is such that dismissal is a likely outcome, it is not likely that a District Auditor will sanction a deal under the current regulations.

(f) The authority must take appropriate legal advice when attempting to reach a financial settlement to ensure that any payment is justified. Relevant considerations will include the likelihood of the claim succeeding and the amount of compensation that could be awarded by a Court or an Employment Tribunal.

#### **5.4.7 Power to agree financial settlements**

When considering its delegation of power the authority must include consideration of which Committee or Officer has the authority to negotiate a settlement and also a process by which any settlement would be sanctioned including liaison with the appointed auditor.

#### **5.4.8 Access to appropriate professional / independent advice**

(a) Conducting an investigation into allegations or serious issues involving the chief executive can be demanding on the individuals involved. The IDC (and the Appeal Committee and council) will have access to the local authority's officers, but given the closeness of relationships between the chief executive and the other senior officers this can be a difficult time for those required to advise the Committee, to conduct investigations internally, or to source advice from outside the authority.

(b) The authority should provide that the IDC has powers to appoint external advisers as appropriate. Useful sources of general advice on the operation of the procedure and assistance with conducting investigations include the Local Government Association by contacting the Employers' Secretary or from the Welsh Local Government Association or ALACE or SOLACE.

In addition to this general advice and assistance, given the potential complexity of the issue, authorities might also require access to their own legal advice.

#### **5.4.9 Ill-health - medical advice**

In cases of capability related to sickness or where during the course of any other investigation, the ill-health of the chief executive results in their unavailability it will be important that the Investigating and Disciplinary Committee has access to appropriate medical advice from the council's Occupational Health provider (see **paragraph 2.3.2**).

#### **5.4.10 Performance**

(a) Where the issue is one of capability in terms of performance or competence, other than ill-health, the council will need to be in a position to establish or demonstrate the nature of the concerns. Evidence will be necessary in order to justify a further investigation.

## **6. Appointment of a Designated Independent Person – (procedure)**

The Designated Independent Person must be agreed between the IDC and the chief executive within 1 month of the decision to appoint a DIP. If there is a failure to agree on a suitable Designated Independent Person the council will appoint the person nominated by Welsh Ministers.

Once a Designated Independent Person has been agreed, the IDC will be responsible for making the appointment, providing the necessary facilities, agreeing remuneration and providing all available information about the allegations.

(b) This might come from a variety of sources, e.g. performance appraisal records, inspection reports, etc. Where the council follows an established appraisal / performance management process, this can also provide an appropriate route to establishing issues suitable for referral to the Investigating & Disciplinary Committee (see **Appendix 2**).

(c) Where the issue is breakdown of trust and confidence, the council will need to be able to establish that the fault for the breakdown could reasonably be regarded as resting solely or substantially with the chief executive.

## **6. Appointment of a Designated Independent Person - (guidance)**

6.1 Where a decision has been taken to appoint a Designated Independent Person it is important that the council moves quickly to achieve this. The Regulations provide that the authority and the chief executive must agree on a DIP within 1 month of the decision to appoint one. This may also be particularly important if the chief executive has been suspended because of the two-month time limit on suspension (see **paragraph 2.3.1**).

6.2 The IDC is responsible for appointing the Designated Independent Person. This will include issues such as the terms of remuneration and working methods.

### **6.2.1 Terms of reference – allegations or issues to be investigated**

(a) When appointing the Designated Independent Person it is important that they are provided with terms of reference. The DIP will need to be:

- ☑ aware of the precise allegation(s) or issue(s) to be investigated
- ☑ provided with access to sources of information and people identified as relevant to the case

▣ aware of expectations regarding timescales and any known factors which could hinder their investigation, e.g. the availability of key people

(b) The IDC will be responsible for providing this information. It will also be in a position to discuss timescales for the Designated Independent Person's investigation. The Committee must, after consulting the Designated Independent Person, attempt to agree a timetable within which the DIP is to undertake the investigation. Where there is no agreement the DIP must set a timetable which he / she considers appropriate.

### **6.2.2 Remuneration**

(a) There is no provision in the Regulations that stipulates the rate of remuneration to be paid to the Designated Independent Person for their work. However, the Regulations do provide (Regulation 9 (10)) that:

*'A relevant authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.'*

(b) This is a fairly broad obligation on local authorities. One issue that has caused delay and failure to appoint in some cases is the issue of providing the Designated Independent Person with an indemnity. Some DIPs may decline to accept the role unless the authority indemnifies them against any future legal costs arising from the role performed. There has been a difference of opinion as to whether the DIP should have insurance in their own right to cover such an eventuality, or whether the council should provide this or indeed whether it has the power to do so. In the opinion of the CLG, at the time of implementation, this issue is to all intents and purposes resolved by the wording of Regulation 9(10), i.e. that the Regulations require the council to bear all of the costs of the DIP incurred by him / her in, or in connection with, the discharge of his / her functions under this Regulation.

## **7. The Independent Person investigation – (guidance)**

### **7.1 Resources**

The amount of time required to be spent on the investigation will depend on the case. Due to the demands on their time, the DIP could decide to delegate

## **7. The Independent Person investigation – (procedure)**

*The Local Authorities (Standing Orders) (Wales) Regulations 2006* require the Designated Independent Person to investigate and make a report to the council. In this model procedure this would be the IDC. The JNC believes that the Designated Independent Person should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which the allegations and supporting evidence including evidence provided by witnesses are stated by the authority's representative and the chief executive or his / her representative is able to present his / her case.

Once appointed it will be the responsibility of the Designated Independent Person to investigate the issue / allegation and to prepare a report:

*stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason; and recommending any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.*

Note: wording above not all in regulations but necessary to deal with other situations resulting in proposals to dismiss

some of the investigation work to an assistant. This should be agreed with the IDC and the chief executive should be informed. If the work is delegated to someone else outside of the authority this might also require further discussion on any difference in the terms of remuneration for the assistant to the Designated Independent Person.

## **7.2 Working arrangements**

7.2.1 Once appointed it will be the responsibility of the Designated Independent Person to investigate the issue / allegation and to prepare a report:

- ▣ stating in his / her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or other issue under investigation and
- ▣ to recommend any disciplinary action which appears to him / her to be appropriate for the council to take against the head of paid service / chief executive

7.2.2 The IDC must, after consulting the Designated Independent Person, attempt to agree a timetable within which the DIP is to undertake the investigation. Where there is no agreement the DIP must set a timetable which he / she considers appropriate.

7.2.3 The Regulations only require the Designated Independent Person to investigate and report to the council. The methodology should be confirmed with the parties. However, the JNC believes that the Designated Independent Person should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which details of the allegations and supporting evidence are stated by the authority's representative and where the chief executive is given the opportunity to respond.

## **7.3 Power to extend suspension**

7.3.1 The Regulations provide that suspension of the chief executive for the purposes of investigating the issue should last for no longer than two months.

7.3.2 The DIP does not have the power to suspend the chief executive and neither is his / her permission required in order to suspend the chief executive. However, the Regulations provide

that where the authority has suspended the chief executive, the Designated Independent Person has the power to direct:

- that the authority terminate the suspension
- that the suspension should continue beyond the two month limit

#### ***8. Receipt and consideration of the Designated Independent Person's report by the IDC– (procedure)***

The IDC will consider the report of the Designated Independent Person and also give the chief executive the opportunity to state his / her case before making a decision. Having considered any other associated factors the Committee may:

- Take no further action
  - Recommend informal resolution or other appropriate procedures
  - Refer back to the Designated Independent Person for further investigation and report*
  - Take disciplinary action against the chief executive short of dismissal
  - Recommend dismissal of the chief executive to the council
- that the terms on which the suspension has taken place must be varied

#### **7.4 Confidential contact at authority**

7.4.1 Although the Designated Independent Person has a degree of independence, it is advisable to agree some protocols for his / her investigation in order that disruption to the council's work is kept to a minimum at what can be a difficult time. The Designated Independent Person will also require agreed contact and reporting arrangements with the parties. It is recommended therefore that the council designates an officer to administer the arrangements.

7.4.2 During the investigation the Designated Independent Person will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed.

#### ***8. Receipt and consideration of Designated Independent Person's report by the IDC - (guidance)***



## **8.1 Report of the Designated Independent Person**

The requirement is that the Designated Independent Person makes a report to the council and sends a copy to the chief executive simultaneously. In the JNC procedure it is envisaged that the report be made to the IDC which will have delegated powers from the authority to receive the report and take a decision on the outcome. Unless the chief executive is exonerated by the report then at this stage the chief executive should be given the opportunity to state his / her case before the committee makes its decision.

## **8.2 New material evidence**

Where there is, at this stage, new evidence produced which is material to the allegation / issue and may alter the outcome, the IDC may:

- ▣ take this into account in making their decision or
- ▣ request that the Designated Independent Person undertake some further investigation and incorporate the impact of the new evidence into an amended report

The way the evidence is taken into account will depend on its nature. The introduction of new evidence in itself cannot be used to justify a more serious sanction than recommended by the Designated Independent Person. If this is a possibility, the Designated Independent Person should review his / her decision taking into account the new evidence.

## **8.3 Recommendations by the DIP - outcomes or options**

8.3.1 The Regulations require the Designated Independent Person to recommend any disciplinary action that appears to be appropriate. At this stage clarity is to be welcomed and a clear reasoned decision is preferable. However, it could be that there is not one obvious action and it may be that the Designated Independent Person recommends a range of alternative actions. In this case the IDC would need to select the action to be taken.

8.3.2 Whilst the DIP's role is to make recommendations on disciplinary action, he / she may wish to comment on potential options for the way forward following the DIP process.

## **8.4 Decision by the IDC**

The Committee is required to take a decision on the basis of the Designated Independent Person's report. It is always open to the Committee to impose a lesser sanction than that recommended but it cannot impose a greater sanction.

#### **9. Action short of dismissal – (guidance)**

Where the decision taken by the Committee is action short of dismissal the action will be taken by the Committee itself. There is no requirement to seek confirmation by the council. The constitution of the IDC will need to include the delegated power to take disciplinary action in these circumstances.

#### **10. Where the IDC proposes dismissal – (guidance)**

##### **9. Action short of dismissal – (procedure)**

Where the decision is to take action short of dismissal the IDC will impose the necessary penalty / action, up to the maximum recommended by the Designated Independent Person.

Where the Committee proposes dismissal the Regulations require that the council must approve the dismissal before notice of dismissal is issued.

#### **10.2 Executive objections procedure**

10.2.1 Although previous statutory guidance referred to conducting an executive objections procedure in authorities operating leader / cabinet and mayor / cabinet constitutions this is not required.

#### **10.3 The role of The Council**

10.3.1 The Regulations require that where there is a proposal to dismiss the chief executive, the council must approve the dismissal before notice of dismissal is issued. The Council must

therefore consider the proposal from the IDC and reach a decision before the chief executive can be dismissed.

10.3.2 Given the thoroughness and independence of the previous stages, in particular, the investigation of the Designated Independent Person it will not be appropriate to undergo a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the recommendation to dismiss.

10.3.3 The chief executive will have the opportunity to be accompanied by their representative and to put forward his / her case before a decision is reached.

## **11. Appeals – (guidance)**

### **11.1 Appeals against dismissal**

11.1.1 *Discipline and Grievance at Work – The ACAS Guide* requires that an employee who has been dismissed is provided the opportunity to appeal against the decision.

11.1.2 As the Standing Orders Regulations require that the council approves the dismissal before notice of dismissal is issued, there might be some concerns about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss. The model procedure therefore envisages that the council meeting fulfils the requirement for an appeal. Before the council takes a decision on the recommendation to dismiss the chief executive it will take representation from the chief executive. Those representations will constitute the appeals process.

### **11.2 Appeals against action short of dismissal**

11.2.1 Appeals against actions short of dismissal will be heard by the Appeals Committee. The appeal hearing will take the form of a review of the case and the decision that was taken by the IDC.

11.2.2 This process should follow the procedure that the local authority applies generally to its other employees.

## Appendix 5a

### ENGLAND ONLY: Disciplinary Procedure for Local Authority Chief Executives

#### *Investigating and disciplinary committee convened (IDC)*

This should be a standing committee of the Council

#### **Option 1.**

**No further action.** This should be immediately communicated to the Chief Executive and the complainant notified if necessary.

#### *The IDC considers the allegation[s]*

The Chief Executive should be asked for comments. In the light of the Chief Executive's comments and having carefully considered the complaint / allegation the IDC may decide on any of the following actions

#### **Option 3**

##### ***Case to answer / further investigation required***

If following consideration of the Chief Executive's response the IDC believes that the case cannot be dismissed and requires further investigation and that, if the allegations were to be upheld they would result in a sanction greater than an informal warning, the IDC should appoint an Independent Investigator, II, and consider suspension.

#### **Option 2.**

##### ***Informal un-recorded oral warning***

If the matter is not serious but there is some minor fault or error on the part of the Chief Executive then the IDC can issue an informal un-recorded warning

oral warning.

#### **The report of the II**

Irrespective of the manner in which the II investigates the case on completion of their investigation the II must prepare a report with recommendations and rationale for submission to the IDC.

#### ***Suspension***

The chair of the IDC should have delegated authority to suspend. months and only extended following consultation with the II and from the Chief Executive



Suspension should be reviewed after a period of two consideration of any objections / representations

### **Hearing the case**

Alternatively the II may hear the case.

If the II hears the case both parties will have the usual opportunities to present evidence and cross examine witnesses etc. At the hearing both parties are afforded the opportunity to be represented by an individual of their choice, although representation for the Chief Executive should be obtained at his / her expense. Following the hearing the II will produce a report for consideration by the IDC.

### **Evidence collection and investigation**

It may be a process of evidence gathering, hearing submissions etc. which will lead to the formulation of a recommendation for consideration by the IDC.

### **Role of the II**

In practice it should be for the II to determine the process they will follow. This will be dependent upon the nature of the allegations and availability of information. However, the JNC's preferred process is 'Evidence Collection and Investigation'.

### **Appointment of the Independent Investigator (II)**

#### ***An Independent Investigator is appointed-***

A list of suitably qualified individuals should be maintained by the Joint Secretaries. This could operate as a taxi rank system or the authority could be given three names from which the Chief Executive could pick. Only genuine conflicts of interest etc. should be acceptable reasons for rejection by the Chief Executive. If the Chief Executive will not agree within 14 days the Council should be free to appoint their choice from the list.

### **Consideration and Decision of the IDC**

If the II has held a full hearing the IDC will limit their hearing to a consideration of the II's report. They may decide to call witnesses for clarification. The Chief Executive and II should attend this meeting and both parties afforded the opportunity to summarise their case. The hearing should be conducted in accordance with the ACAS code of practice.

If the II did not hear the case then the IDC should now afford the Chief Executive the opportunity for a hearing to allow the postholder to challenge the recommendations of the II, call witnesses etc. The same rule regarding costs of representation would apply in this context

### **Report to full Council**

Following consideration by the IP a report should be presented to Council. This report should comprise the recommendation of the IDC, the II's report and any comments on the recommendation for dismissal from the IP. In the light of this information Council should consider the recommendation to dismiss. The Chief Executive should be provided with a right of appeal against the decision and allowed to attend this meeting and address Council. The II may also be invited to attend to provide clarification if required. Following this consideration Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction. This stage in the process constitutes the Chief Executive's final right of appeal.

### **Composition, role and process of the IP**

The IP should be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972, and should comprise only independent persons (at least two) appointed under S28(7) of the Localism Act 2011. Appropriate training should be provided to these Independent members. Both parties should be present or represented\* at the meeting. The IP should receive any oral representations from the Chief Executive, in which case it should invite any response on behalf of the IDC to the points made, and may ask questions of either party. The IP should review the decision and prepare a report for Council. This report should contain clear rationale if they disagree with the recommendation to dismiss.

\* the IDC should nominate a person to attend on its behalf

### **Recommendation to dismiss**

If there is a recommendation to dismiss, the reports of the IDC and the II should then be sent to Independent Panel (IP) for its consideration. The Chief Executive may make written representations to the IP

### **Action short of dismissal**

A decision to take action short of dismissal should be communicated in writing to the Chf Exec with rationale for the decision. The Chf Exec has the right of appeal to the appeals committee against this decision

### **No case to answer**

Appropriate communication should be prepared in agreement with the Chief Executive to ensure that as far as possible there is no damage to the postholder's reputation. The IDC should consider reimbursement of any reasonable expenses incurred by the employee.

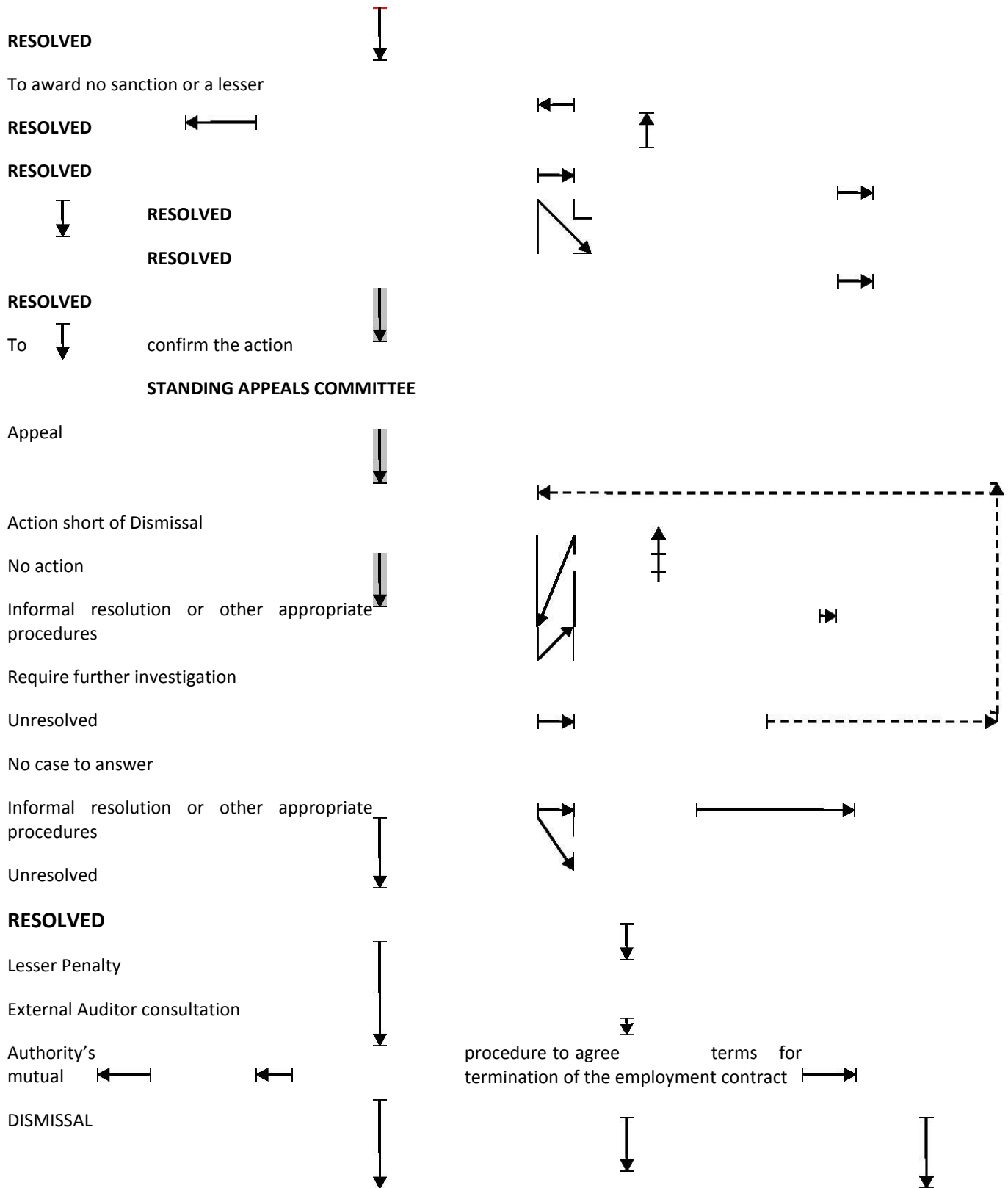
### **Recommendations of the IDC**

Following either consideration of the report of the II or a full hearing of the case the IDC will essentially have three options

- 1. No case to answer**
- 2. Disciplinary action short of dismissal**
- 3. Dismissal**

**Appendix W5a**

**WALES ONLY: Disciplinary Procedure for Local Authority Chief Executives**





## COUNCIL

Proposal to Dismiss

Range of actions that can be taken by Investigating & Disciplinary Committee on the outcome of report of the DIP

DIP investigation and report

Appoint Independent Person (DIP)

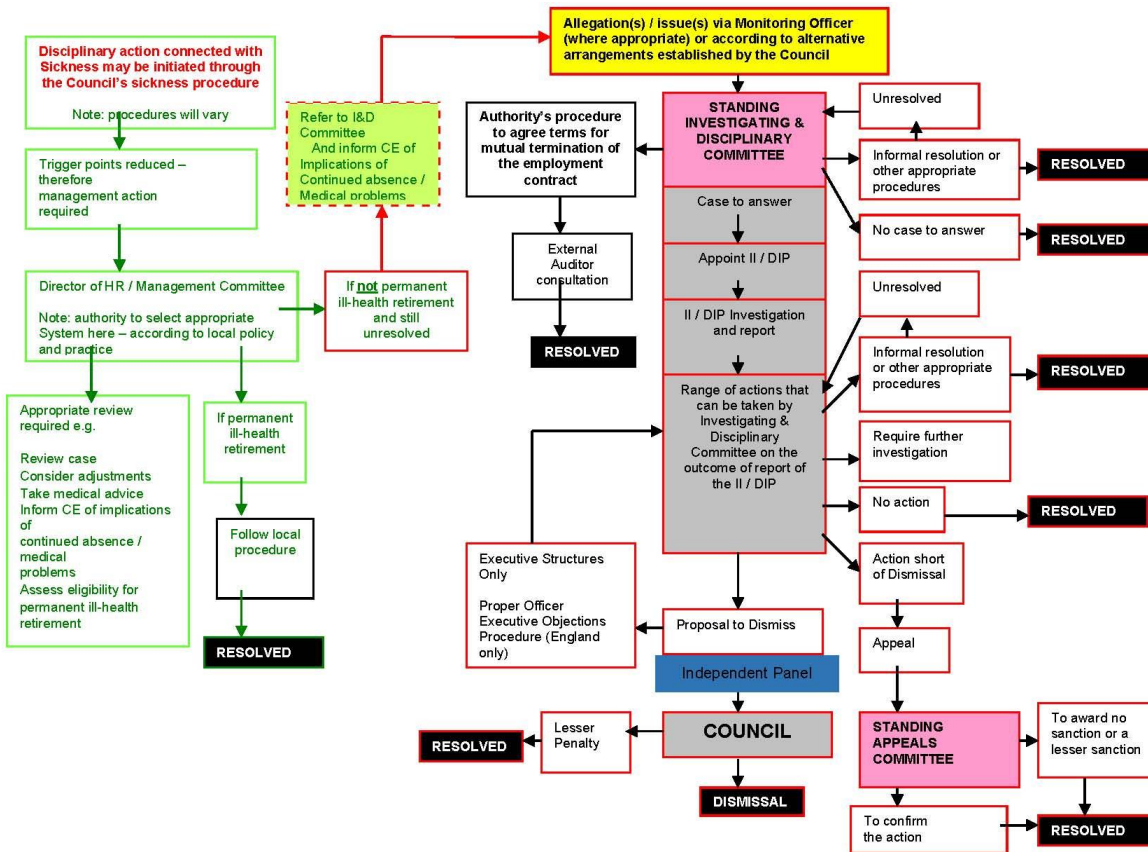
Case to answer

## **STANDING INVESTIGATING & DISCIPLINARY COMMITTEE**

Allegation(s) / issue(s) via Monitoring Officer (where appropriate) or according to alternative arrangements established by the Council

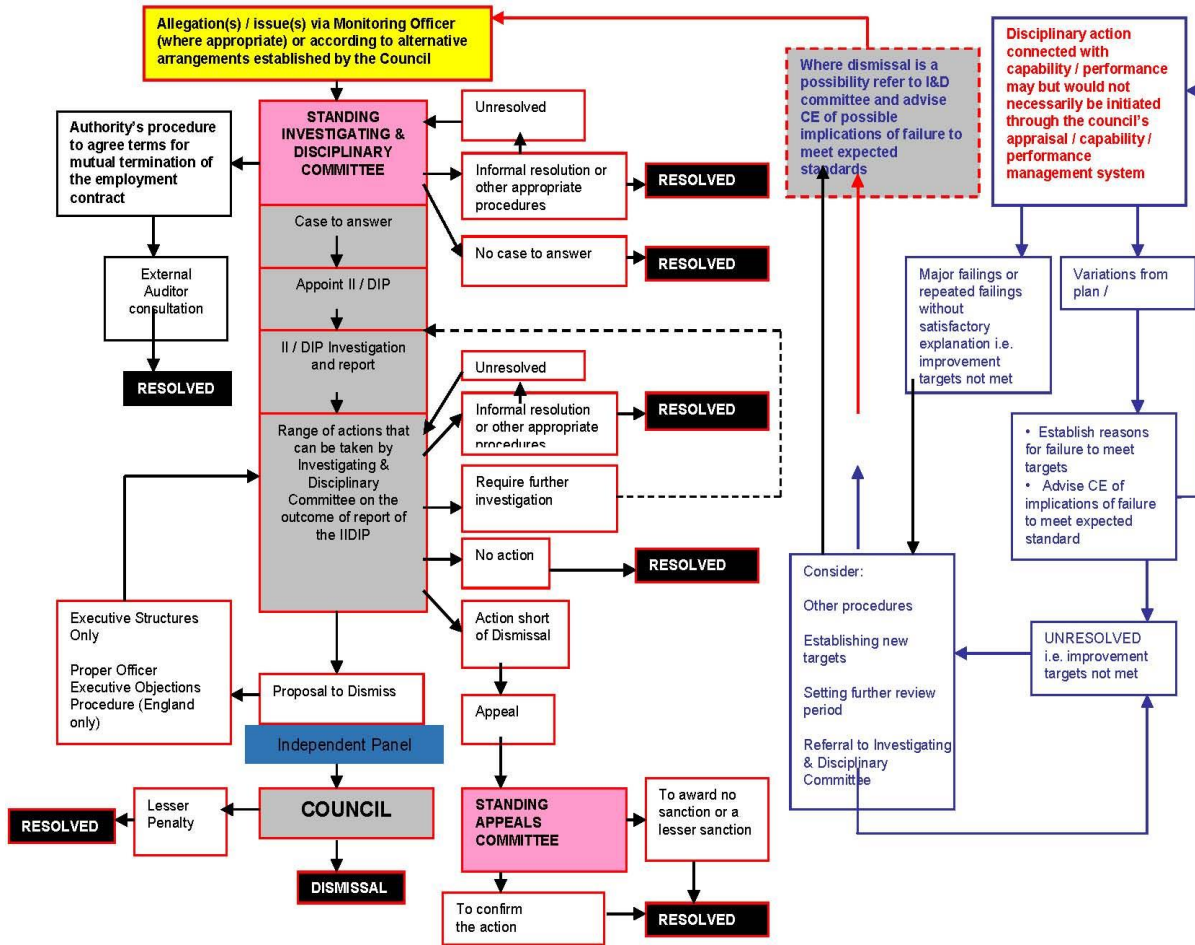
Outline revised Model Disciplinary Procedure for Local Authority Chief Executives Appendix 5b

Example of Relationship with the Council's Sickness Procedure



Appendix 5c

Revised Model Disciplinary Procedure for Local Authority Chief Executives: Example of Relationship with the Council's Capability / Performance Management Processes



## Appendix 5d

### APPENDIX 5dAppendix

#### ACTION

#### REASON FOR TERMINATION

	Misconduct	Capability - Performance	Capability – Ill health (Long term or, frequent intermittent absence)	Some other Substantial Reason	Capability - Permanent
Dismissal	Yes	Yes	Yes	Yes	Maybe – could be terminated
<b>England only:</b> Independent Panel Required	Yes	Yes	Yes	Yes	No
<b>Wales only:</b> Designated Independent Person					

## APPENDIX 6

(Wales only)

### 1. DESIGNATED INDEPENDENT PERSONS

1.1 This joint guidance provides a commentary on the role of Designated Independent Persons (DIPs). While it is contained in the Handbook it is not intended that it be incorporated into the conditions of service of Chief Executives, but rather that it be regarded as a stand-alone document to assist DIPs.

### 2. THE ROLE

2.1 A designated independent person (“DIP”) is someone external to and Independent of an employing authority, who is individually appointed when that authority makes allegations of a disciplinary or capability nature against either the head of paid service, the monitoring officer or the section 151 chief financial officer.

2.2 The DIP concept has its origins in the June 1986 Widdicombe report *The Conduct of Local Authority Business* (HMSO Cmnd 9797), and the succeeding Local Government and Housing Act 1989. Section 20 of that Act made it a duty (for the first time in local government law) for local authorities to adopt certain procedural standing orders. Though the Act itself did not refer to DIPs, sufficiently wide powers were given to the Secretary of State for such a requirement to be incorporated into the Local Authorities (Standing Orders) Regulations 1993, SI No 202. The disciplinary provisions of those Regulations, which applied only to heads of paid service, remain partly in force (in respect of National Parks Authorities in both England and Wales), for local authorities in Wales the similarly titled SI 2006 No 1275 (W.121).

2.3 The role of a DIP, set out in regulation 9(6) in Wales, is to report to the authority concerned as to whether (and if so, the extent to which) the evidence obtained supports any allegation of misconduct against the officer concerned, and to recommend any disciplinary action which the DIP thinks it would be appropriate for the authority accordingly to take.

2.4 Disciplinary action is defined by regulation 2 to include any proposal for dismissal for any reason other than redundancy, permanent ill-health and (unless its renewal has been promised) failure to renew a fixed term contract. On the issue of allegations of breakdown in trust and confidence, see **paragraph 5.4.10 (c)**.

2.5 Each DIP appointment should be agreed between the authority and the officer concerned, but in default of agreement the appropriate Welsh Minister will nominate a DIP for the authority to appoint. The authority must pay the DIP reasonable remuneration and all the associated costs that the DIP incurs (but are under no obligation to afford or pay for any legal or other representation to the employee whose conduct is being investigated).

2.6 DIPs are given a number of powers to facilitate their role, including directions about continuing any suspension, inspection of relevant documents, and requiring any employee (in Wales this also includes any councillor) to answer questions about the conduct of the person being investigated. Regulation 9(7) of the 2006 Regulations in Wales require that the DIP is brought into an attempt mutually to agree a timetable for the hearing, and given default powers accordingly in regulation 9(8). As to how they actually carry out the task of obtaining evidence about the relevant conduct DIPs are not given any procedural duties or directions by the Regulations: the process is at their general discretion, and they have no powers to award costs, direct that settlements be reached, or conduct conciliation or mediation roles.

2.7 For those whose employment, however, is governed by the Conditions of Service agreed by the JNC for Chief Executives, the statutory basis is augmented by their contractual terms. Those JNC Conditions of Service contain a general commentary in **paragraph 13 on page 7** on procedures for discipline, capability, redundancy and other dismissals, accompanied by a model procedure at **Appendix 5B (Wales)**. DIPs are expected to operate in conformity with the principles that the JNC Conditions of Service set out. Accordingly the Joint Secretaries have in addition drafted and published this further commentary on DIPs, and the guidance at **paragraph 3**, in the light both of experience of how these Regulations have worked previously and how the JNC now envisages their future working.

2.8 **Paragraph 8.3.2**, while explicitly acknowledging the DIP's formal role only to make recommendations about any possible disciplinary action, adds that a DIP "may wish to comment on potential options for the way forward for the DIP process." This is intended to be used where a DIP considers that, notwithstanding that either no or only limited disciplinary action would be appropriate, the realities of the situation and the interests of those concerned (including the public interest) require a different kind of outcome to be achieved.

2.9 A DIP is not a judge, nor a substitute for an Employment Tribunal. While a statutory appointment in one sense, a DIP is given none of the personal immunities or powers of enforcement that they have. The role is best understood as an independent element of what remains essentially an internal and confidential process of the authority. While the Council cannot exceed the degree of severity of any disciplinary action recommended by the DIP, it is the view of the JNC that there is no obligation either to comply with any recommendation, e.g. the authority having considered the evidence and submissions of the chief executive might decide that the recommendation of the DIP is too severe in all the circumstances of the case. The decision reached remains that of the authority, who must maintain contractual appeal rights and will in principle be answerable to an Employment Tribunal in just the same way as with any other employee.

### 3. GUIDANCE

3.1 DIPs are given wide discretion as to the procedure they adopt, although the 2006 Regulations in Wales contain timetabling provisions. Accordingly, while there are no formal powers for DIPs to be given directions by anyone, this guidance has been drafted to assist DIPs in addressing issues and making the decisions likely to be required. It can do no more than inform those matters, but it is based on the experience of other DIP hearings that have been held.

3.2 **Paragraph 7** advises on practical matters including the resources, the working arrangements, the power to extend suspension beyond two months, and the need for confidential but co-ordinated contact with the authority.

#### The Degree of Formality

3.3 As stated above, a DIP is neither a judge nor a substitute for an Employment Tribunal. While a statutory appointment, a DIP is given none of the personal immunities or powers of enforcement that they have. The role is best understood as an independent element of what remains essentially an internal and confidential process of the authority. Nevertheless, an investigation by a DIP is a statutory process, and that requires structure and a mode of conduct appropriate to the seriousness of the matter for the parties involved. Some useful principles can be taken from the practice and procedure applied at Employment Tribunal Hearings.

3.4 Rule 2 of schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 SI No. 1237 (as amended) – schedule 1 comprises the Employment Tribunal Rules of Procedure – sets out the overriding objective to deal with cases fairly and justly including avoiding delays and dealing with cases in ways which are proportionate to the complexity and importance of the issues. Further, Rule 41 states that “The tribunal shall seek to avoid undue formality and may itself question the parties or any witnesses so far as appropriate in order to clarify the issues or elicit evidence. The tribunal is not bound by any rule of law relating to the admissibility of evidence in proceedings before the courts.” Rule 43 states inter alia that “The tribunal may exclude from the hearing any person who is to appear as a witness in the proceedings until such time as they give evidence if it considers it in the interests of justice to do so.” The Joint Secretaries consider that a similar approach by the DIP will usually be appropriate, meeting the over-riding objective “to deal with cases justly”

3.5 **Paragraph 7.2.3** expresses the view that the JNC believes that the DIP “should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which details of the allegations and supporting evidence are stated by the authority’s representative and where the chief executive is given the opportunity to respond.” This may well depend on the nature of the case given the wide scope of the Standing Orders Regulations to apply to different circumstances of potential discipline or dismissal. It may be, for

example, that in some cases a more inquisitorial investigation may be appropriate rather than an adversarial challenge of allegations, eg, considering the evidence for and implications of long-term ill health.

### **The Degree of Confidentiality**

3.6 With very limited exceptions, rule 5 of schedule 2 to the 2013 Regulations (as amended) provides for Employment Tribunal hearings to be public (although preliminary hearings must generally be held in private under rule 56. Here there is a distinct difference for the DIP process. Though there is no explicit bar to this in the Standing Orders Regulations, local authority hearings into disciplinary and capability matters are customarily held in private, and anyone the subject of a DIP hearing is likely to expect the same. The Joint Secretaries expect confidentiality also to be observed in these hearings.

3.7 If either side wishes to call two or more witnesses, the DIP will need to consider carefully whether they should be allowed to hear each other's evidence (as is usually the case in a criminal trial), or whether each witness should be heard separately with no-one else present not required or mutually agreed. The latter is the usual practice in local authority disciplinary hearings, and the Joint Secretaries assume that this will also be the norm in DIP hearings.

3.8 Whether to allow the press and media or others to be present is a separate matter from the joint presence of witnesses. No case is known to the Joint Secretaries where this has been agreed, and so they expect DIPs to refuse any such request if unacceptable to either side. A refusal is not considered to infringe human rights law provisions about open hearings, because as stated above a DIP hearing is an independent element of what remains essentially an internal and confidential process of the authority.

3.9 This latter point is emphasised by **paragraph 7.4.2** that during the investigation the DIP "will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed."

### **Access to the DIP's Report**

3.10 The DIP's functions end with the submission of the report to the appointing authority. A copy must be sent to the person investigated (regulation 9(6)(e) of SI 2006 No. 1275 in Wales), but there is no further obligation on anyone's part to supply or publish it. No one other than the authority has the legal right to do so. The Joint Secretaries consider DIP reports to be exempt from freedom of information disclosure by virtue of section 40 of the Freedom of information Act 2000,



ie. because of the potential to breach the data protection principles set out in schedule 1 to the Data Protection Act 1998.

3.11 The Joint Secretaries also consider that the DIP should seek clarity before submission of the report about access to or publication of all or any of it. The report could be drafted to include a short statement of the outcome intended for publication even where the rest of the report itself is to be kept confidential. DIPs should bear in mind that where material is published without approval, it may be unjust for there to be no lawful way for a response to be made or, in a case of selective publication, for the balance of the report to be restored.

3.12 The law of defamation must also be considered in relation to the publication of any DIP report. The Joint Secretaries consider that qualified privilege will attach to publication to the Council itself, but may well not cover wider publication or distribution.

### **Costs**

3.13 DIPs have no power to award costs. Section 13A of the Employment Tribunals Act 1996 gave power for rules to be made for the award of costs in such Tribunals, but DIPs have no equivalent power. They will no doubt bear in mind the impact that any imbalance in the representational resources available to the person being investigated and to the employing authority may have on the conduct and outcome of any investigation.

### **Indemnity**

3.14 A DIP is not an employee of the appointing local authority, so cannot be legally protected as such. While in addition to reasonable remuneration a local authority must pay “any costs incurred by him in, or in connection with, the discharge of his functions,” it is not unequivocally established that this requirement covers any costs arising out of any claim for damages made as a consequence of the investigation or anything contained in the report (particularly if the claim were made by the appointing authority). DIPs will no doubt want to be satisfied on appointment that they have either an adequate indemnity from the authority or appropriate insurance cover. **Paragraph 6.2.2(b)**, referring to the indemnity issue, concluded by noting the CLG opinion that regulation 9(10) of the 2006 Regulations is wide enough to both allow and require the employing authority to meet the DIP’s costs in this respect.

## APPENDIX 7

### Model Grievance Procedures

#### 1. Introduction

1.1 These procedures covers the following circumstances:

- ☐ where an employee raises a grievance against the chief executive
- ☐ where a chief executive raises a grievance – by definition this will be against an individual elected member(s) or the employing council generally.

1.2 Section 1.3 of the guidance to the model disciplinary procedure covers some of this ground and references to this section are made below where appropriate.

1.3 The procedure in **paragraph 2** below is set out in as a flow chart.

#### 2. Procedure for dealing with a grievance raised by an employee against the chief executive

2.1 An employee raising a grievance against the chief executive should do so using the grievance procedure provided for in his or her contract of employment. However, while operating within the context of the employee's grievance procedure, it is only the mandatory stages of a grievance procedure (i.e. the formal stages, as referred to in **paragraph 2.2**) that can resolve the grievance when the person complained of is the chief executive. With this in mind, the JNC has agreed the following advice.

2.2 Under the ACAS code the internal procedure to be followed by an aggrieved employee should comprise at least two formal stages. After the initial filtering and any attempt at informal resolution, if the matter remains unresolved, then a panel of elected members (the Grievance Committee) will hear the grievance on behalf of the employer (Formal Stage 1). It is here that the power exists to resolve a grievance against the chief executive. The panel can either **uphold** or **dismiss** the grievance. If the outcome of the Stage 1 investigation is that the grievance is not

upheld, then the complainant has the right to appeal (Formal Stage 2) to a panel of elected members (the Appeal Panel).

2.3 Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

1.4 There is a statutory right for the aggrieved employee to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at any meeting that deals with the grievance.

### **Initial filtering of grievances**

2.5 Where an employee raises a grievance against the chief executive it would be appropriate for an initial filtering to take place, as procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded or trivial or can best be dealt with under some other procedure. For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the Council's general complaints procedure. If the matter is a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would potentially be one that would be appropriate for an investigation under the disciplinary procedure.

2.6 To enable this process to happen the Council should nominate an officer who would be the recipient of any grievance raised against the chief executive (referred to below as the Receiving Officer). This would most appropriately be the Council's Monitoring Officer. If the Monitoring Officer is the person bringing the grievance against the chief executive or is otherwise involved in the grievance, then another appropriate chief officer and / or a Monitoring Officer from a neighbouring authority should be commissioned to act as the Receiving Officer.

2.7 A meeting should be held between the Receiving Officer and the complainant without unreasonable delay after a grievance is received. The employee should be allowed to explain the grievance and how it could be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

2.8 The principle of an initial filtering is already acknowledged in relation to disciplinary procedures. The Receiving Officer is responsible for the filtering process, the outcome of which could include the following:

i. the Receiving Officer decides that the grievance is actually about a council service, rather than a complaint against the chief executive personally. In this case the Receiving Officer would refer

the matter back to the aggrieved employee, or their line manager, and indicate that the matter is one that they could raise under the appropriate complaints process for the council.

ii. the Receiving Officer decides that there are other formal appeal procedures that apply rather than the grievance procedure eg, in cases of redundancy.

iii. the Receiving Officer decides that the grievance should not be directed at the chief executive as it does not relate to a specific action of the chief executive or a specific omission of the chief executive and so should be directed to an intermediate manager.

iv. the Receiving Officer decides that the grievance is either patently frivolous or clearly unfounded. Individual grievances can be deeply held so a decision that it is frivolous or unfounded and will not be taken any further should not be taken lightly. To some extent this judgement may be informed by whether the individual employee has a history of submitting frivolous or unfounded grievances. Where that is not the case then the Receiving Officer may want to err on the side of caution, particularly if the substance of the grievance is something that could be pursued to an Employment Tribunal. This would probably require the Receiving Officer to check whether other procedures were more apt, but that does not necessarily compromise the Receiving Officer from dealing with the case as suggested below.

### **Resolving grievances informally**

2.9 Where the Receiving Officer is satisfied that the grievance is neither procedurally flawed nor patently frivolous or clearly unfounded (such as a complaint about the organisation, process, provision of facilities, inadequate IT equipment, failure of consultation between departments etc) then there may be some value in an attempt being made to resolve the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

## **3. Resolving grievances formally**

### **Formal Stage 1**

#### **The Grievance Investigation**

3.1 Where informal attempts at resolution are considered inappropriate or have been tried and failed, then the Receiving Officer should manage the Stage 1 investigation. In most cases it will be appropriate for an independent investigator to be commissioned to carry out the investigation.

3.2 If the outcome of the investigation is in favour of the complainant, a solution should be proposed, taking into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in all the circumstances. If the chief executive is unwilling to accept these proposals, the matter will be referred to the Grievance Committee for it to resolve.

3.3 Just as the model disciplinary procedure recommends that Councils annually establish an Investigation and Disciplinary Committee and an Appeal Committee so that they are available if needed, so it is necessary for Councils annually to establish a Grievance Committee of 3 to 5 members with political proportionality, who are not members of the Investigation and Disciplinary Committee or the Appeal Committee.

## **The Grievance Committee hearing**

3.4 The Grievance Committee will hear the case and reach its conclusion.

## **The Committee upholds the grievance**

3.5 Where the Committee **upholds** the grievance this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.6 Where the Committee **upholds** the grievance and also decides that it is a matter of a serious nature then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee would then have to consider under section 5 of **Appendix 5** whether there was a case to answer, and, if so, would commission an independent investigation under the disciplinary procedure and the matter would proceed as laid down in **Appendix 5**.

## **3.7 The Committee dismisses the grievance – the right to appeal**

### **Formal Stage 2**

3.8 If the Committee finds against the complainant then that person has a right of appeal to a member Appeal Committee (or other such body established by the Council for this purpose), and the chief executive should be immediately informed that this has happened. The Appeal Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Receiving Officer.

3.9 Where the Appeal Committee **upholds** the appeal, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.10 Where the Appeal Committee **upholds** the appeal and also decides that it is a matter of a serious nature, then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee should consider commissioning an independent investigation to determine whether there was a case to answer, and if so what sanction was appropriate.

3.11 Where the Appeal Committee **dismisses** the appeal, then the matter would be regarded as having been concluded.

#### **4 Procedure for dealing with grievances raised by the chief executive**

4.1 Where the chief executive raises a grievance, then similar principles need to apply, namely:

☐ Informal attempts at resolution should be regarded as preferable to immediate recourse to formal procedures

☐ There should be two stages available to the aggrieved employee, in this case the chief executive.

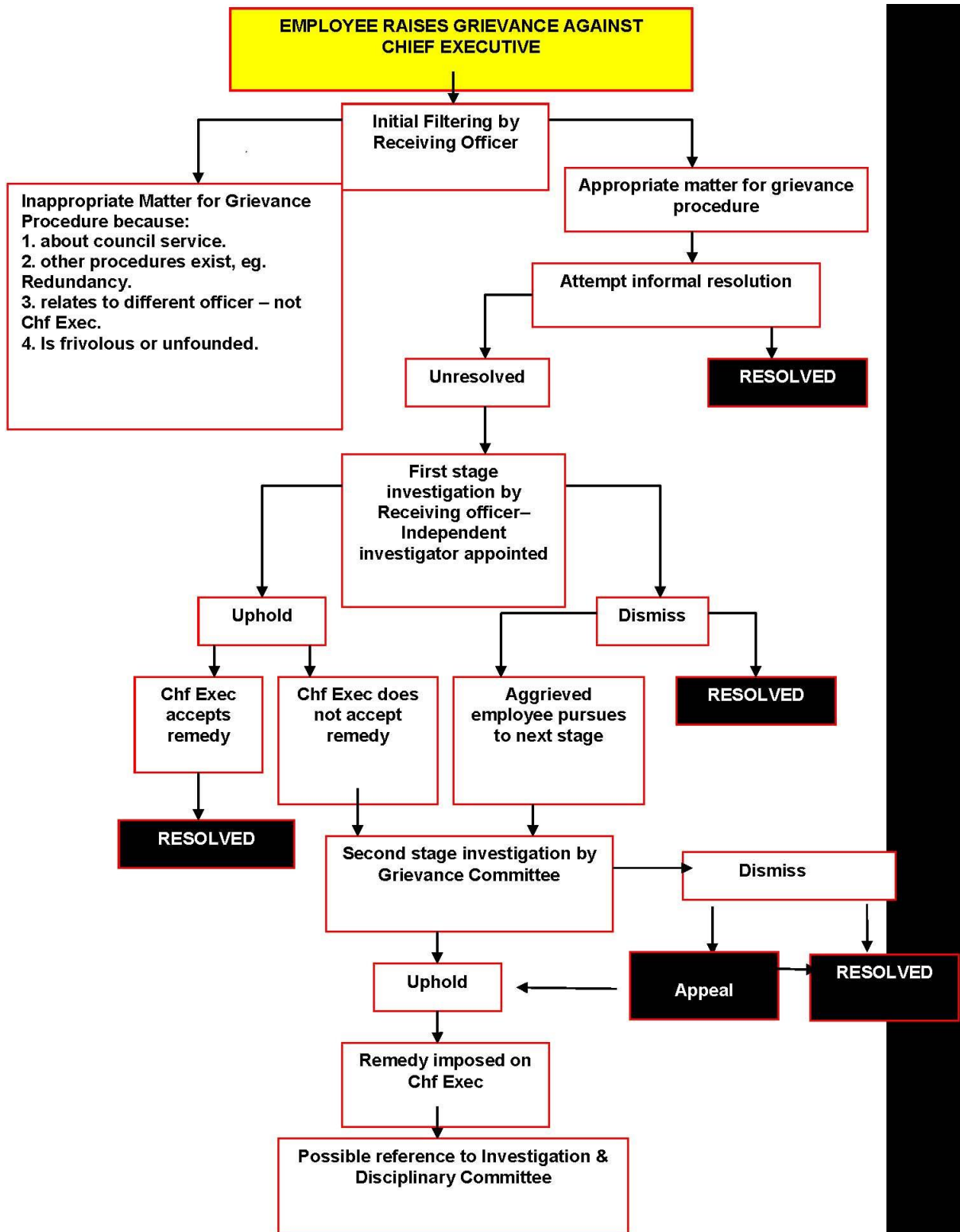
4.2 A chief executive cannot take out a grievance against another member of staff, as any cause for such concern would constitute grounds for disciplinary action and as head of the paid service the chief executive could initiate such action against any other employee. A chief executive grievance has to be against one or more member(s) and the Council's Monitoring Officer should act as Receiving Officer.

4.3 Where the chief executive raises a grievance, then this should be referred to the Receiving Officer in the first instance who should establish, through discussions with the appropriate parties, whether there is any prospect of resolving the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

4.4 In the event that informal resolution is neither appropriate nor successful, the Receiving Officer should refer the matter to the Council's Grievance Committee. If the Grievance Committee considers it appropriate, having come to its conclusions, it might refer a matter about the conduct or behaviour of an elected member to the council's Standards Committee or other appropriate arrangements.

4.5 An appeal by the Chief Executive against the outcome of the Grievance Committee's deliberations should be to the full Council.

#### **5 Grievances raised by the chief executive during disciplinary proceedings**



5.1 Where a chief executive is the subject of a disciplinary / capability investigation and raises a grievance relating to the case, the Investigating and Disciplinary Committee will decide how to deal with the grievance. This will depend on the facts of the case, the stage of the disciplinary procedure reached and the nature of the grievance raised. In some cases it may be appropriate to hear the grievance before continuing with the disciplinary / capability investigation. In other cases it will be appropriate to deal with the issues raised in the grievance as part of the wider disciplinary / capability investigation.







**Appendix K - Joint Negotiating Committee for Local Authority Chief  
Officer Conditions of Service Handbook**

**JOINT NEGOTIATING COMMITTEE  
*for*  
LOCAL AUTHORITY CHIEF OFFICERS**

**CONDITIONS OF SERVICE  
HANDBOOK**

**UPDATED 8 August 2017**

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**The Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities is the national negotiating body for the pay and conditions of service of chief officers in England and Wales.**

**The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists representatives of GMB and UNISON.**

## **CONTENTS**

### **PART 1 - CONSTITUTION**

1 Title .....	3
2 Scope .....	3
3 Membership .....	3
7 Functions .....	4
8 Procedure .....	4
15 Finance .....	5
16 Arbitration .....	5
17 Amendments .....	5

### **PART 2 – CONDITIONS OF SERVICE**

1 Application of Terms & Conditions Generally.....	6
2 Questions of Interpretation .....	6
3 Periods of Notice to Terminate Employment.....	6
4 Annual Leave.....	6
5 Honorarium Payments.....	6
6 Relocation Expenses.....	6
7 Setting Remuneration Levels.....	7
8 Performance Appraisal.....	7
9 Restrictions on Re-Employment.....	8
10 Salary.....	8
11 Returning Officer Fees.....	9
12 Official Conduct.....	9

### **PART 3 – DISCIPLINE, CAPABILITY AND REDUNDANCY**

1 Specific Statutory Officers.....	11
2 Chief Officers other than Statutory Officers.....	11
3 Redundancy.....	12

**Annex 1** Joint Guidance on Appraisal of the Chief Officer 14

**NB:** All hyperlinks and email addresses contained in this Agreement are correct at the time of publication. Please notify the Joint Secretaries of any discrepancies by emailing them at the addresses shown on the cover page.

## **PART 1 - CONSTITUTION**

### **TITLE**

1 The Committee shall be known as the Joint Negotiating Committee for Chief Officers of Local Authorities (hereinafter referred to as "the Committee").

### **SCOPE**

2 The Committee shall have within their scope any officer of a local authority in England and Wales who

a is a chief officer designated by the employing authority as the administrative and executive head

*either i of a separate department*

*or ii of a particular function or service*

which in either case is regarded by the authority as important in relation to the total activities of the authority; or

b is designated by the authority as a recognised deputy to any chief officer covered by (a) above including an officer of deputy status but whose post may carry a different title.

### **MEMBERSHIP**

3 The Committee shall consist of 36 members, appointed as follows:-

Representing local authorities:

Local Government Association 9

Welsh Local Government Association 1

Representing officers:

GMB 23

Unison 3

4 If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the Constitution, such failure to appoint shall not vitiate the decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-

committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his/her place.

5 A member of the Committee shall automatically retire on ceasing to be a member of the organisation which he/she represents.

6 On the occurrence of a casual vacancy, a new member shall be appointed by the organisation in whose representation the vacancy occurs and shall sit until the end of the period for which his/her predecessor was appointed.

## **FUNCTIONS**

7 The functions of the Committee shall be to secure the largest possible measure of joint action in respect of the salaries and service conditions of officers within the scope of the Committee; and to seek to resolve any differences between a local authority and its officers which may be referred to the Committee, in accordance with procedures to be determined by the committee from time to time.

## **PROCEDURE**

8 **Sub-Committees** The Committee may appoint from their own members such sub-committees as they may consider necessary and with such authorities as they may from time to time determine. The reports of all sub-committees shall be submitted to the full Committee.

9 **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. When the Chair is a member of the Authorities' Side, the Vice-Chair shall be appointed from the Officers' Side and vice versa. The Chair shall be held in alternate years by a member of the Authorities' Side and a member of the Officers' Side. The Chair, or in his/her absence, the Vice-Chair, shall preside at all meetings of the Committee. In the absence of both the Chair and Vice-Chair at any meeting, a chair shall be elected to preside. In no case shall a Chair have a second or casting vote.

10 **Officers** The Committee shall appoint joint secretaries and a treasurer.

11 **Meetings** Meetings of the Committee shall be held as often as may be necessary, and the Chair shall call a special meeting if so requested by one-third of either side of the Committee. The notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat, and no other matters shall be discussed. A special meeting shall take place within fourteen days after the request has been received.

12 **Voting** Voting in the Committee and in sub-committees shall be by show of hands or otherwise as the Committee or sub-committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members entitled to vote present on each side of the Committee or sub-committee, as the case may be.

13 **Quorum** The quorum of the Committee shall be 10, consisting of 4 representatives of local authorities and 6 of the officers. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.

14 **Notices of meetings** All notices of meetings of the Committee and of any sub-committee thereof shall be sent to the respective members at least seven clear days before the date of the meeting.

## **FINANCE**

15 The expenses of the Committee, excluding any necessary travelling or subsistence expenses incurred by the members, shall be shared equally by the two sides.

## **ARBITRATION**

16 In the event of a dispute over terms and conditions of employment arising between the two sides of the Committee on any matter of general application to staff or of application to particular classes of staff, the dispute shall, at the request of either side, be reported to the Advisory, Conciliation and Arbitration Service by the Joint Secretaries with a request that the matter be referred for settlement by arbitration. The arbitration award shall be accepted by the two sides, and shall be treated as though it were an agreement between the two sides.

## **AMENDMENTS TO CONSTITUTION**

17 Alterations in the Constitution of the Committee shall be made as follows:

a in paragraph 3 of this Constitution any change to the organisations represented on each Side, shall be a matter for each Side to determine.

b all other clauses can only be changed with the assent of both Sides.

## **PART 2 – CONDITIONS OF SERVICE**

### **1. APPLICATION OF TERMS AND CONDITIONS GENERALLY**

A chief officer shall enjoy terms and conditions in other respects not less favourable than those accorded to other employees of the local authority. Where terms and conditions are not specified locally, 'Green Book' provisions shall apply. Such terms and conditions may include:

- Adoption Scheme
- Car Allowances
- Continuous Service
- Grievance
- Health, Safety & Welfare
- Maternity / Paternity Scheme
- Reimbursement of Expenditure
- Sickness Scheme
- Training & Development

### **2. QUESTIONS OF INTERPRETATION**

Any questions concerning the interpretation of the paragraphs of this booklet shall be referred to the Joint Secretaries who if necessary, may agree to refer it to the Joint Negotiating Committee for determination.

### **3. PERIODS OF NOTICE TO TERMINATE EMPLOYMENT**

The period of notice on either side will normally be three months, but this can be changed by mutual agreement.

### **4. ANNUAL LEAVE**

The chief officer shall be entitled to a minimum of 30 days' annual leave (in addition to statutory and other public holidays but inclusive of any long service leave, extra statutory and local holidays). In exceptional circumstances and by mutual agreement annual leave may be carried forward to the next leave year.

### **5. HONORARIUM PAYMENTS**

A local authority may consider granting an honorarium (of an amount dependent upon the circumstances of each case) to an officer within purview of this Committee who performs duties outside the scope of his/her post over an extended period.

### **6. RELOCATION EXPENSES**

In the case of officers being relocated it is the practice of some authorities to contribute towards the approved costs of removal



expenses and of other incidental expenses reasonably attributable to the removal; it would be in the best interests of local government and facilitate movement of officers if this practice were more widely followed.

## **7. SETTING REMUNERATION LEVELS**

7.1 The Localism Act 2011 requires local authorities to produce and publish a pay policy statement. According to the Act and statutory guidance published in 2012 and 2013, the statement should include the local authority's policy on specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency arrangements. It should also set out the approach to be adopted towards pay dispersion, (i.e. differentials). In addition, the Local Government Transparency Code 2015 requires local authorities to publish the differential between the taxable benefits of senior managers and the median taxable earnings figure for the local authority's whole workforce, and details of senior employee salaries (above £50,000), names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.

7.2 In this context it is essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief officers have been made in an open and accountable way.

7.3 One option is for a local authority to establish a remuneration committee. The establishment of a remuneration committee is of course optional and different models may well suit individual authorities. What is clear though is that more than lip service must be paid to the notion of providing a verifiable and accountable process for recommending the remuneration level of the most highly-paid officials.

7.4 The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3** of the JNC Conditions of Service Handbook for local authority Chief Executives.

## **8. PERFORMANCE APPRAISAL**

8.1 Chief officers' responsibilities and accountabilities should be set out in writing at the appointment stage. Where this has not been done at the appointment stage it should be agreed with the individual officer concerned prior to the implementation of the performance appraisal scheme. Subsequently, there should be an annual process of performance appraisal linked to those responsibilities and accountabilities.

8.2 The performance appraisal process is separate from any scheme relating to either pay or performance related pay.

8.3 The performance appraisal process should involve the setting of both general and specific objectives for the year ahead and the review of performance in achieving previously set objectives. The focus of the process should be on clarifying what the chief officer will be expected to achieve and on identifying any continuing personal development needs to maintain a high level of performance.

8.4 The authority will provide training for all parties involved in the process, including elected members if involved.

8.5 The setting of objectives should be by consensus between the chief officer and his/her line manager, and/or the chief executive, and if desired an appropriate elected member. The result of the performance appraisal process will be to identify agreed objectives that are relevant and challenging but achievable and realistic in the light of available resources and time. (Joint Secretaries guidance on appraisal of chief officers is set out in full at **Annex 1**)

## **9. RESTRICTIONS ON RE-EMPLOYMENT**

9.1 After termination of the chief officer's employment he/she:

a will not divulge any information to any third party which is confidential to the authority.

b will not, without the consent of the authority, which will not unreasonably be withheld, within a period of 12 months take up employment with or provide services for reward to any body:

i if during the chief officer's last two years of employment with the authority the officer has been directly involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward

ii which is likely to benefit from commercially sensitive information which is known to the chief officer by virtue of his/her past employment by the authority.

9.2 These provisions would not apply if the termination of employment with the local authority arose as the result of redundancy or the externalisation of work and consequent transfer to a new employer.

## **10. SALARY**

The salary paid to a chief officer will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 11** or the authority expressly agrees that they shall be

retained by the officer, shall be paid by the officer into the local authority's accounts.

## **11. RETURNING OFFICER FEES**

The chief officer shall be entitled to receive and retain the personal fees arising from such of the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions as he or she performs subject to the payment of pension contributions thereon, where appropriate, unless a specific term has been included in the chief officer's contract referring to alternative arrangements.

## **12. OFFICIAL CONDUCT**

12.1 The public is entitled to demand of a local government officer conduct of the highest standard.

12.2 An officer's off-duty hours are his/her personal concern but he/she should not subordinate his/her duty to his/her private interests nor put himself/herself in a position where his/her duty and his/her private interests conflict, or where public confidence in the conduct of the authority's business would be weakened.

12.3 Officers within purview of this Committee shall devote their whole-time service to the work of the local authority and shall not engage in any other business or take up any other additional appointment without the express consent of the local authority.

12.4 An officer shall not be required to advise any political group of the local authority, either as to the work of the group or as to the work of the local authority, neither shall he/she be required to attend any meetings of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with any officer and which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the local authority.

12.5 No officer shall communicate to the public the proceedings of any committee meeting nor the contents of any document relating to the authority which in either case is regarded by the authority as confidential unless required by law or expressly authorised to do so.

12.6 If it comes to the knowledge of an officer that a contract in which he/she has any pecuniary interest, whether direct or indirect (not being a contract to which he/she is himself/herself a party), has been or is proposed to be, entered into by the authority, he/she shall, as soon as practicable, given notice in writing to the chief executive of the authority of the fact that he/she is interested therein.  
(Attention is

drawn to the provisions of the Local Government Act 1972 Section 117).

12.7 Information concerning an officer's private affairs shall not be supplied to any person unless the consent of such officer is first obtained.

## **PART 3 - DISCIPLINE, CAPABILITY AND REDUNDANCY**

### **1. SPECIFIC STATUTORY OFFICERS**

1.1 Where disciplinary action against the Monitoring Officer or s151 Officer or, in Wales, the Head of Democratic Services is contemplated, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) in England, and the Local Authorities Standing Orders (Wales) Regulations 2006 in Wales, provide a degree of protection for these officers against unwarranted political interference in their statutory role within local authorities.

1.2 (**England**) Paragraph 13 and 13A and Appendix 5A of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Monitoring Officer or s151 Officer is contemplated.

1.3 (**Wales**) Paragraph 13 and 13B and Appendix 5B of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Head of Democratic Services is contemplated.

### **2. CHIEF OFFICERS OTHER THAN SPECIFIC STATUTORY OFFICERS**

2.1 The size and structure of local authorities varies greatly and it is therefore difficult to set out single disciplinary and capability procedures which would fit all authorities. However, authorities will have local procedures to deal with such issues.

2.2 In general, informal conciliation is to be preferred to formal disciplinary and capability procedures if it can bring about a mutually agreed solution to the problems that have arisen. Such solutions should make it clear what specific changes in behaviour and/or performance are expected and within what timescales. However, provision is required to undertake more formal action where necessary.

2.3 The principles of natural justice and good management practice must govern the conduct of any proceedings against a chief officer on the grounds of either alleged misconduct (i.e. 'discipline') or an alleged inability to carry out their role (i.e. 'capability'). Authorities should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

2.4 A particular consideration for Chief Officers is that the procedures must take account of an officer's position in the hierarchy when determining who conducts investigations, undertakes disciplinary/capability hearings taking any appropriate action and who hears appeals. Depending on the structure of the authority and the circumstances of the case these functions should normally be undertaken by officers as appropriate but in some cases may require a committee of members to be involved in hearings or appeals.

2.5 Where the chief officer's continuing presence at work compromises an investigation or impairs the efficient exercise of the local authority's functions, the chief officer may (subject to whatever consultation or approval may be required under the authority's standing orders) be suspended from duty. The Council, or appropriate committee or senior officer, acting under delegated powers, may carry out such suspension on full pay. Written notice stating the reasons for any such suspension shall be given at the earliest opportunity possible.

2.6 Suspension protocols regarding communication and matters such as annual leave and sickness should be agreed. The necessity for the chief officer to remain suspended should be reviewed at regular intervals and where possible lengthy periods of suspension should be avoided.

2.7 In England, where an authority operates a mayor or leader cabinet executive system and as a result of disciplinary proceedings there is a recommendation to dismiss, they should check whether the executive objections procedure set out in schedule 1, part I, paragraph 6 and part II, paragraph 6 of the Local Authorities (Standing Orders) (England) Regulations 2001 applies, and if so ensure it is followed before the chief officer is dismissed.

2.8 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context.

2.9 The Joint Secretaries (or their representatives) are available to act in an impartial conciliation role, whether formal or informal if required to do so by the local parties.

### **3. REDUNDANCY**

3.1 Employing authorities should consult with any chief officer affected at the earliest possible stage when there is a suggestion that the chief officer's post might be abolished or proposed for abolition.

3.2 If after such consultation a proposal is formulated to abolish the chief officer's post, and that is part of a proposal to dismiss 20 or more employees from one establishment within 90 days the procedure of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, requiring consultation with trade unions, should be followed, the required statutory information being sent to the chief officer and to each independent trade union recognised by the employers for collective bargaining purposes for the chief officer. Where the provisions of the Act do not apply in any event a period of not less than twenty-eight days should be allowed for the individual consultation process. The chief officer and a trade union representative should also be afforded an opportunity of making oral representations to the Committee or Council meeting concerned before a final decision is made.

3.3 If following such consultations the authority decide that the post must nevertheless be abolished, the officer should be offered any suitable alternative employment that may be available or which may become available in consequence of the re-organisation giving rise to the abolition of the chief officer's post.

3.4 The authority should also bear in mind the possible application of discretionary powers of premature retirement, and permissible enhancement of benefits or redundancy payments, and the possibilities of providing an alternative post or of extending the period of notice to assist the chief officer in finding other employment.

3.5 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context.

## **ANNEX 1**

### **JOINT GUIDANCE ON APPRAISAL OF THE CHIEF OFFICER**

#### **1. INTRODUCTION**

1.1 This guidance is intended for use by senior officers, elected members and the chief executive when agreeing a process for appraising the performance of the chief officer. The focus of this process should be on clarifying what the chief officer is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.

1.2 The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief officer's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

#### **2. RESPONSIBILITY FOR APPRAISAL**

2.1 The responsibility for appraising a chief officer lies primarily with their line manager and/or chief executive. It is a contractual obligation on the part of both the chief officer and the employing local authority to engage in a regular process of appraisal.

2.2 It will be for local decision in the light of local circumstances whether the appraisal should include any input from elected members representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief officer is employed by the local authority as a whole, not by the controlling group, and is therefore required to serve all of the local authority.

#### **3. AIMS OF APPRAISAL**

- To identify and clarify the key objectives, priorities and targets of the local authority and appropriate timescales for their achievement over the next (e.g. twelve) months
- Agree what the chief officer should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to help deliver the local authority's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively
- Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance

□ Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals

□ Discuss developmental requirements. The chief officer will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief officer with the requisite skills to meet the local authority's objectives. The parties should be proactive and anticipate future developmental needs in the context of the local authority's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between the chief officer and the chief executive. It should not be assumed that it is only the chief officer who may need to adjust his / her approach to the working relationship

3.1 Appraisal should be set in the context of the local authority's objectives, priorities and targets, generally expressed in corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the local authority as a whole.

#### **4. THE APPRAISAL CYCLE**

Appraisal should take place on a predetermined date, **at least annually**, backed up by regular monitoring meetings at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

#### **5. KEY ELEMENTS OF THE APPRAISAL PROCESS**

□ Continuous two-way monitoring of performance against objectives

□ Preparation for an appraisal interview

□ An appraisal interview where recent and current performance, future objectives and development needs are discussed

□ Agreement on action required from either party to ensure required performance is achievable

□ A continuing process of informal discussion regarding performance



## **6. THE APPRAISAL INTERVIEW AND AFTERWARDS**

- Both parties should be well informed and prepared for the interview
  
- The process should be two-way
  
- The interview should be free from interruptions, and notes should be taken when necessary
  
- The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions
  
- Targets which are realistic and capable of being monitored should be agreed
  
- Any agreed personal development plans should be implemented within the agreed timescale
  
- The chief officer should be given a reasonable opportunity to correct any shortfalls in performance
  
- A date for the next review should be agreed

## **7. OTHER MATTERS**

The detailed content of appraisal interviews should normally be treated as confidential to the participants, unless both parties agree that it would be helpful for the targets agreed for the ensuing period to be shared more widely. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.



«PERS\_TITLE» «PERS\_INITIALS» «PERS\_SURNAME»  
«ADDRESS\_LINE\_ONE»  
«ADDRESS\_LINE\_TWO»  
«ADDRESS\_LINE\_THREE»  
«ADDRESS\_LINE\_FOUR»  
«ADDRESS\_POSTCODE»

Dear «PERS\_TITLE» «PERS\_SURNAME»

### **Contract of Employment**

I am pleased to enclose your contract of employment with the Authority.

This reflects your current role which may be different to the role in which you commenced your employment with the Council. However, your original start date will be recorded.

If you believe that the information contained within your contract is incorrect, in the first instance please discuss with your Line Manager. Any other queries, please let us know via email to:

[CEHRM@carmarthenshire.gov.uk](mailto:CEHRM@carmarthenshire.gov.uk)

I would be grateful if you would kindly signify, via e-mail, your acceptance of the appointment on the specified terms and conditions, retaining a copy for your own records.

Yours sincerely



**Mr Paul Thomas**  
**Assistant Chief Executive (People Management)**

### **TERMS OF EMPLOYMENT (form ToE1)**

These should be read in conjunction with the Written Statement of Particulars which form your contract of employment.

Name of Employer	Carmarthenshire County Council
Address	County Hall, Carmarthen, SA31 1JP
Name of Employee	
Employee Number	
Post Title	
Post Number	
Department	
Negotiating/Governing Body	
Date of commencement of duties in this post	
Designated workplace for this post	
Employment status	
Reason for employment	
End date of Temporary/Fixed Term post (if applicable)	
Date of commencement of Continuous Local Government Service	
Frequency of pay period	
Salary scale / grade	
Basic spinal point amount	
Actual starting salary / pro rata salary for part time employees	
Hourly rate	
Term time hours (if applicable)	
Average weekly hours of work	
Number of weeks for term time work (if applicable)	
Pension contribution rate	
Politically restricted post (if applicable)	
Contractual Winter Maintenance Standby (if applicable)	

These terms of employment supersede any previous terms of employment for the above post. I would be grateful if you would kindly signify, via e-mail, your acceptance of the appointment on the specified terms and conditions, retaining a copy for your own records.

Name: «PERS\_FIRST\_FORENAME» «PERS\_OTHER\_FORENAMES»  
«PERS\_SURNAME» Employee No: «EMPLOYEE\_NUMBER»

Dear Colleague

Employees who come within the responsibility of a school governing body are referred to in this document as “school employees”. This term does not include catering and cleaning staff working in schools who are directly employed by the Council.

## **PLACE OF WORK**

Your designated workplace for this post is confirmed in form ToE1.

The Authority reserves the right to change your place of work anywhere within the Council’s area in accordance with the needs of the service without any additional paid travelling time on giving appropriate prior notice of such requirement.

If you are employed as a peripatetic worker you have no fixed place of work. The Council’s address is County Hall, Carmarthen SA31 1JP.

Carmarthenshire County Council’s Domiciliary Care Service is a county wide service and you are employed to work with all our people covering all areas of the county as required.

### **School employees**

The governors reserve the right to require you to work on any part of the current or future school site, including additional school sites under Collaboration or Federation arrangements in accordance with the needs of the service. This will be without any additional paid travelling time on giving appropriate prior notice of such requirement.

## **EMPLOYMENT STATUS**

Your employment status is confirmed in form ToE1.

If you are employed on a temporary or fixed term basis this will be confirmed in form ToE1. The appointment will terminate on the date specified in form ToE1 for the reason specified in form ToE1 or when the post holder returns to duty, whichever occurs first.

The appointment may, however, be terminated by either side sooner provided appropriate notice is given.

### **Job Share**

The Authority agrees to employ you in a job-share capacity (provided it is able to recruit a job-share partner for your role should a vacancy arise).

Should the Authority not be able to recruit a suitably qualified person to fill the part vacant job share post and if you are unwilling or unable to work full-time, the Authority reserves the right to terminate your employment under the Scheme by the giving of the appropriate period of notice, as specified in the Employment Rights Act 1996. Such action would only be taken after consultation with you and your Trade Union Representative, if you so wished, regarding the various options available at that time.

You have a right of appeal against the termination of a temporary or fixed term contract. The appeal should be made in writing where possible, stating your grounds of appeal and to be received at least 7 days before the date of termination. The appeal should be addressed to the Assistant Chief Executive (People Management), Building 4 St David's Park, Job's Well Road, Carmarthen SA31 3HB.

Appeals for school employees should be addressed to the Chair of the governing body.

## **CONTINUOUS EMPLOYMENT**

Your continuous Local Government service start date for the purpose of certain statutory employment rights (i.e. sickness allowances, annual leave entitlement) is as specified in form ToE1

This will include any previous continuous service with any organisation covered by the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999, or any subsequent amending legislation, which covers local authorities and related bodies.

## **PROBATION PERIOD** (Excludes school employees)

If you are joining the Council's service, the appointment is subject to a probationary period of a minimum of 6 months. For newly qualified social workers and some childcare workers this will be a minimum of 12 months. During this probationary period your performance will be carefully monitored and your suitability for the post assessed. Your continued employment will be subject to satisfactory reports. If at any time during the probationary period adverse reports are received the Council may terminate your contract by giving the period of notice to which you are entitled. Please refer to the Management of Probationary Employees Policy, (available on request) for further information.

## **TERMS AND CONDITIONS OF EMPLOYMENT**

Your terms and conditions of employment will be in accordance with collective agreements negotiated and amended from time to time by the negotiating/governing body as specified in form ToE1 and should be read in conjunction with the appropriate paragraph below.

### **National Joint Council for Local Government Services (NJCCCC)**

Your terms and conditions of employment will be in accordance with collective agreements negotiated and amended from time to time by the National Joint Council for Local Government Services set out in the National Agreement on Pay and Conditions of Service, the negotiating machinery of Joint Council for Wales and the Council's Standing Orders, rules, decisions and local collective agreements reached with trade unions recognised by the Council. Copies of these documents are available for inspection from your Chief Officer or the Chief Executive's People Management Division, Building. 4, St David's Park, Job's Well Road, Carmarthen, SA31 3HB or on the Council's intranet site.

### **Soulbury Committee (SOULB-SC)**

Your terms and conditions of employment will be in accordance with collective agreements negotiated and amended from time to time by the Soulbury Committee set out in the report of the Soulbury Committee on the Salary Scales and Service Conditions of Educational Improvement Professionals, Educational Psychologists and Young People's/Community Service Managers.

Additional terms and conditions of employment will be in accordance with collective agreements negotiated and amended from time to time by the National Joint Council for Local Government Services set out in the National Agreement on Pay and Conditions of Service, the negotiating machinery of Joint Council for Wales and the Council's Standing Orders, rules, decisions and local collective agreements reached with trade unions recognised by the Council. Copies of these documents are available for inspection from your Chief Officer or the Chief Executive's People Management Division, Building 4, St David's Park, Job's Well Road, Carmarthen SA31 3HB or on the Council's Intranet site.

### **J.N.C. for Chief Officers of Local Authorities (CO-SC)**

Your conditions of service will be in accordance with the J.N.C. for Chief Officers of Local Authorities, as supplemented by local decisions.

## **IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006**

Your employment is subject to the restrictions placed on your time to remain in the UK and the statutory requirements to comply with the Immigration, Asylum and Nationality Act 2006 and the UK Borders Agency Codes of Practice. Your continued employment will therefore be reviewed and dependant on you obtaining future and valid permissions to remain in the UK and to undertake the type of work currently offered.

## **PAY**

Your pay frequency and pay group are specified in form ToE1 and should be read in conjunction with the appropriate paragraphs below.

### **Four weekly paid employees (Pay Groups 9, 16)**

Your pay will be paid four weekly in arrears by bank credit to a bank account of your choice.

### **Monthly paid employees (Pay Group 11)**

Your salary will be paid in arrears on the 27<sup>th</sup> of each month for January to November inclusive (or the nearest working day if 27<sup>th</sup> falls on a weekend or bank holiday) for the month of December the pay date is the 24<sup>th</sup> or the last banking day prior to 25<sup>th</sup> December. Payment is by bank credit to a bank account of your choice.

### **Monthly paid employees (Pay Group 15)**

Your salary will be paid in arrears on the last working day of each month. However, if the last working day falls on a Monday or Tuesday, you will be paid on the previous Friday. Payment is by bank credit to a bank account of your choice.

Your starting salary per annum and salary scale/grade is as specified within form ToE1.

Where appropriate your salary will rise within the grade by annual increments up to the maximum point of the grade. Increments will be paid on 1<sup>st</sup> April every year unless you commenced duties between 2<sup>nd</sup> October and 31<sup>st</sup> March in any year, in which you will receive your first salary increment 6 months from the date on which you commenced duties.

### **Tutors**

Your rate of pay per hour for courses is as specified in form ToE1.

### **Chief Officers**

Progression through the incremental scale of the relevant grade is subject to satisfactory performance assessed on an annual basis. The Council does not pay bonus or performance related pay.

### **Overpayments**

Should you be overpaid, as a result of a mistake in fact, the full amount will be deducted from subsequent salary payment(s) or any other payment due to you from the Council. The Employee Services Section is authorised to deduct 10% of your gross monthly salary to recover the overpayment and will continue until the full amount has been retrieved. Should you wish to make repayments in larger denominations please contact the Employee Services Section

In the event an overpayment has not been fully recovered before the time of your final salary payment the Employee Services Section is authorised to recover the full amount. If for any reason, the overpayment has not been recovered in full, the matter will be referred to the Authority's Debtors' Section in order that you be invoiced for the payment that remains outstanding.

### **UNAUTHORISED ABSENCE**

The Authority reserves the right to withhold payment or deduct from salary a day's pay for each day of unauthorised absence. Any decision concerning this matter will be made by the Head of Service/Governing Body or his/her nominated representative. Unauthorised absence may result in disciplinary action being taken.



## **HOURS OF WORK**

Normal office hours are Monday to Thursday 8.45 to 17.00 and Friday 8.45 to 16.30. Your work pattern and normal working hours per week exclusive of meal breaks will be provided to you by your line manager/Head Teacher. The Authority operates a range of different shift patterns which are developed and from time to time amended to meet the needs of the service.

Your hours of duty are to be worked in accordance with the needs of the service and at the direction of the Head Teacher/Director of the Department or his/her nominated representative.

### **Chief Officers**

It should be noted that the salary range takes account of the fact that the duties of this post cannot be satisfactorily undertaken within a fixed working week and that some elements of unsocial hours will be required for the proper performance of duties.

### **Drivers**

Drivers must take unpaid breaks in accordance to EU & AETR rules on drivers' hours.

### **Term Time Employees**

If the nature of your role requires you to be employed on term time only working, you will be required to work term time weeks including INSET days. The number of weeks and term time hours you are contracted to work per week exclusive of meal breaks are as specified in form ToE1.

Please note - if you work term time weeks only, the contracted hours shown on your ToE1 will be your actual weekly working hours (inclusive of paid holidays), averaged over the year, to enable you to receive equal salary payments throughout the year. A 4% allowance on basic pay will be paid to recognise the term time nature of the work. This allowance is only payable to staff where the nature of the work is restricted to term time only. The 4% will be included in pay calculations for the purposes of sickness and annual leave.

### **Tutors**

The contracted hours of work are variable. The setting of hours each academic term or year reflects varying factors, local circumstances, student enrolment, courses offered and budgetary considerations. A normal working week will be based on the needs of each course and may fluctuate depending on the needs of the course and the time of year.

Should student attendance fall below an acceptable level resulting in the cancellation of the class then you will not be paid beyond the date of the last class presented. The provision of courses and any changes will be at the discretion of the Authority.

### **Domiciliary Services**

The contract hours of work (exclusive of meal breaks) as specified in form ToE1 are allocated on a rota in accordance with the needs of the service. You are obliged to accept hours of work offered on your rota'd working days, to meet your contractual obligation.

### **Catering staff**

In order to accommodate the fluctuation in number of meals provided/income generated, the contracted hours may be varied. Reductions or increases in hours will be notified by the Catering Manager with one week's notice and implemented accordingly.

### **Passenger Assistant staff**

In order to accommodate the fluctuation in the number of children being transported, the contracted hours may be varied. Reductions or increases in hours will be notified by the Network Manager with one week's notice and implemented accordingly.

If you leave your job part way through the year, a calculation will be undertaken to ensure that you have not been under or overpaid. Any adjustment necessary will be made in your last salary.

**Annualised Hours Contract** (only applicable to employees working to agreed peak business working pattern).

Your average contracted hours worked per week exclusive of meal breaks are as specified in form ToE1. The working hours confirmed by the Departmental agreed working arrangements will be designed to accommodate the needs of the business during summer and winter periods. You will be required to work increased hours during the summer period and decreased hours during the winter period. The implementation of flexible working hours is at the discretion of your Chief Officer. Overtime will be paid in accordance with NJC conditions for all hours worked over the agreed set maximum in the Summer Period and the agreed set maximum hours in the Winter Period.

If you leave your job part way through the year, a calculation will be undertaken to ensure that you have not been under or overpaid. Any adjustment necessary will be made in your last salary.

### **Sleeping In**

Employees required to 'sleep in' on the premises are entitled to the allowance as set out in the National Joint Council Circular on Allowances. Sleeping in allowance covers the requirement to sleep in and up to 30 minutes call out per night. If an individual is required to work in excess of 30 minutes they will be paid at their normal rate of pay (overtime if applicable) including any night time enhancement (if applicable – see below).

### **Night Work**

Staff who work a minimum of 3 hours waking nights between the hours of 11pm and 6am as part of the normal working week are entitled to an enhanced payment of time and a third on their basic hourly rate. The three hours do not have to be consecutive.

### **Weekend Working**

In recognition of weekend working, an 8% enhancement on basic pay for all hours worked will be paid to post holders who are required to work a minimum of two weekend days/shifts in every four weeks as part of their normal working pattern (on a regular basis/rota). The 8% will be included in pay calculations for the purposes of sickness and annual leave.

### **Standby and Call Out**

Where the nature of the work requires additional duties to be carried out outside of normal working hours a standby rota may be operated by the Line Manager as and when required by the service. An employee on standby must be contactable at all times during the stated period of standby and must be prepared and able to return to work if the situation warrants it. Any changes to contractual standby will be notified within one month of the change. Employees required to work standby duties will be paid the Authority's agreed standby rate for the session. If called out, normal hourly rates for the hours worked will apply plus overtime/enhanced rates if appropriate.

### **Highways Emergency Standby and Winter Maintenance Out of Hours Duty Rota**

You will be expected to travel to various sites or depots in Carmarthenshire when required to meet operational needs and participate in the Highways emergency standby and the out of hours winter maintenance duty rota arrangements. There will be a requirement on a periodic and ad-hoc basis to work overtime and undertake standby duty to deal with highway emergency and winter gritting duties as per rota outside normal working hours. Emergency standby and winter maintenance duty rota arrangements may apply during the week and at weekends to ensure the authority meets its statutory obligations in ensuring the highway is maintained in a safe condition for all users.

### **Overtime/Work Outside of normal hours (excluding Chief Officers)**

The full-time standard working hours are 37 per week. You will not be expected to work overtime on a regular basis. However, if you are required and authorised to work in excess of the standard working hours per week and any such work falls outside the flexible working hours you may, if authorised, be paid at the appropriate overtime rate.

If you are contracted to work on annualised hours or on a rolling rota, overtime rates are only payable for hours worked over the average of 37 hours in the contracted period.

Please note that the Authority/Governing Body will implement the Working Time Regulations in allocating additional hours and all staff are required to inform their Line Manager/Head Teacher of additional work undertaken including other posts that

they may have in other sections of the Authority or work commitments undertaken for other organisations.

Please see Code of Conduct in relation to notifying the Authority of other employment (excludes school staff).

For all hours worked beyond 37 hours per week in a particular post which have previously been approved by your Line Manager / Head Teacher will be paid at the basic hourly rate plus 50%.

## **PENSION**

In accordance with the Local Government Pension Scheme Regulations all new employees will automatically become a member of the Local Government Pension Scheme (LGPS). Should you wish to opt out of LGPS membership an Opt Out Form is available from Dyfed Pension Fund website: [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk). Alternatively contact Dyfed Pension Fund, County Hall, Carmarthen SA31 1JP.

You should have received an employee guide on the LGPS summarising the benefits of the pension scheme. Further details are available on the Dyfed Pension fund website – [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk).

Your contribution rate will be assessed in accordance with your actual pensionable pay, as specified in form ToE1.

The pension banding tables are reviewed periodically and as a result there may be an automatic increase or decrease in your pension banding. Your pension banding may also increase as a result of a pay increase including any incremental pay rises. Pension contributions will be payable on all of your taxable pay.

## **TIME OFF**

If you are planning on taking time off work but are unsure of the type of time off that you may be entitled to, you may benefit from taking a look at the [Time Off policy](#) in the first instance. This will signpost you to the types of time off that are available and whether they are paid or unpaid.

## **Holidays**

### **School employees**

The leave year will be operative from 1 April to 31 March. Those employees commencing or terminating employment during the year are entitled to leave proportional to the number of completed months' service during that year. Please note for school-based establishments no leave is to be taken during term time

### **Community Learning Tutors**

The leave year will be operative from 1 September to 31 August. Those employees commencing or terminating employment during the year are entitled to leave proportional to the number of completed months' service during that year.

## **Catering**

The leave year will be operative from 1 January to 31 December. Those employees commencing or terminating employment during the year are entitled to leave proportional to the number of completed months' service during that year. Please note for school-based establishments no leave is to be taken during term time.

## **For all other employees**

The leave year will be operative from your birthday. Those employees commencing or terminating employment during the year are entitled to leave proportional to your service during that year.

Please see your line manager/Head Teacher to confirm your entitlement. You may be required to take your annual leave entitlement when your establishment/workplace is closed for specific holiday periods or for any other reason as advised by your Line Manager.

Leave entitlement is calculated on the basis of length of continuous service as indicated below:

0 - 5	completed years' service	26 days
Over 5 - 10	completed years' service	31 days
10 Plus	completed years' service	34 days

No payment in lieu of accrued contractual holiday will be made to the employee (and where appropriate a deduction will be made from salary) in the event of his/her termination for gross misconduct or in the event of the employee giving inadequate notice of termination or leaving before the contractual notice period has expired. Contractual holiday for these purposes mean all and any leave entitlement provided for in the employee's contract that is over and above the minimum statutory leave period provided for in the Working Time Regulations 1998 (i.e. 5.6 weeks or a maximum of 28 days) unless your Service Director/Head Teacher believes there are exceptional circumstances which have prevented leave from being taken. Employees leaving local government service having taken leave beyond their entitlement at that point, will have the corresponding number of days pay deducted from their final salary payment or any other payment due from the Authority.

Annual leave should be requested from your line manager/Head Teacher and is subject to the agreement of the Department/Head Teacher.

## **For employees in establishments with fixed holiday periods.**

You will be required to take all of your annual leave entitlement when your establishment/workplace is closed for specific holiday periods or for any other reason as advised by your Line Manager/Head Teacher.

## **Bank/Public Holidays**

There are 8 days designated as public bank holidays by the Authority. This is calculated on a pro rata hourly basis during the year for part time employees. If you are scheduled or required to work a bank holiday, you will be paid at double time (i.e.

time plus time) for all hours physically worked, in complete recompense for all hours worked.

### **Job Share**

Entitlement to take paid holiday on bank or public holidays will be shared proportionately between job-sharers. Alternatively, and with the permission of your manager, you can choose to adjust your working pattern to ensure a fair distribution of bank and public holidays. Your entitlement to take paid holiday on public or bank holidays will be the pro rata equivalent of the entitlement of full-time employees.

### **Sickness Absence**

Your entitlements during any absence due to sickness or injury are as indicated in the National Joint Council conditions Part 2 Section 10.

During 1<sup>st</sup> year of service 1 month's full pay (and after completing 4 months' service) 2 months half pay  
During 2<sup>nd</sup> year of service 2 months' full pay and 2 months' half pay  
During 3<sup>rd</sup> year of service 4 months' full pay and 4 months' half pay  
During 4<sup>th</sup> and 5<sup>th</sup> years of service 5 months' full pay and 5 months' half pay  
After 5 years' service 6 months' full pay and 6 months' half pay

If you are unable to attend work as a result of illness or injury you must notify your line manager/Head Teacher as soon as practicable on the first day of absence of the reason for, and likely duration of, the absence.

You are required to complete a self-certification form via [Resourcelink/My View](#) for the first 7 days of the period you were due to work (including Saturday and Sunday) Catering and cleaning employees should complete a paper form SA128 (Self Certification Statement of Absence). This should be done immediately upon your return to work or as soon as possible if the absence is long term.

If your sickness absence is longer than 7 days you must submit to your line manager a General Practitioner's Fitness for Work Certificate by the 8<sup>th</sup> day of absence.

For further details please see Sickness Absence Employee Information and Sickness Absence Management Procedure (available on the Intranet).

### **School employees**

School employees should refer to the schools' Sickness Absence Management Policy and Procedure which is available in the school office along with any school reporting arrangements.

### **NOTICE**

- (i) The Authority will give you one week's notice to terminate the contract of employment during your probationary period. Following the probationary period, the minimum period of notice to which you will be entitled from the Council is 1 week or as shown below, whichever is the longer:-

**Period of Continuous Service**

1 month or more but less than 2 years  
2 years or more but less than 12 years  
12 years or more

**Minimum Notice**

1 week  
1 week for each year of continuous service  
12 weeks

You are required to give one week's notice to terminate the contract of employment during your probationary period. Following the probationary period, the minimum period of notice you are required to give to terminate your employment will be;

Grade A – K – 1 month  
Grade L – O – 3 months  
Chief Officers - 3 months  
Soulbury - salary equal or exceeding NJC spinal point 40 – 3 months

Your employment may be terminated by the employer without notice or payment in lieu of notice in the event of serious misconduct.

**MATERNITY**

For Information on the Authority's Maternity Policy, please click [here](#).

**PATERNITY**

For information on the Authority's Paternity Policy, please click [here](#).

**PAY IN LIEU OF NOTICE**

The Authority may make a payment in lieu of notice for all or any part of your notice period on termination of your employment (rather than you working out your notice period). This provision, which is at the Authority's discretion, applies whether notice to terminate the contract is given by you or by the Authority.

**BENEFITS**

For details of your eligibility to benefits that may be available to you as a worker/employee of the Authority, please see our [benefits page](#).

**CARS/TRAVEL**

Please note if you are authorised to use your car for work purposes you should ensure that you are able to drive and that you are covered by the appropriate business insurance. The Authority also reserves the right to ensure at any time that you are covered by the appropriate documents (MOT, car insurance and the appropriate driving licence.)

Authorised work related car journeys are reimbursed at the Authority's car user allowance rate.

**For Peripatetic workers only**

If you are employed as a peripatetic worker with no fixed place of work you will be reimbursed authorised business mileage incurred in excess of 10 miles from home to the first job location and from the last job location to home **(20 miles per day)**. If however, you are working a split shift, any additional mileage will be paid in full.

## **CONFIDENTIALITY**

You may not, during or after the termination of your employment with the Council, disclose to anyone other than in the proper course of your employment, any information of a confidential nature relating to the School, the Council or its business. This confidentiality of information applies during working and non-working hours. Breach of this clause may lead to your summary dismissal.

As an employee of the Council you are responsible for complying with Data Protection legislation when processing personal data as part of your duties. You are also responsible for adhering to relevant Council policies when handling personal data.

## **RESTRICTIONS ON OTHER EMPLOYMENT**

Prior to agreeing to undertake other work (paid or unpaid) outside of the Council, permission must be sought from the appropriate Head of Service/ Line Manager as per the Code of Conduct – Employees (available on request). (Please note – this is not applicable to school staff within the responsibility of the governing body.)

### **Chief Officers**

You must devote your whole-time service to the work of the Council except where otherwise authorised. You must uphold the principles of the Employees Code of Conduct and ensure that you declare any personal interests in accordance with the Council's policies.

### **Your attention is drawn to the following extract from the JNC Chief Officers Conditions of Service Handbook:**

After termination of a chief officer's employment you:

- a) will not divulge any information to any third party which is confidential to the authority.
- b) will not, without the consent of the authority, which will not unreasonably be withheld, within a period of 12 months take up employment with or provide services for reward to any body:
  - i) if during the chief officer's last two years of employment with the authority the officer has been directly involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward
  - ii) which is likely to benefit from commercially sensitive information which is known to the chief officer by virtue of his/her past employment by the authority.

These provisions would not apply if the termination of employment with the local authority arose as the result of redundancy or the externalisation of work and consequent transfer to a new employer.



## **GENERAL REQUIREMENTS OF THE POST HOLDER**

You will be held responsible for ensuring that the accountabilities of your post (job profile available on request) are fulfilled and your performance in doing so may be assessed from time to time. You will carry out such work and duties as are usual or necessary in connection with your appointment or such work as may reasonably be required. You are required to invoke the Council's/School's established processes and procedures to challenge and report dangerous, abusive, discriminatory or exploitive behaviour and practice. You will be responsible for your own actions, behaviour and any subsequent consequences. All employees are expected to recognise the limits of their competence and be responsible for limiting their actions to those which they feel competent to undertake. You will have due regard for economy and use of resources whilst maintaining standards at all times.

You are expected to uphold at all times the core values of the Council/School and ensure that your behaviour does not deliberately bring the Council/School into disrepute.

The Council reserves the right to seek a Disclosure and Barring Service check for all employees in posts that have safeguarding responsibilities.

Employees in posts requiring them to register with Social Care Wales or in Registered Services under Care Inspectorate Wales, will be required to register with the DBS Update Service (for which there is an annual subscription fee) and it is your responsibility to ensure that subscription is maintained annually to uphold professional registration.

You are required to inform your Manager/Head Teacher/Director and/or your Human Resources section at the earliest opportunity if you are under investigation for a criminal offence or are convicted of a criminal offence (including cautions and bind over orders). Please note that all declarations will be treated in strictest confidence and will not necessarily affect your ability to carry out your post. Failure to report such matters may result in disciplinary proceedings.

Where required you will maintain membership of appropriate professional bodies.

### **For employees within Social Care**

If you are employed within the Social Care Sector, you are also required to abide by the principles of the Code of Professional Practice as per the document published by Social Care Wales. You can download a copy at [www.socialcare.wales](http://www.socialcare.wales). You will also be obliged to register and maintain registration with the Care Council for Wales when it is required.

## **DISCIPLINARY POLICY AND PROCEDURE**

The Authority's Disciplinary Policy and Procedure is available [here](#). If you are dissatisfied with any disciplinary decision you have the right of appeal. The appeal should be addressed to the Assistant Chief Executive (People Management), Building 14 St David's Park, Job's Well Road, Carmarthen SA31 3HB.

### **School staff**

The disciplinary rules applicable to you are set out in the School's Disciplinary Policy and Procedure (the school's policy is available from the school office). If you are dissatisfied with any disciplinary decision you have the right to appeal in accordance with the appropriate provision of the policy. Full details are available from your head teacher or Clerk to the Governing Body of the school.

### **Chief Officers**

The disciplinary procedures applicable to you are set out in the J.N.C. for Chief Officers of Local Authorities Conditions of Service.

## **GRIEVANCE PROCEDURE**

If you have a grievance relating to your employment you should discuss the matter in the first instance with your immediate supervisor in accordance with the [Grievance Policy and Procedure](#). This explains the stages of the procedure available to you should you be dissatisfied with the outcome. Please note that there is a separate policy dealing with grievances of bullying and harassment - [Behavioural Standards](#).

### **School staff**

The school's disciplinary, grievance, and Dignity and Respect policies/guidance are available from the school office.

## **DISMISSAL**

If you are dismissed from the employment of the Authority, you will be advised of the reason and offered a right of appeal in accordance with the terms of the appropriate policy (except during your probationary period when the Managing Probationary Employees Policy applies to staff except those employed by schools), as follows:

Health	Sickness Absence Management Policy
Redundancy	Redundancy Policy
Performance	Capability Policy
Conduct	Disciplinary Policy

## **POLITICAL RESTRICTION**

If you have been advised in form ToE1 that your post is a 'politically restricted post' please refer to the terms outlined in the political restriction document (available on request).

## **LEARNING AND DEVELOPMENT**

It is a condition of your employment that you undertake all appropriate learning and development. This will include any development identified to build your skills in order to enable you to perform your duties fully (including additional duties you may be reasonably required to perform). Such development may be specified within a Learning Agreement on your commencement. This agreement will include any specified timeframe.

## HEALTH AND SAFETY

You are required to abide by the appropriate Health and Safety Rules of the Authority. If you occupy a post that is subject to health surveillance you are expected to attend for medical examination as and when required.

This Written Statement of Particulars supersedes any previous Written Statement of Particulars. I would be grateful if you would kindly signify, via e-mail, your acceptance of the appointment on the specified terms and conditions, retaining a copy for your own records.

Yours sincerely



**Mr Paul Thomas**  
**Assistant Chief Executive (People Management)**

Mae croeso i chi gysylltu gyda'r Cyngor trwy gyfrwng y Gymraeg neu'r Saesneg.

You are welcome to contact the Council through the medium of Welsh or English.

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DOCUMENTS & POLICIES – are available on the Authority's intranet site -

<http://intranet/our-people/hr/>

Or for school staff – All policies are available from the school office.

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## Appendix M – Trainee and Modern Apprentice Pay Rates

### CCC Pay Grades - Training Contracts [Including Apprentices]

Table 1 Year 1 - Grade Structure [MODAPP] - 2020-21								
Level	Spinal Point	Salary [£]		Hrly Rate [£]				
1	1001	8,778		4.5500				
2 and 3	1005	12,827		6.6489				
4	1003	15,820		8.2000				
5	1006	17,842		9.2480				
-	1002	12,443		6.4500				
-	1004	16,823		8.7200				
Table 2 Year 2+ - Age Dependent - 2020-21								
Level	16-17		18-20		21-24		25+	
	Salary [£]	Hrly Rate [£]	Salary [£]	Hrly Rate [£]	Salary [£]	Hrly Rate [£]	Salary [£]	Hrly Rate [£]
1	8,778	4.5500	12,443	6.4500	15,820	8.2000	16,823	8.7200
2 and 3	12,827	6.6489	12,827	6.6489	15,820	8.2000	16,823	8.7200
4	15,820	8.2000	15,820	8.2000	15,820	8.2000	16,823	8.7200
5	17,842	9.2480	17,842	9.2480	17,842	9.2480	17,842	9.2480

1. Year 1 – The Council’s rate of pay will be dependent on Apprentice entry level [table 1].

1. Year 2+ - The Council’s rate of pay will be dependent on Apprentice age [table 2] or level [table 1], whichever is the higher. The rate of pay should not reduce for Apprentices entering Year 2+.

2. Spinal Points – With the exception of 1005 and 1006, all spinal points will increase in line with the National Minimum / Living Wage set by Government and not

dependent on the NJC National Pay Award.

3. The application of a pay supplement for weekend working [8%] and term time working [4%] will not operate for training contracts and government funded job placement schemes.

**Appendix N Returning Officer Pay Allowance – County and Local Elections**

	<b>Current Fees *</b>
Contested Ward	£170.00
Uncontested Ward	£56.61
Postal Votes – fee for despatch and receipt (per contest)	Nil
Town/Community Council Elections – fixed Fee	Nil
Local elections - Contested Ward	£170.00
Local elections - Uncontested Ward	£56.61
By-election - Contested Ward	£170.00
By-election - Uncontested Ward	£56.61
Postal Votes – fee for despatch and receipt (per contest)	Nil
Training Fee	Nil

\*Agreed at Cabinet, 28<sup>th</sup> February 2022

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## **Appendix O – Winter Maintenance Retainer Pay Arrangements**

### **1. Addendum to the Winter Maintenance Collective Agreement and Rota Protocol**

#### **i) Purpose**

This Addendum to the Collective Agreement on Winter Maintenance Remuneration and Rota Protocol dated 17<sup>th</sup> February 2020 between Carmarthenshire County Council and its negotiating Trade Unions for NJC staff – UNISON, GMB and Unite – is in respect of the implementation of a revised decision making process and retention payments for staff undertaking ‘out of hours’ winter maintenance duties, currently employed on National Joint Council (NJC) (green book) Pay and Conditions of service and the Authority’s Local Conditions of Service.

Variations to terms and conditions of employment will be in accordance with this addendum negotiated with the Trade Unions named above as set out in the Authority’s contract of employment/written statement of particulars. This Addendum will be incorporated into individuals’ terms and conditions of employment. The agreed retention payments and rota protocol will therefore supersede the existing pay and grading arrangements for staff employed on National Joint Council (NJC) terms and conditions and the Authority’s terms and conditions of employment. The terms of this agreement will be reflected within the Authority’s Pay Policy 2022/23.

#### **ii) Scope of the addendum**

The Addendum covers amendments, additions and replacements to:

- The Collective Agreement for Winter Maintenance Remuneration and Rota protocol dated 17<sup>th</sup> February 2020
- The National Agreement on Pay and Conditions of Service (Green Book)
- The Carmarthenshire County Council Local Conditions of Service
- In addition, this Agreement overrides any other local agreements, arrangements or practices.

The scope of this agreement relates to winter maintenance and gritting service only.

#### **iii) Effective date of change**

It is intended that the new pay rates and winter maintenance rota protocol will be effective from **XXXX**.

#### **iv) Communication**

All Highways staff affected by the change have received a joint letter directly from the Director of Environment and the recognised Trades Unions, dated **XXXX** which details the changes set out in this Addendum agreed via collective bargaining.

Following secret postal ballot undertaken by the respective recognised trades unions, GMB, UNISON and UNITE, have confirmed acceptance of the pay package and rota protocol.

## vi) Equalities

Carmarthenshire County Council is committed to maintaining equality in relation to its pay and grading structure and terms and conditions, and on that basis has ensured that the changes agreed maintain this principle. It will ensure that appropriate monitoring procedures are put in place, including the completion of an annual Equal Pay Audit, in line with statutory requirements.

## 2. Duration of the Winter Maintenance Season and Rota

The winter maintenance season and accompanying rota is set for a period of 24 weeks including the Christmas period, starting the first Monday nearest to the 17<sup>th</sup> October to 31<sup>st</sup> March each year.

## 3. Revised winter maintenance 'retainer' payments and rota protocol

The revised 'retainer' payments are as follows:

- The winter maintenance 'retainer' payment of £120 per week/£17.14 per session for each week/day an employee is contracted or commits to the winter maintenance rota via an annual Expressions of Interest (EOI) exercise.
- The introduction of a winter maintenance 'retainer plus' payment of £8 per shift Monday – Friday Monday 00:00 – Friday 24:00 and £23 per shift weekends Saturday 00:00 – Sunday 24:00 on those occasions where the DO is unable to make a clear decision by 2pm each day to stand down or give a gritting time to a driver who is then retained on the rota
- Where an employee is contracted or volunteers via the EOI exercise the receipt of a 'retainer' and 'retainer plus' payments means that the employee is obliged to work the rostered shifts on the 'out of hours' winter maintenance rota. If there is a reasonable reason for being unable to attend a shift and the position has been clearly communicated, no disciplinary action will be taken against staff members, as described within the rota protocol.
- A revised winter maintenance rota protocol is attached as **Appendix 1** to guide the annual EOI exercise to ensure equity in the allocation of shifts and to enable employees' personal circumstances to be accommodated, where possible. The revised rota flowchart for the rota protocol is attached as **Appendix 2**.
- The "retainer' payment' is to recognise the contractual commitment or to encourage volunteers from within the team to express an interest and provide

a clear commitment to fulfilling their obligations on the winter maintenance rota. This is expected to reduce the incidences of employees 'dropping out' of the rota at short notice and not fulfilling their obligation, and the consequent impact on employees in the wider team being transferred from the emergency standby rota to the winter maintenance rota when weather dictates.

- The introduction of the 'retainer' plus' payment is to recognise the minority of incidences where the weather forecast is unclear, and the DO is unable to give a stand down instruction or give the driver a time to grit by 2pm and recognises the additional inconvenience to the employee and the requirement to maintain their availability for the whole shift
- The "retainer' payment' will ensure that everyone who is contracted or commits to the rota via the EOI process for the season will have the same obligation and be treated equitably.
- If a member of staff with a contractual obligation is unable to fulfil their rota obligations this will be dealt with through an informal conversation to establish the reason, e.g. health issue, new caring responsibility, and then resolved using existing policies and procedures.
- The 'retainer' and 'retainer' plus' payments rather than standby are the appropriate payments as the winter maintenance rota is semi planned unlike standby which is responsive to unplanned incidents. It is normal practice for the weather forecast to be checked on a daily basis and where there is no indication of adverse weather employees are stood down from the rota. Where the forecast is marginal and is uncertain or adverse weather predicted employees will either be provided with a gritting time or retained on the rota. This decision will be made by 2pm
- There may be occasions where an employee has been stood down from the rota and the weather then unpredictably changes. In such situations the service will contact those staff that were on the rota prior to being stood down in the first instance but purely on a voluntary basis. Where there are insufficient staff to cover all gritting runs the service will then seek volunteers from the wider team.
- Where staff on the current emergency standby rota need to be moved to the 'out of hours' winter maintenance rota, in exceptional circumstances, where there is an insufficient number of drivers to **cover** the winter maintenance rota, those staff will receive the standby payment and current overtime rates, ie. linked to their substantive grade, not the harmonised winter gritting out of hours rate.
- The 'retainer' payment will be paid for each shift an employee is rostered on the winter maintenance rota and maintains availability to fulfil the rostered commitment ('retainer' will be pro rata for employees on a daily rota). If the employee is subsequently stood down from the rota by the service s/he will continue to receive that payment.

- The 'retainer plus' payment will be paid for each shift an employee is rostered on the winter maintenance rota, in recognition of the additional inconvenience required to maintain availability for the whole shift where the DO is unable to make a decision by 2pm either to stand down or to confirm a gritting time and the employee is required to maintain availability for the whole shift

The '**retainer**' replaced winter maintenance standby payments during the season i.e. the 24-week period ending on the 31<sup>st</sup> March each year. This is with the exception of a minimum of 8 days during the Christmas period. The actual duration of this period being agreed in conjunction with trades union representatives in May of each year, prior to the EOI being undertaken prior to the start of the season. The number of days will be determined by when the bank holidays fall within the Christmas period.

All other terms and conditions are as set out in the Collective Agreement dated 17<sup>th</sup> February 2020.

DRAFT

**Carmarthenshire County Council**

**Addendum to Collective Agreement**

**Signed:**

**Date:**

**Ainsley Williams, Director of Environment  
On behalf of Carmarthenshire County Council**

**Signed:**

**Date:**

**Hugh McDyer, Regional Organiser, UNISON  
On behalf of UNISON**

**Signed:**

**Date:**

**Peter Hill, Regional Organiser  
On behalf of GMB**

**Signed:**

**Date:**

**Allan Card, Regional Organiser  
On behalf of Unite**

## Appendix 1

### Winter Maintenance Protocol for Establishing Driving Rotas

#### Introduction

The County Council has a statutory duty to treat the highway network when adverse weather is forecast and gritter drivers, supervisors and managers need to work together through the winter months to ensure that this duty is discharged in an effective and professional manner. The winter maintenance season and accompanying rota will be set for a period of 24 weeks including the Christmas period starting the first Monday in mid-October (nearest to the 17<sup>th</sup> October) to 31<sup>st</sup> March each year. The exact date for the commencement of the winter maintenance season will be based on 24 weeks working back from the 31<sup>st</sup> March.

Drivers provide a valuable service that ensures roads are treated in advance of freezing weather. A planned approach with a protocol for setting and managing rotas will provide clarity and certainty for all concerned. Such an approach will enable people to have an improved degree of confidence about potential work patterns during the winter months, subject to changes in the weather.

A protocol has therefore been developed to ensure rotas are constructed in a fair manner with drivers able to influence the rotas in recognition of individual exceptional personal circumstances and to provide the County Council with a clear process for ensuring driver availability and service delivery.

This should be read in conjunction with relevant People Management policies, procedures and guidance as applicable to the circumstances, e.g. Disability Information & Reasonable Adjustments, Flexible Working Policy.

The procedure outlined below will be followed in developing the winter service driving rota:

#### Initial Trade Union Liaison

Operational management will meet with trades union representatives in May of each year to discuss and agree the principles of the operation of the rota for the forthcoming season. The principles are as set out in this agreement and protocol. The discussion will include agreement on the duration of the proposed standby period for Christmas which will be no less than 8 days and the staffing levels required.

#### Expressions of Interest

1. At the start of June, the respective Area Manager will write to all qualified volunteer drivers inviting them to express an interest in participating in the Winter Service provision.
2. All Expressions of Interest must be submitted by drivers by the end of June.
3. In expressing an interest in participating in Winter Maintenance Rota drivers should also inform the Area Manager of any exceptional personal issues which

will have a bearing on developing a rota. For example, a driver may indicate childcare or eldercare obligations on a particular evening. The Area Manager and driver will discuss this further and draft the rota to accommodate caring responsibilities as far as possible.

4. Drivers that are contracted to participate on the out of hours winter maintenance rota will be included in the rota. However, the service recognises that these drivers may have personal commitments, e.g. child or elder care, that they would wish to be considered when drafting the rota. At the start of June, the respective Area Manager will also write to all qualified contracted drivers confirming that they will participate in the Winter Maintenance Rota and inviting them to highlight any personal commitments to be considered when drafting the rota.

### **Setting the 'Draft Rota'**

5. The Area Manager will set a 'Draft Rota' for the winter season by the start of September and will display the Draft Rota at depots for drivers to inspect and provide comment on. A copy will also be provided to Union representatives.
6. Drivers will have the opportunity to put forward to the Area Manager any changes they would like to make, such as swapping shifts with colleagues.
7. Drivers and Unions will have two weeks to comment on the Draft Rota.

### **Setting the 'Posted Rota'**

8. By the start of October, the Area Manager will confirm the driving rota and circulate a 'Posted Rota'. The Posted Rota will be displayed at depots and will be treated as a controlled document.
9. The Area Manager will be responsible for ensuring the Posted Rota is maintained and the current version displayed.

### **Planned Changes to the Posted Rota**

10. Up to two weeks in advance of any shift a driver may propose swapping shifts with a colleague. Any changes must be notified to the Area Manager who will assess the operational and working time implications of any potential changes. No payment will be made to the employee who does not fulfil the allotted shift, payment will be made to the employee who has swapped shift.
11. Where agreed, the Area Manager will amend the Posted Rota and display the revised version at the particular depot.

### **Emergency Changes to the Posted Rota**

12. It is recognised that exceptional emergency situations can occur, and the County Council will be as supportive as possible in these instances. Where such situations arise, the driver must notify the Area Manager or Supervisor as soon as possible.
13. The Area Manager or Supervisor will then be responsible for finding a suitable replacement driver to cover a shift in these emergency circumstances.

14. Details of these changes will be recorded by the Area Manager and incorporated into the Posted Rota when it is next amended.
15. No payment will be made to the employee who does not fulfil the allotted shift, payment will be made to the employee who has swapped shift.
16. Christmas Arrangements: For clarity, the Christmas arrangements are an integral part of the winter maintenance rota and form part of the overall seasonal commitment for contracted and volunteer drivers via the EOI exercise. The drivers will remain on standby for the allocated shift for winter maintenance activity over the Christmas period.
17. Employees have the opportunity to comment on their Christmas rota commitment as part of their overall feedback on the seasonal rota to Area Supervisors when the draft rota is posted in September.
18. In recognition of the additional commitment required to treat the highway network over the Christmas period a standby allowance will be paid replacing the 'retainer' and 'retainer plus' payments. The Christmas period will cover a minimum 8-day period and will be agreed with Trade Union representatives in advance of the Expression of Interest process.
19. The decision-making process to determine what winter maintenance action is required, i.e. stand down, time to grit or retained, that normally takes place before 2pm is suspended during the Christmas standby period. However, the DO will make a courtesy call to drivers on the Christmas standby rota to update them on the weather predictions. The driver remains on standby for the whole standby shift.
20. If the emergency standby team require additional support from drivers on the winter maintenance rota during the Christmas standby period, then drivers may be requested to assist but on a voluntary basis.
21. Areas operating a daily rota will continue driver scheduling as normal through this period. Areas operating a weekly rota will suspend the weekly rota for the Christmas period and adopt a daily rota along the same driver scheduling principles used for the weekly rota.
22. The Christmas arrangement will be included within the Draft Rota for comment.
23. Stand By payments will be made on a per session basis.

### **Gritting Actions and Standing Down**

24. Decision on necessary gritting actions during the normal working week and the weekend is the responsibility of the Winter Duty Officer WDO. Three 36-hour weather forecasts are received each day which the WDO will monitor and assess to plan any necessary treatments. The midday forecast usually provides sufficient information and confidence to enable the WDO to plan any gritting actions required up to midday the following day but uncertainty in the forecast may mean that this is not always possible. In recognition of the uncertainty this may cause it is agreed that by 2pm each day an instruction will be given to rostered drivers confirming one of the following:

:



- a. Gritting is required and a time is confirmed;
- b. Gritting is not required, and drivers are stood down;
- c. Uncertainty in the forecast required drivers to be retained for possible action ('retainer plus' payment will apply)

This arrangement will also apply to the Trunk Road network where treatment decisions are made by South Wales Trunk Road Agency (SWTRA).

Stand down action may apply to both evening or morning action or one shift only depending on the 36hour forecast.

### **Weekend arrangements:**

25. Where the forecast is marginal and uncertain or adverse weather predicted employees will either be provided with a gritting time and get paid the 'retainer' payment or retained on the rota and also get paid the 'retainer plus' payment. This decision will be made by the DO by 2pm on each day.

26. The potential requirement for gritting actions over the weekend and the need to retain drivers for potential gritting duties will be reviewed at lunchtime on Friday. The DO will review the updated 2-5 day forecast for the weekend ie. Saturday evening through to Monday morning. If the 2-5day forecast is marginal and uncertain, or adverse weather predicted, then it will be necessary to retain those drivers included on the rota for that weekend. The decision on a Friday does not commit to the payment of 'Retainer Plus' for the whole weekend. The forecast will be reviewed daily on the weekend and a decision made by 2pm Saturday and 2pm Sunday. 'Retainer Plus' is only paid subject to the Saturday and Sunday decisions separately. The DO will inform the Duty Supervisors who in turn will inform those drivers included on the rota.

27. If the 2-5 day forecast for the weekend indicates no risk of temperatures falling close to or below freezing and a GREEN forecast with high confidence is issued by the forecaster for the weekend, then retention of drivers over the weekend will not be necessary. The DO will inform both Duty Supervisors who in turn will inform all drivers included on the weekend rota that they are stood down by 2pm.

28. The 2-5 day forecast for the weekend may indicate different forecasts and confidence levels for Saturday and Sunday and retention / standing down arrangements of drivers will be dependent on the forecast given. In this scenario the DO will review the forecast again on Saturday and on Sunday. If the driver is stood down or given a time to grit following the Saturday and/or Sunday decision by 2pm they will be paid the 'retainer' payment only. If the driver is retained following the Saturday and/or Sunday decision by 2pm they will be paid the 'retainer' payment and the 'retainer plus' payment. The decision will be made each day. The enhanced retainer will only be paid for drivers retained on the specific shifts affected by the decision on the Saturday and Sunday.

29. If the forecast changes over the weekend and gritting action is required, then Duty Supervisors will in the first instance contact those drivers that were stood down to enquire about their availability to undertake gritting duties. There will be no obligation on those drivers to undertake their original rota assignment and they will still receive their 'retainer' payment. If drivers who are stood down are not available, then Duty Supervisors will contact other drivers included on the rota and if available they will also receive the 'retainer' payment for the shift. On the occasion where drivers included on the rota are not available then Duty Supervisors will contact those drivers in the reserve pool. These drivers will not be paid a 'retainer' payment and will only receive the overtime payment for the shift.

30. A copy of the daily 2-5day forecast will be posted to the depot noticeboards Monday to Friday so that drivers retained on the gritting rota for that week can be kept updated daily of the forecast for the week and weekend ahead.

DRAFT

**COUNCIL**  
**9<sup>TH</sup> MARCH 2022**

**DIVERSITY IN DEMOCRACY ACTION PLAN**

**DEMOCRATIC SERVICES COMMITTEE RECOMMENDATION:**

That the Diversity in Democracy action plan be approved.

**REASONS:**

Council at its meeting held on the 14<sup>th</sup> July 2021 resolved to commit to being a ‘Diverse Council’ and endorsed the WLGA Council Diversity in Democracy declaration. In addition Council agreed to tasked the Democratic Services Committee with developing an Action Plan in advance of the 2022 local government election.

Scrutiny Committee consulted	Not applicable
Cabinet Decision Required	NO
Council Decision Required	YES

Relevant portfolio holder:- Cllr Emlyn Dole (Leader and WLGA Council representative); Cllr Ann Davies

<b>Directorate</b>	<b>Chief Executive's</b>	<b>Tel Nos.</b>
<b>Name of Head of Service:</b> Linda Rees Jones	<b>Designations:</b> Head of Administration & Law	01267 224012 LRJ 01267 224026 GM
<b>Report Author:</b> Gaynor Morgan	<b>Head of Democratic Services</b>	<b>E Mail Addresses:</b> <a href="mailto:gmorgan@cararthenshire.gov.uk">gmorgan@cararthenshire.gov.uk</a>

## EXECUTIVE SUMMARY

### DIVERSITY IN DEMOCRACY ACTION PLAN

Council at its meeting held on the 14<sup>th</sup> July 2021 (Minute 5 refers) resolved to commit to being a 'Diverse Council' and endorsed the WLGA Council Diversity in Democracy declaration. In addition Council agreed to task the Democratic Services Committee with developing an Action Plan in advance of the 2022 local government election.

A Draft Diversity in Democracy Action Plan is set out in **Appendix A**. The objectives within the Action Plan are based on those suggested by the Welsh Government. However, others can be added if so desired.

The Local Government and Elections Wales (Act) 2021 includes a number of provisions promoting diversity in local government including:

- An entitlement to Job sharing for executive members and committee chairs.
- A duty on principal councils to produce a Public Participation Strategy encouraging people to participate in decision making and promoting awareness of how to become a member of the council.
- A duty on political group leaders to promote and maintain high standards of conduct by members of their group.
- Electronic broadcasting of full Council meetings.
- The ability to have multi-location attendance at council meetings including physical, hybrid and remote attendance.
- Provisions enabling the maximum period of absence for each type of family absence for members of local authorities to be specified within regulations and for adoptive leave to reflect that which is available to employees.

**DETAILED REPORT ATTACHED?**

**Appendix 1 – Draft Action Plan**  
**Appendix 2 - Letter from WLGA dated 15<sup>th</sup> April 2021**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones, Head of Administration & Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>NONE</b>	<b>NOT AT THIS STAGE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

### **Policy, Crime & Disorder and Equalities**

The Local Government and Elections Wales (Act) 2021 includes a number of provisions promoting diversity in local government

The Diversity in Democracy Plan will also contribute towards the objectives of the Council's Strategic Equality 2020-2024:

- Being a leading employer
- The needs and rights of people with protected characteristics shape the design of services
- Safe and cohesive communities that are resilient, fair and equal
- Improving access to our services and access to our environment

### **Finance**

Not at this stage. However the WLGA Diversity in Democracy Programme suggests resettlement grants for senior salary holders which if laid before Welsh Government may have financial implications for the Authority.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones, Head of Administration & Law

**1.Scrutiny Committee** Not applicable

**2.Local Member(s)** Not applicable

**3.Community / Town Council** Not applicable

**4.Relevant Partners** Not applicable

**5.Staff Side Representatives and other Organisations** Not applicable

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Local Government & Elections Wales Act 2022		<a href="https://www.legislation.gov.uk/asc/2021/1/contents/enacted">https://www.legislation.gov.uk/asc/2021/1/contents/enacted`</a>
Council Meeting – 14 <sup>th</sup> July 2021		<a href="https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=155&amp;MIId=4394&amp;Ver=4">https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=155&amp;MIId=4394&amp;Ver=4</a>
WLGA Council – 5 <sup>th</sup> March 2021		<a href="http://www.wlga.wales/council-special-meeting-diversity-in-democracy">http://www.wlga.wales/council-special-meeting-diversity-in-democracy</a>

**Carmarthenshire County Council**  
**Diversity in Democracy Draft Action Plan**

	Objective	What we have done/aim to do:-	By when:-	Which Officer(s) will lead
1	<b>Increase understanding of different tiers of government in Wales, the role each plays in society and how they operate.</b>	Distribution and promotion of Welsh Government Guidance/ educational resources to accompany the extension of the franchise to 16 and 17 year olds in Wales.	Resources have been developed by WG and have been distributed to schools	Elections Manager/ Comms Team
		Overview of the Council website page <a href="https://www.carmarthenshire.gov.wales/home/council-democracy/councillors-ams-and-mps/">https://www.carmarthenshire.gov.wales/home/council-democracy/councillors-ams-and-mps/</a> that includes the 'Becoming a Councillor' page to be reviewed and promoted.	November 2021	Head of Democratic Services/Elections Manager
		Undertake a communications campaign with general and targeted messaging.  We will specifically focus on Women, Black, Asian and Minority Ethnic people, Disabled, LGBTQ+ & Young People.	Early 2022	Marketing and Media Manager/Engagement Officer
		Work with key stakeholders and representative organisations to ensure qualifying citizens are aware of their right to vote in certain elections and their right to stand as a Candidate in certain elections.	Early 2022	Electoral Services Manager





	Objective	What we have done/aim to do:-	By when:-	Which Officer(s) will lead
2	<b>Increase engagement with the public to raise awareness of the role and activities of the Council, and how the public can better inform local decision making</b>	Promote Council Constitution Guide as per the Local Government and Elections (Wales) Act 2021.  The full Council Constitution is available at  <a href="https://www.carmarthenshire.gov.wales/home/council-democracy/the-council/councils-constitution/">https://www.carmarthenshire.gov.wales/home/council-democracy/the-council/councils-constitution/</a>	March 2022	Monitoring Officer / Head of Democratic Services
		Develop Public Participation Strategy Scheme for compliance with duty under the 2021 Act, which will link in with the Consultation and Engagement Strategy.  (WG Guidance awaited)	February/March 2022	Monitoring Officer / Head of Democratic Services
		Introduce a petition scheme and e petition facility on the Authority's website.	May 2022	Head of Democratic Services
		Continue to 1) webcast meetings as specified under the 2021 Act, 2) provide facilities for members of the public to make representations/ask questions at Council/Committees in person or via remote attendance	In place	Head of Democratic Services

	Objective	What we have done/aim to do:-	By when:-	Which Officer(s) will lead
		Encourage each Political Group to create a Diversity Champion to ensure that Councillors from under-represented groups are represented whenever possible in high profile, high influence roles.	March 2022	Political Group Leader / Head of Democratic Services
3	Increase awareness of the role of Councillors, the contribution they make to society and how to become a Councillor	<p>Overview of the Council website page includes the 'Be a Councillor' page to be reviewed and promoted and to include references to:-</p> <ul style="list-style-type: none"> <li>• What being a Councillor entails.</li> <li>• Salary &amp; Allowances</li> <li>• Promoting / facilitating processes.</li> <li>• The Training available to Councillors.</li> </ul> <p><a href="https://www.carmarthenshire.gov.wales/home/council-democracy/councillors-ams-and-mps/">https://www.carmarthenshire.gov.wales/home/council-democracy/councillors-ams-and-mps/</a></p> <p>Link to any training / informative materials available with the WLGA, WG etc.</p>	In place and ongoing	Head of Democratic Services / Marketing and Media Manager
		<p>Engage with Town and Community Councils to promote the 'Be a Councillor page' or create their own</p> <p><a href="https://www.carmarthenshire.gov.wales/home/council-democracy/councillors-ams-and-mps/how-to-become-a-councillor/#.YY5oyYj7TIU">https://www.carmarthenshire.gov.wales/home/council-democracy/councillors-ams-and-mps/how-to-become-a-councillor/#.YY5oyYj7TIU</a></p>	January-March 2022	Town & Community Council Forum/HoDS/Marketing & Media

	Objective	What we have done/aim to do:-	By when:-	Which Officer(s) will lead
		Seek the participation of Political Group Leaders to champion the diversity expectations within the selection processes of their Political Parties. To encourage Political Group Leaders to promote the advice available to future candidates or individuals considering standing for office at the earliest opportunity.	January – March 2022	Chief Executive / Head of Democratic Services
4	<b>Greater respect &amp; support for those standing for and securing elected office in Wales</b>	Promote duty on Political Group Leaders to promote high standards of conduct.	January – March 2022	Political Group Leaders / Monitoring Officer
		All Councillors & Co-opted Members required to have mandatory Code of Conduct Training. Refresher at least once during a term of office and also if the Code is amended.  Standards Committee to monitor compliance in relation to standards of conduct and provide training.	Summer 2022	Monitoring Officer / Head of Democratic Services
		Promote the Welsh Government's fund for Access to Elected Office to assist disabled people to stand for elected office at the 2022 Local Elections.	Ongoing - Comms message has already been circulated.	Political Group Leaders / Head of Democratic Services

	Objective	What we have done/aim to do:-	By when:-	Which Officer(s) will lead
5	<b>Comprehensive training and awareness programme available through a variety of routes available for Councillors to support them in their role as Councillors.</b>	Review the Member Induction Programme and the ongoing Member Development Programme. Encourage Member to attend all training sessions, E-Learning and make use of the All Wales Training Materials for Councillors - led by the WLGA.	In Place and Ongoing	Head of Democratic Services / Democratic Services Committee/ Learning and Development Advisor
		Encourage returning Councillors to provide mentoring / shadowing for first time Councillors and those that request it and to undertake Personal Development Reviews for their members with assistance from Learning and Development, as required.	Ongoing	Political Group Leaders/ Head of Democratic Services/Learning and Development Advisor
6	<b>Improve the safety of Councillors and their families when undertaking their Council duties</b>	Comply with the Local Government & Elections (Wales) Act 2021 by ensuring that official addresses are published on Council website and in the Register of Interest.	May 2022	Monitoring Officer / Head of Democratic Services
		Include Personal Safety and Lone Working training in the New Member induction programme to ensure members' safety. Promote the Lone Working Policy and guidance.	May 2022	Head of Democratic Services/Learning and Development Advisor.
		All Councillors to have identity cards to allow secure access to Council buildings	In place.	Head of Democratic Services
		Social Media Safety training to be delivered to members through the Councillor Induction & Training Programme and built upon during their term of office.	May-September 2022	Marketing and Media Manager

	Objective	What we have done/aim to do:-	By when:-	Which Officer(s) will lead
		Promote the WLGA's advice and support service to individual Councillors who receive online abuse.	In place and ongoing	Head of Democratic Services
7	<b>Maximise opportunities for individuals to work in ways that enable them to achieve a work / life balance which protects their welfare and wellbeing and allows them to manage any caring / dependency relationships.</b>	Introduction of a Multi-Location Meetings Policy encouraging remote and physical attendance at meetings.	Early 2022	Monitoring Officer /Head of Democratic Services
Comply with the requirements of the Local Government and Elections( Wales) Act 2021 in relation to the promote job-sharing by Executive Leaders and other Office holders.		Constitution amended May 2021 and ongoing as elements of the Act come into force.	Monitoring Officer/ Head of Democratic Services	
Promote <ul style="list-style-type: none"> <li>• Family Absence provisions for Councillors.</li> <li>• Allowances and Contribution Towards Costs of Care and Personal Assistance available to Councillors and Co-opted Members as appropriate.</li> <li>• Take up of allowances and expenses</li> </ul>		January - July 2022	Monitoring Officer. Head of Democratic Services	

	<b>Objective</b>	<b>What we have done/aim to do:-</b>	<b>By when:-</b>	<b>Which Officer(s) will lead</b>
		Review Council, Cabinet & Committee meeting times to ensure flexibility to suit Committee Members.	To be undertaken following LG Election in May 2022 and undertaken at least once per term of office.	Head of Democratic Services.
<b>8</b>	<b>Assess the effectiveness of the provisions in 2011 Measure in relation to data collection, and in relation to other candidate data that could be collected in order for Political Parties to support diverse candidates at elections</b>	Undertake a diversity and inclusion survey with Members which will provide a benchmark for future elections and allow feedback to Political Group Leaders.	Summer 2022	Policy Team / Head of Democratic Services

**Dyddiad /Date:**  
**Gofynnwch am/**Please ask for:  
**Llinell uniongyrchol/Direct line:**  
**Ebost/Email:**

15 April 2021  
Daniel Hurford  
029 20468615  
daniel.hurford@wlga.gov.uk



To:  
Group Leaders  
Chairs of Councils  
Chairs of Democratic Services Committees

cc WLGA Council, Chief Executives & Heads of Democratic Services

Dear colleagues,

## Diversity in Democracy

As attention understandably focuses on the Senedd elections in a little over a month's time, it is important we look ahead and begin planning for the local elections in May 2022.

One of the key messages of the WLGA's Leadership Academy is that 'you need to be ordinary enough to be a councillor, but also extraordinary enough to be a councillor'.

There is no doubt that councillors have been extraordinary during the past twelve months of the coronavirus pandemic. But to be 'ordinary', councillors also need to be like the people they represent and reflect the diversity of the communities they serve. Despite previous action and campaigns, progress has been slow and we all recognise there remains a lack of diversity in our councils.

We need more women, more young people, more Black, Asian and Minority Ethnic people, more disabled and LGBTQ+ candidates standing in 2022.

The WLGA has therefore committed to making a step change in local government diversity at the 2022 local elections. The WLGA Council endorsed the enclosed Diversity in Democracy report at a special meeting earlier this month. The report is the culmination of the work of a cross-party working group and builds on the action plans and ambitions of councils and partners.

The WLGA Council debate was passionate and progressive and there was unanimous support for concerted and collective action across the family of local government and within political parties.

Dr Chris Llewelyn  
Prif Weithredwr  
Chief Executive

Cymdeithas Llywodraeth  
Leol Cymru  
Tŷ Llywodraeth Leol  
Rhodfa Drake  
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Welsh Local Government  
Association  
Local Government House  
Drake Walk  
CARDIFF CF10 4LG  
Tel: 029 2046 8600

wlga.cymru  
wlga.wales

@WelshLGA

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.  
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.  
Use of either language will not lead to a delay.

The WLGA will take forward several actions nationally and we have already launched a [beacouncillor.wales](http://beacouncillor.wales) website. As Group Leaders, we will make representations to political parties to take action and make progress and we will also make the case to the Welsh Government and the Independent Remuneration Panel that councillors should be entitled to 'resettlement grants' (effectively redundancy payments) should they lose their seat at an election.

The Council recognised the diversity work already under way locally but called for concerted and ambitious local action. We would therefore be grateful if you could work with your political colleagues and prioritise action locally, promoting the take-up of members' allowances and progressing 'Diverse Council' declarations by the summer.

Members' allowances play a critical role in encouraging greater diversity; some councillors can be disproportionately affected if they are on low incomes or have caring responsibilities. Many councillors are dissuaded from claiming their full entitlements to allowances, such as reimbursements of costs of care or travel, due to peer or public pressure. The WLGA Council therefore unanimously agreed that we need to foster a culture where all councillors are encouraged and supported to claim any necessary allowances or expenses to which they are entitled, and we ask that you lead and encourage this culture locally.

The WLGA Council also unanimously agreed that all councils should commit to a declaration by July 2021 on becoming 'Diverse Councils' in 2022, to provide a clear, public commitment to improving diversity. The report includes an 'outline' Declaration to:

- Provide a clear, public commitment to improving diversity;
- Demonstrate an open and welcoming culture to all;
- Consider staggering council meeting times and agreeing recess periods to support councillors with other commitments; and
- Set out an action plan of activity ahead of the 2022 local elections.

Councils may however wish to undertake further action or commitments within their Declarations according to local priorities.

The WLGA Council discussed the merits of positive action and there was support for the use of voluntary quotas in local elections; this is a matter for local groups and parties but where such voluntary approaches have been adopted in the past, there has been significant progress in terms of gender balance. The WLGA Council also unanimously agreed that councils should set targets to be representative of the communities they serve at the next elections.

Councils' local diversity work will be supported by a national awareness raising, publicity and support through the WLGA and Welsh Government. WLGA officials will be meeting with Heads of Democratic Services in April to share ideas and approaches to develop local Diverse Council Declarations.



We are confident you will share the WLGA Council's commitment and look forward to working with you in promoting Diversity in Democracy and achieving our shared ambition to ensure our council chambers better reflect the diversity of the communities they serve following the 2022 local elections.

Yours sincerely,



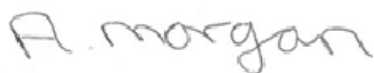
Cllr Huw David  
**WLGA Presiding  
Officer**



Cllr Mary Sherwood  
**Joint WLGA Spokesperson for  
Equalities & Co-Chair of  
Working Group**



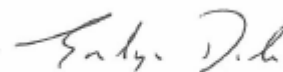
Cllr Susan Elsmore  
**Joint WLGA  
Spokesperson for  
Equalities & Co-Chair  
of Working Group**



Cllr Andrew Morgan,  
**WLGA Leader**



Cllr Hugh Evans  
**WLGA Independent Group  
Leader**



Cllr Emlyn Dole  
**WLGA Plaid Cymru  
Group Leader**



Cllr Peter Fox  
**WLGA Conservative  
Group Leader**

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## COUNCIL

9<sup>TH</sup> MARCH 2022

### **DEMOCRATIC SERVICES COMMITTEE TASK & FINISH GROUP FINAL REPORT**

#### *DEMOCRATIC PROCESS - NEW WAYS OF WORKING*

**Democratic Services Committee Recommendation:-**

That the Council approves the report and recommendations of the Democratic Services Task and Finish Group on New Ways of Working.

**Reasons:**

- At its meeting on 23<sup>rd</sup> March 2021, the Democratic Services Committee agreed to **establish** a Task and Finish Group of 10 politically balanced members (which would automatically include the members of the Democratic Services Committee) to review members' requirements in order to determine the needs of elected members in driving the new way of working for the democratic services function.
- The recommendations contained within the report have been formulated by the Group following the consideration of a range of evidence over a series of meetings held between April 2021 and February 2022

Scrutiny committee consulted	Not Applicable
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Cabinet Decision Required	NO
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Council Decision Required	YES
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Cabinet Member Portfolio Holder: N/A

<b>Chair of the Task &amp; Finish Group:</b> Cllr. Jeff Edmunds		<b>Tel Nos. / E-Mail Addresses:</b> 01267 224028 Jedmunds@carmarthenshire.gov.uk
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## EXECUTIVE SUMMARY

### **Democratic Services Committee Task & Finish Group Final Report**

#### ***Democratic Process - New Ways of Working***

At its meeting held on the 23<sup>rd</sup> March 2021 (Minute 3 refers) the Democratic Services Committee established a Task and Finish Group to consider new Ways of Working for the democratic services function.

The Task and Finish Group were tasked with reviewing members' requirements in order to determine the needs of elected members in driving the new way of working for the democratic services function.

The work of the Task and Finish Group was partly superseded by the Local Government and Elections (Wales) Act 2021 which introduced a legal requirement for local authorities to make and publish arrangements for the purpose of ensuring that Local Authority meetings could be held by means of any equipment or other facility which means that multi-location meetings (a mix of physical and remote attendance) must be held and this is reflected in the report.

The Group met a total of 4 meetings between May 2021 and February 2022. In addition, the Chair and Vice Chair invited each political group to meet with them to discuss initial thoughts and obtain the views of elected members.

A total of 5 recommendations are placed before the Democratic Services Committee for its consideration and recommendation to Council.

**DETAILED REPORT ATTACHED?**

**Yes- Task and Finish Report**

# IMPLICATIONS

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.**

**Signed:            Linda Rees-Jones    Head of Administration & Law**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NOT AT THIS STAGE</b>	<b>YES</b>

**Legal**

The legal requirement for meetings of Principal Councils are set out in the Local Government and Elections Wales (Act) 2021 and previous legislation.



**Finance**

There are potential revenue and CO2 savings to working remotely, as members have an option to attend meetings in person or online and make use of accommodation closer to home.

**ICT**

Equipment and systems will be put in place to meet the needs of members in accordance with relevant policies.

**Physical Assets**

The Accommodation Strategy will take into account the report to make best use of assets to support the Democratic Process.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Linda Rees-Jones Head of Administration & Law

1. Scrutiny Committee N/A
2. Local Member(s) – All members have had the opportunity to contribute to the review either through political groups or a member survey.
3. Community / Town Council – N/A
4. Relevant Partners – N/A
5. Staff Side Representatives and other Organisations – N/A – Democratic Process only.

## Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW:**

Title of Document	File Ref No. / Locations that the papers are available for public inspection
Democratic Services Committee 23 <sup>rd</sup> March 2021	<a href="https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=152&amp;MId=4247&amp;Ver=4">https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=152&amp;MId=4247&amp;Ver=4</a>

# Democratic Services Committee Task and Finish Group Report

## *New Ways of Working*



# Contents

<i>Section</i>	<i>Page</i>
Chair's Foreword	3
Members of the Task and Finish Group	4
<b>1.0 The Task &amp; Finish Review</b>	<b>5</b>
1.1 Objectives and Scope	5
1.2 Background	5
1.3 Work of the Group and its Approach	6
<b>2.0 Key Findings</b>	<b>7</b>
2.1 Budget & Resources	8
<b>3.0 Conclusions</b>	<b>8</b>
<b>4.0 Recommendations</b>	<b>9 - 10</b>
<b>5.0 Relevant Legislation/References</b>	<b>10</b>
<b>Appendix – Meeting Dates &amp; Attendance</b>	<b>11</b>



## Chair's Foreword

I am pleased to present the final report of the Task and Finish Group which has been seeking the views of elected and co-opted members on their preferred way of working for the Democratic Services function moving forward.

The Local Government and Elections (Wales) Act 2021 introduced a legal requirement for Local Authorities to **make and publish arrangements** for the purpose of ensuring that Local Authority meetings can be held by means of any equipment or other facility which means that multi-location meetings (a mix of physical and remote attendance) must be held and this has therefore pre-empted any decision the Group may have made in regard to formal meeting attendance. The Task and Finish Group would, however, wish to encourage members to attend the Annual General Meeting in person if possible and also to attend in person after the Local Government elections in May 2022 as this will benefit members through personal interaction.

This report covers the views of members in terms of what accommodation needs are required going forward.

It is with great sadness that the Vice-Chair of the Task and Finish Group, Councillor Mair Stephens sadly passed away before this report was placed before the Democratic Services Committee and Council. Mair was instrumental in the work of the group, and she will be sadly missed.

I would like to thank members of the Task and Finish Group and officers from Democratic Services and the Better Ways of Working project team for their advice and support and their contribution to the review.

*Cllr. Jeff Edmunds*  
*Chair of the Task and Finish Group*

## Members of the Task and Finish Group

		
<p><b>Cllr. Jeff Edmunds</b> <b>(Chair)</b> New Independent Group</p>	<p><b>Cllr. Tyssul Evans</b> Plaid Cymru</p>	<p><b>Cllr. Irfon Jones</b> Independent</p>
		
<p><b>Cllr. Jean Lewis</b> Plaid Cymru</p>	<p><b>Cllr. Mair Stephens</b> <b>(Vice-Chair)</b> Independent</p>	<p><b>Cllr. Dai Thomas</b> Plaid Cymru</p>
		<p>** Councillors Rob James and Dot Jones were originally appointed to serve on the Task and Finish Group but stood down from the Group at its first meeting. Therefore, the Group continued with 8 members.</p>
<p><b>Cllr. Emlyn Schiavone</b> Plaid Cymru</p>	<p><b>Cllr. Elwyn Williams</b> Plaid Cymru</p>	

## **1.0 The Task & Finish Review**

### **1.1 Objectives and Scope**

**The Democratic Services Committee (DSC) is required to periodically review the level of support provided to members to carry out their duties and bring forward proposals to full council as to what is required.**

At its meeting held on the 23<sup>rd</sup> March 2021 (minute 3 refers) the Democratic Services Committee agreed to establish a Task and Finish Group to consider new Ways of Working. The decision to establish the Task and Finish Group arose as the Authority had transformed its way of working due to the Covid19 pandemic and it was necessary to consult with elected members on how the Authority would operate its democratic process going forward.

As a result of the Covid19 pandemic the way the Authority convened democratic meetings changed significantly, as did the way the Authority provided support to elected members in their Councillor role.

Whilst the Authority has been holding all democratic meetings virtually, it was now time to consider how the democratic process will operate in the future, be that a hybrid approach or a continuance of virtual meetings only. It was also necessary to identify what support elected members require and how this can be delivered going forward (to include office administrative space and locations required).

Following its first meeting, the Group agreed that its main objectives for the review would be:

- To report to Council on member opinion on how the democratic function will operate in the future, to include member accommodation needs and how meetings will be convened going forward;
- To set an example and support the Council's initiatives i.e. carbon agenda, best use of resources etc;
- To take into account how the Authority's proposals compare with arrangements at other Local Authorities throughout Wales, being mindful that one size does not fit all.

### **1.2 Background**

The Local Government and Elections (Wales) Act 2021 places a duty on Local Authorities to encourage local people to participate in decision-making by principal councils. Carmarthenshire has maintained its previous procedure in allowing the public to ask questions at Council, Cabinet and Scrutiny and to also make representations at relevant Committees i.e. Planning and Licensing, albeit virtually. Whilst not within the scope of this review, the Authority will produce a Public Participation Strategy for participation in the democratic process (comes into force in May 2022).

### 1.3 Work of the Group and its Approach

The Task and Finish Group's membership was as follows:

Group of 10 members on a politically balanced basis 5:2:2:1 (to include the 5 Democratic Services Committee members)

Cllr Tyssul Evans (PC)	Members of the Democratic Services Committee
Cllr Rob James (L)	
Cllr Irfon Jones (I)	
Cllr Emlyn Schiavone (PC)	
Cllr Dai Thomas (PC)	
Cllr Jeff Edmunds (NI)	Political Group Nominations
Cllr Dot Jones (L)	
Cllr Jean Lewis (PC)	
Cllr Mair Stephens (I)	
Cllr Elwyn Williams (PC)	

Councillor Jeff Edmunds was appointed Chair of the Group and Councillor Mair Stephens appointed as Vice-Chair of the Group. Councillors Rob James and Dot Jones stood down from the Group at the first meeting and these positions were left unfilled.

The Democratic Services Unit, based in the Chief Executive's Department, provided research and general support to the Group.

The following officers provided specialist advice and support during the Group's review:

- Mark Howard – Project Manager Better Ways of Working
- Linda Rees Jones – Head of Administration and Law
- Gaynor Morgan – Head of Democratic Services
- Michelle Evans Thomas – Principal Democratic Services Officer

The Group received a report from the Project Manager for Better Ways of Working on the work being undertaken by the Authority which included work to ensure that the Authority's accommodation strategy aligned with the Better Ways of Working proposals

The Task and Finish Group held a total of 4 meetings between May 2021 and February 2022. In addition, the Chair and Vice Chair invited each political group to meet with them to discuss initial thoughts and obtain the views of elected members on:-

- what accommodation Councillors felt was needed by them to fulfil their County Councillor role;
- suggestions for how meetings should be held going forward;
- what administrative, ICT and member development support was required and how this should be delivered.

Co-opted members were also approached by email to ascertain their views.

Following the sessions with the political groups the Chair and Vice Chair fed back to the Task & Finish Group who then met to agree and set questions for their all member surgery which was made available to both elected members and co-opted members in September 2021 and sought their views on how the democratic process should operate going forward.

## **2.0 Key Findings**

The Group considered what had been the main positive and negative impacts of the Covid pandemic on members and staff involved in the democratic process, specific impacts on their roles and what aspects of the New Ways of Working should be embedded into future democratic functions. In addition, it discussed what has worked well and facilitated good new work practices.

The Group's main findings were:

- Feedback from both elected members and co-optees was generally consistent – everyone felt that democratic meetings and virtual contact with elected members had been working well. The work undertaken by Democratic Services, I.T. and Learning & Development was commended as it had taken a significant amount of training for both members and officers in order to move into the virtual meeting environment.
- Additional support was provided by the Democratic Services team for Chairs of Committee as for the first time a number of meetings were not only virtual but broadcasted live via the Authority's website.
- There was a general feeling that physical meetings allowed personal interaction, which was lacking in the virtual environment and new members in particular would benefit from meeting other members in person.
- Weekly communication with elected member via Democratic Services had been an excellent communication tool and well received.
- One major point stressed was that meeting remotely freed up time to enable those who have other work to do to join meetings; helping the carbon footprint and saving on travelling costs was also a major benefit.
- Some co-opted and elected members felt that there was a lack of personal interaction at virtual meetings.
- There were some issues regarding connectivity, and it was noted that members were and had been able to access council buildings to attend meetings if their broadband connection was poor or had developed a temporary fault.

- Some members felt that there was a need for both members and officers to be smart in their appearance at virtual meetings as it was noted that the dress code in some instances was very casual.

## **2.1 Budget & Identified Resources**

The Authority has successfully procured WG grant funding for a hybrid solution in the Council Chamber, County Hall, Carmarthen and a new upgraded kit for the Democratic Services Committee Room at County Hall. This kit was installed in July 2021 and the Authority has been testing the functionality with Cabinet Members. However, the on-going Covid19 pandemic and new variants thereof has delayed the roll out of multi-location (hybrid) meetings, therefore virtual meetings will continue until further notice.

A proportion of the travelling budget for the democratic process has been submitted as an efficiency saving in view of virtual rather than physical attendance.

The Group recognised that both the virtual and a multi-location meeting environment placed additional pressure on the Democratic Services team as does the decision to webcast all formal meetings. The ongoing challenges and changing roles will mean that staffing resources to support the democratic process needs to be kept under review with additional support provided from other divisions if needed.

## **3.0 Conclusions**

Following commencement of the review, the Task and Finish Group was advised that the Local Government and Elections (Wales) Act 2021 had introduced a legal requirement to hold multi-location meetings from 1<sup>st</sup> April 2021. This, however, corresponded with the findings of the consultations with the political groups and the all member survey, where a majority of members had expressed a preference for the hybrid approach.

The Group acknowledged the challenges of multi-location meetings for Committee Chairs and the support staff at both Democratic Services and IT.

## 4.0 Recommendations

The Task and Finish Group recommends to the Democratic Services Committee and full Council that:

### *Recommendation One*

*It notes the legal requirement under the Local Government and Elections (Wales) Act 2021 that a Local Authority must make and publish arrangements for the purpose of ensuring that Local Authority meetings are able to be held by means of any equipment or other facility which enables persons who are not in the same place to attend the meetings. The Group therefore supports a move to a multi-location meeting environment as per the Act.*

*The Task and Finish Group does however encourage all members to attend physically for the Annual Meeting, the member induction launch and the first formal meeting of the Council in an election year.*

### *Recommendation Two*

*That elected members (as is the case for officers) be permitted to book meeting spaces at both buildings owned by the Authority and at partner agency buildings. This would allow members to hold meetings with their constituents/hold surgeries in an office environment.*

*(The Group notes that the Cabinet can put in place its own arrangements)*

### *Recommendation Three*

*That facilities for members be provided at the Authority's main administrative building as per existing arrangements i.e. Members' Lounge, Offices for Cabinet Members, Chair of Council and the Leader of the largest Opposition Group. The Members' Lounge should be bigger than the existing room with additional IT facilities provided. These arrangements to be reviewed regularly to ensure that the accommodation provision remains fit for purpose. Increasing or decreasing space based on usage as required.*

### *Recommendation Four*

*The Group would encourage Chairs and Vice-Chairs to attend meetings in person in order to benefit from direct support from Democratic Services. This recommendation is made due to the complexity of running two systems (physical and remote) side by side in one meeting.*

**Recommendation Five**

*Notes the findings of the timing of meetings survey and acknowledges that a further survey will be undertaken once the new Council has been elected in May 2022.*

**5.0 Relevant Legislation/References:-**

<b>Reference</b>	<b>Link/Location</b>
Local Government and Elections (Wales) Act 2021	<a href="https://www.legislation.gov.uk/asc/2021/1/contents/enacted">https://www.legislation.gov.uk/asc/2021/1/contents/enacted</a>
Democratic Services Task and Finish Group Survey Findings	Democratic Services Unit, County Hall, Carmarthen
Better Ways of Working Strategic Group	Transform, Innovate and Change, St Davies Park, Carmarthen.

**6.0 Appendices**

Appendix A - Task & Finish Group meetings and attendance



## Appendix A – Task & Finish Group meetings and attendance

Meeting	Councillors Present	Officers Present
9 a.m. 21 <sup>st</sup> May 2021 Virtual Meeting	Cllr Jeff Edmunds (NI) Cllr Tyssul Evans (PC) Cllr Rob James (L) Cllr Dot Jones (L) Cllr Irfon Jones (I) Cllr Jean Lewis (PC) Cllr Emlyn Schiavone (PC) Cllr Mair Stephens (I) Cllr Dai Thomas (PC) Cllr Elwyn Williams (PC)	Linda Rees Jones Mark Howard Gaynor Morgan Michelle Evans Thomas Siwan Rees
10 a.m. 8 <sup>th</sup> September 2021 Virtual Meeting	Cllr Jeff Edmunds (NI) Cllr Tyssul Evans (PC) Cllr Irfon Jones (I) Cllr Jean Lewis (PC) Cllr Emlyn Schiavone (PC) Cllr Mair Stephens (I) Cllr Elwyn Williams (PC)	Mark Howard Gaynor Morgan Michelle Evans Thomas Siwan Rees
2 p.m. 23 <sup>rd</sup> November 2021 Virtual Meeting	Cllr Jeff Edmunds (NI) Cllr Tyssul Evans (PC) Cllr Jean Lewis (PC) Cllr Emlyn Schiavone (PC) Cllr Mair Stephens (I) Cllr Elwyn Williams (PC)	Mark Howard Gaynor Morgan Siwan Rees
10 a.m. 11 <sup>th</sup> February 2022 Virtual Meeting	Cllr Jeff Edmunds (NI) Cllr Tyssul Evans (PC) Cllr Irfon Jones (I) Cllr Jean Lewis (PC) Cllr Emlyn Schiavone (PC) Cllr Dai Thomas (PC) Cllr Elwyn Williams (PC)	Mark Howard Gaynor Morgan
Political Group Sessions with Chair & Vice Chair of T&F Group	Independent Group & Unaffiliated Member – 30 <sup>th</sup> June 2021  New Independent Group – 30 <sup>th</sup> June 2021  Plaid Cymru Group – 28 <sup>th</sup> June 2021  Labour Group – not accepted.	
Co-opted Member Correspondence	15 <sup>th</sup> July 2021	



## **COUNCIL 9<sup>TH</sup> MARCH 2022**

### **SUBJECT:**

## **Housing Regeneration and Development – Five Year Delivery Plan (2022 – 2027)**

### **Purpose:**

This Housing Regeneration and Development Delivery Plan will set out our plans to support the delivery of over 2,000 additional homes across the County over the next five years.

It will build on the success of our current affordable housing delivery plans. It will also support economic growth by investing over £300 million into our communities and directly supporting the actions in our Economic Recovery Plan, supporting businesses, people and places.

This delivery plan will :

- support the development of strong sustainable communities – places where people want to live and work.
- help grow the local economy and help the County recover from the devastating economic effects of the Covid 19 pandemic;
- support the Councils Net Zero Carbon Principles, creating energy efficient innovative homes, minimising carbon emissions and promoting affordable warmth for residents;
- understand the needs of our diverse communities, building the right homes in the right places and meeting housing need;
- support some of our most vulnerable tenants through the housing support grant programme;
- create jobs for local people;
- provide affordable homes for young and working aged people to help them remain in the County and benefit from the additional jobs created;
- help maintain our culture and identity especially in rural towns and villages, where we must help ensure that local people are able to afford quality affordable homes and remain in their communities;
- help to maintain and develop our town centres by increasing the residential offer, increasing footfall and helping businesses thrive;
- support the growth of the green economy, the local construction industry and our supply chains; and
- be flexible to ensure that we can respond to changing market conditions, risks and opportunities as they arise.

This plan will set out our housing regeneration priorities for the next five years, stimulating economic growth and helping our economy and communities become stronger than ever before.

## Cabinet Recommendations:

1. To confirm that the Housing Regeneration and Development Delivery Plan will support the delivery of over 2,000 homes for rent and sale in the County over the next five years, meeting housing need, stimulating economic recovery and growth, and supporting the Councils Net Zero Carbon Principles;
2. To agree that the authority to acquire non-Council owned land and buildings identified in the Housing Regeneration and Development Delivery Plan, together with any other land and/or buildings that would add value to the Council's Housing and Regeneration priorities and aspirations is delegated to the Head of Regeneration, in consultation with the Housing and Regeneration Strategic Team.
3. To agree that this plan will play a key role in increasing the supply of social rented homes in our communities, including homes suitable for:
  - general needs households;
  - specialist supported accommodation for people with complex needs; and
  - easily adapted flexible accommodation for older people.
4. To confirm that mixed tenure developments, consisting of homes for social rent, low-cost home ownership and open market sale will be supported through this delivery plan, creating balanced, strong, resilient communities;
5. To agree that this plan will include providing new flexible, innovative, mixed tenure housing solutions that meet the needs of an aging population;
6. To agree that this plan will support the delivery of the Councils strategic regeneration sites by providing more homes for rent and sale, including:
  - Town centre regeneration;
  - Rural towns and villages;
  - Pentre Awel Life Science Village; and
  - Tyisha.
7. To confirm that the homes supported through this plan will be delivered using a range of delivery vehicles that offer flexibility, scale and pace and;
8. To agree that the county-wide delivery of homes in this plan will follow the affordable housing action areas, building up wards in the County into distinctive areas, which link geographically and culturally.

## Reasons:

- To continue to increase the supply of homes in the County, building on the success of the Affordable Homes Delivery Plan, meeting housing need and stimulating economic recovery and growth following the Covid 19 pandemic;
- To provide homes for some of our most deprived and vulnerable households;
- To provide affordable homes for young and working aged people helping them remain in their communities;
- To create local jobs;
- To protect our Welsh language and culture; and
- To build strong sustainable communities, places where people want to live and work.

Relevant scrutiny committee to be consulted **YES**

Community & Regeneration Scrutiny – The report was agreed in the meeting held on 31st January 2022

Cabinet Decision Required **YES - 14<sup>th</sup> February 2022**

Council Decision Required **YES – 22<sup>nd</sup> February 2022**

CABINET MEMBER PORTFOLIO HOLDER:- Cllr Linda Davies Evans, Cabinet Member for Housing

**Directorate**  
Communities

**Name of Head of Service:**  
Jonathan Morgan

**Report Author:** Rachel  
Davies

**Designations:**

Head of Homes & Safer  
Communities

Strategic Housing  
Delivery Manager

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**EXECUTIVE SUMMARY  
COUNCIL  
9<sup>TH</sup> MARCH 2022**

**SUBJECT:  
Housing Regeneration and Development – Five Year Delivery  
Plan (2022 – 2027)**

**1. Purpose**

This Housing Regeneration and Development Delivery Plan will set out our plans to support the delivery of over 2,000 additional homes across the County over the next five years.

It will build on the success of our current affordable housing delivery plans. It will also support economic growth by investing over £300 million into our communities and directly supporting the actions in our Economic Recovery Plan, supporting businesses, people and places.

This plan will set out our housing regeneration priorities for the next five years, stimulating economic growth and helping our economy and communities become stronger than ever before.

**2. Context**

The demand for housing, especially affordable housing has been increasing rapidly in recent years. This effect has been felt across the whole of Wales and has been caused by several factors affecting the housing market and the economy. The Covid 19 pandemic has also served to further increase demand.

Addressing the need for more affordable housing in the County has been a key strategic priority for the Council for a number of years. This plan will help further increase the supply of homes in the County. It will meet housing need and build on the success of our existing affordable housing and new build plans that have already delivered over 1100 additional affordable homes across the County. It will also support the national goals of the Wellbeing of Future Generations Act, the Council's Net Zero Carbon Principles, the priorities in the Economic Recovery Plan and the Rural Growth Plans.

**3. Our Approach**

Meeting housing need has always been our main reason for providing more affordable homes. Our evidence confirms that this approach must continue, ensuring that we build the right homes in the right places. Good quality homes, at affordable rents and prices are essential to enable

local people and families on low income levels to live in homes in their community of choice. Through this plan we will meet housing need by:

- Providing more homes for social rent, including homes for general needs households, specialist supported housing for individuals with complex needs, temporary accommodation and accommodation for older people;
- Providing a choice of mixed tenure assisted living options for older people;
- Providing homes for low cost home ownership;
- Providing mixed tenure developments; and
- Supporting the development of the Councils strategic regeneration sites, including town centres, rural areas. Pentre Awel and Tyisha.

#### **4. The Journey Ahead**

This plan is ambitious and aims support the delivery of over 2,000 homes for rent and sale, over the next five years. The plan is flexible and will be monitored and reviewed on a regular basis to ensure that we respond to and mitigate risks, including changing market conditions, land availability, labour and material shortages. The authority to respond to changing market conditions and opportunities by acquiring non-Council owned land and buildings, identified to meet the priorities of this plan, is delegated to the Head of Regeneration, in consultation with the Housing and Regeneration Strategic Team.

The delivery of more homes through this plan will follow the affordable housing action areas, which build up wards of the County into distinctive areas which link geographically and culturally. The delivery of homes will be driven by meeting housing need and stimulating economic growth. This will include supporting the delivery of all property types and sizes meeting the individual needs of our communities. The homes delivered will include houses, bungalows and apartments for rent and sale.

Our homes will look distinctive, they will follow a clear set of design principles that create new communities that are sustainable, with a real sense of place. Our developments will have a deep connection between people and places, promoting confidence and encouraging further economic investment.

Our developments will follow the Councils Net Zero Carbon Principles. The use of innovative renewable technology and high levels of fabric insulation will be key in all our developments, minimising carbon emissions and promoting affordable warmth for residents.

The homes supported through this plan will be delivered using a range of delivery vehicles that offer flexibility, scale and pace, including:

- New build developments;
- Private sector partnerships;
- Bringing empty homes back into use;
- Buying private sector homes;
- Section 106 agreements and the planning system; and
- The Simple Lettings Agency.

#### **5. Our Five-Year Delivery Programme**

Our plans to support the delivery of over 2,000 homes for rent and sale over the next five years is ambitious and exciting. It will create opportunities and help transform our County following the devastating effects of the Covid 19 pandemic.



The current Housing Regeneration and Development Five Year Delivery Plan by development and action area is shown on the next page.

This programme is flexible and will change as new opportunities arise. The programme will be affected by changing market conditions and risks that will affect the viability of some developments. This will result in some developments not proceeding and being replaced by other developments. The authority to acquire land and buildings on behalf of the Council to meet the priorities of this plan is delegated to the Head of Regeneration, in consultation with the Housing and Regeneration Strategic Team.

The programme is inclusive of the homes the Council will deliver, the homes we will deliver collaboratively with our housing association (HA) partners, and the homes the Council will deliver in partnership with private developers.



## Current Housing Regeneration and Development – Five Year Delivery Plan (2022 – 2027)

Action Area	Development	Number of Homes	Delivery Vehicle
<b>Ammanford and the Amman Valley</b> 	Land at Gwynfryn, Ammanford	28	Council
	Land at Maes y Bedol, Garnant	8	Council
	Land in Llandybie	24	Council & HA Partner
	Ammanford Town Centre	12	Council
	Land in Saron	60	Council & HA Partner
	Land in Bonllwyn, Ammanford	30	Council & HA Partner
	Land Penygroes	140	Council & HA Partner
	Land in Cross Hands	60	Council & HA Partner
<b>Carmarthen and the West</b> 	Land in Maesgriffith, Llansteffan	16	Council
	Land at Wauniago House	4	Council
	Land in Carmarthen West, Carmarthen	100	Council & Private Partner
	Spilman Street, Carmarthen	12	Council
	Carmarthen Town Centre	25	Council
	Land at Llansteffan Road, Carmarthen	48	Council & Private Partner
	Lidl Site, Carmarthen	50	Council & HA Partner
	Land in Is y Llan, Llanddarog	6	Council
	Land in Station Road St Clears	45	Council & HA Partner
	Clos Llwyn Ty Gwyn, Whitland	15	Council & HA Partner
Land in Porthyrhyd	54	Council & HA Partner	
Land in Bancyfelin	40	Council & HA Partner	
<b>Carmarthen-shire Rural and Market Towns</b> 	Land in Meidrim, Trelech	11	Council
	Land at Alltwalis, School	17	Council
	Land opposite Llangadog School, Llandovery Playing Fields, Cilycwm Road	12	Council
	Land in Llanllwni	16	Council
	Pencrug, Llandeilo	60	Council & HA Partner
	Land in Cwmman	22	Council & HA Partner
	Land in Llandovery	32	Council & HA Partner
	Land in Pontweli	14	Council & HA Partner
	Land in Pencader	30	Council & HA Partner
<b>Llanelli and District</b> 	Land in Dylan, Llanelli	32	Council
	Land in Maes yr Haf, Pwll	8	Council
	Land in Llangennech	11	Council
	Clos y Bacca, Burry Port	32	Council
	Pentre Awel, Llanelli (Assisted Living)	144	Council & Private Partner
	Llanelli Town Centre	18	Council
	Tyisha, Llanelli	120	Council & Private Partner
	Land at Plas Isaf, Llangennech	60	Council & Private Partner
	Land in Burry Port	240	Council & Private Partner
	Cwm y Nant, Llanelli	202	Council & Private Partner
	Land in North Dock, Llanelli	210	Council & Private Partner
Land in Cross Hands	60	Council & HA Partner	
Penygraig, Bynea	20	Council & HA Partner	
		<b>2160</b>	

***\*\*This programme is flexible and subject to change due to changing market conditions, risks and opportunities that may arise over the next five years\*\****

<b>DETAILED REPORT ATTACHED?</b>	<b>YES</b>
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## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Jonathan Morgan**

**Head of Homes and Safer Communities**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

### **Policy, Crime & Disorder and Equalities**

- The report is set within the context of the previously agreed HRA business plan. Delivering against our priorities of providing more council homes, developing strong sustainable communities and meeting housing need.
- This report supports the seven national goals and the five ways of working within the Well-being of Future Generation Act. Providing more affordable homes is one of the Councils well-being objectives, supported in the Corporate Strategy.
- Equalities – meeting housing need is the driver for providing more homes in our communities. This includes providing homes for general needs households, specialist accommodation for individuals with complex needs and accommodation for older people.
- Welsh language – increasing the supply of affordable homes in the County will help local people help afford to live in their communities, protecting the Welsh language and culture.
- Social inclusion – the delivery of mixed tenure developments through this plan will help promote social including and create balanced sustainable communities.

### **Legal**

None at this stage, however, any services that need to be bought in to assist with the delivery plan will be subject to the Council's legal and procurement procedures.

## Finance

The funding required to increase the supply of social rented homes in this plan is supported by the HRA Business Plan. The homes delivered through this plan will also be supported by Social Housing Grant, Integrated Care Funding, the Land Release Fund, the Land and Buildings Development Fund and private finance from both our Housing Association partners and private sector developers.

## Risk Management Issues

There are significant risks with the delivery of this plan including changing market conditions, land availability, the capacity of the building industry and the supply of materials. The delivery of the plan will be monitored and reviewed on a quarterly basis to manage and mitigate the risks identified. The delivery of affordable homes is recorded in the Councils Risk Management Plan.

## Physical Assets

Increasing the supply of affordable homes through this plan will increase the number of homes in the Council's housing stock. The homes delivered will follow the Council's Net Zero Carbon Principles, minimising carbon emissions and promoting affordable warmth for residents.

## Staffing Implications

The recent restructure of the Homes and Safer Communities Division has accounted for some of the additional resources required to deliver this plan. The additional resources required by other divisions are being identified.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Jonathan Morgan

Head of Homes and Safer Communities

### 1. Scrutiny Committee

Community and Regeneration Scrutiny Committee will be consulted on 31<sup>st</sup> January 2022.

### 2. Local Member(s)

Will be engaged as part of the consultation and delivery process

### 3. Community / Town Council

Will be engaged as part of the consultation process on each development.

### 4. Relevant Partners

Will be engaged as part of the delivery process.

### 5. Staff Side Representatives and other Organisations

Will be engaged as part of the delivery process.

**CABINET MEMBER: Cllr Linda Davies Evans, Cabinet Member for Housing**

Cllr Evans has been consulted and is fully supportive of this draft five-year delivery plan.

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Carmarthenshire Economic Recovery & Delivery Plan		<a href="http://www.carmarthenshire.gov.wales">www.carmarthenshire.gov.wales</a>
Affordable Homes Delivery Plan 2016 – 2020		<a href="http://www.carmarthenshire.gov.wales">www.carmarthenshire.gov.wales</a>
Building More Council Homes – Our ambition and plan of action		<a href="http://www.carmarthenshire.gov.wales">www.carmarthenshire.gov.wales</a>
Carmarthenshire Homes Standard Plus Business Plan 2021/2024		<a href="http://www.carmarthenshire.gov.wales">www.carmarthenshire.gov.wales</a>

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# Housing Regeneration and Development - Five Year Delivery Plan

2022 – 2027

December 2021



[carmarthenshire.gov.wales](http://carmarthenshire.gov.wales)

Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



# Contents

Foreword by Cllr Linda Davies Evans, Cabinet Member for Housing	2
1. What is the purpose of this Housing Regeneration and Development Delivery Plan?	3
2. Why do we need to increase the supply of homes?	4
3. Our Approach	8
4. The Journey Ahead	13
5. Our Five-Year Delivery Programme	15



## Foreword

It is with great pleasure that I have the opportunity to present such an ambitious plan that will deliver a sea change in approach, leaving a lasting legacy for years to come. This new five-year delivery plan (2022-27) is just that and will see the greatest development of new Council homes in the County, through a variety of delivery vehicles, since the 1970's, three generations ago.

The plan is exciting and bold, supporting the delivery of over 2,000 homes in our communities. As an administration, providing more has been so important to us. We have already exceeded the targets in our first five-year plan, produced in 2016, which delivered over 1,000 homes, nearly a year ahead of programme. This plan sets out an even greater ambition.

The homes delivered through this plan will be for rent and sale in all areas of our County, including rural and urban areas. We will provide homes for all household types, including families, older people, single people, couples and households with specialist needs. Our developments will include a mix of property types, including apartments, bungalows, large and small family homes.

But its not just about building homes - the homes we build will have a design where the quality and the way they look is distinctive, and sustainable in terms of their carbon footprint. Our new homes will create communities with a real sense of place. Communities that people of all ages are proud to call home.

The investment associated with this plan will exceed £300 million over the five years. This will have a huge impact in stimulating the economy, creating jobs for local people and supporting the County's recovery from the Covid 19 pandemic.

I would like to take this opportunity to thank all residents, and partners for their contribution and feedback, that has helped development of this new ambitious plan. Our success to date is due to excellent joint working between all Council services and I look forward to seeing this continuing through our new delivery programme.

Finally, I would like to thank all Council members for their continuous support in driving forward our affordable home ambitions that will create a lasting legacy for future generations- something that we should all be proud of.

**Diolch yn fawr iawn,**



**Cllr Linda Davies Evans,  
Cabinet Member for Housing**

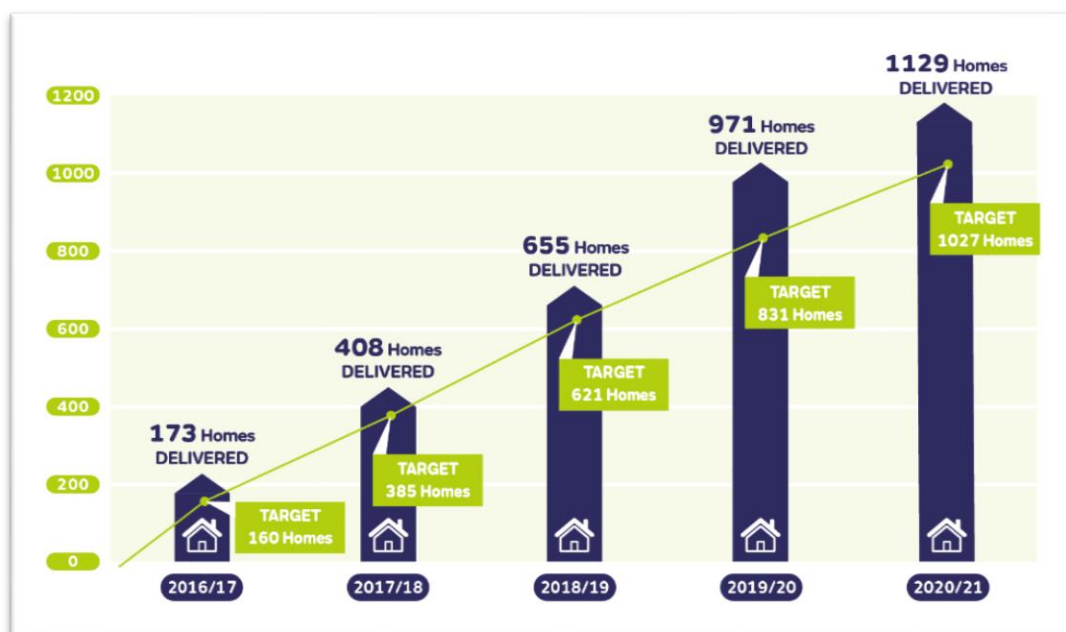


# 1. What is the purpose of this Housing Regeneration and Development Delivery Plan?....

This Housing Regeneration and Development Delivery Plan will set out our plans to support the delivery of over 2,000 additional homes across the County over the next five years.

It will build on the success of our current affordable housing delivery plans that have already delivered over 1,000 homes and exceed our delivery targets every year, as shown in the graph below.

## Our Affordable Housing Delivery



This plan will also support economic growth by investing over £300 million into our communities and directly supporting the actions in our Economic Recovery Plan, supporting businesses, people and places.

This delivery plan will :

- support the development of strong sustainable communities – places where people want to live and work.
- help grow the local economy and help the County recover from the devastating economic effects of the Covid 19 pandemic;
- support the Councils Net Zero Carbon Principles, creating energy efficient innovative homes, minimising carbon emissions and promoting affordable warmth for residents;
- understand the needs of our diverse communities, building the right homes in the right places and meeting housing need;

- support some of our most vulnerable tenants through the housing support grant programme;
- create jobs for local people;
- provide affordable homes for young and working aged people to help them remain in the County and benefit from the additional jobs created;
- help maintain our culture and identity especially in rural towns and villages, where we must help ensure that local people are able to afford quality affordable homes and remain in their communities;
- help to maintain and develop our town centres by increasing the residential offer, increasing footfall and helping businesses thrive;
- support the growth of the green economy, the local construction industry and our supply chains; and
- be flexible to ensure that we can respond to changing market conditions, risks and opportunities as they arise.

This plan will set out our housing regeneration priorities for the next five years, stimulating economic growth and helping our economy and communities become stronger than ever before.

## 2. Why do we need to increase the supply of homes?....

The demand for housing, especially affordable housing has been increasing rapidly in recent years. This effect has been felt across the whole of Wales and has been caused by several factors affecting the housing market and the economy, including:

- the reduction in social rented homes available for letting due to the effect of the Right to Buy scheme facilitating the sale of Council homes from 1980 to 2015;
- the long term increases in house prices compared with income levels, making home ownership impossible for many individuals and families; and
- the increasing number of people in insecure and low wage employment, again making home ownership impossible for many due to their inability to get a mortgage.

The economic effect of the Covid 19 pandemic has also increased the need for more affordable homes. As more people work from home and look to leave busy urban areas, the demand for homes in rural and coastal areas has inflated property prices, widening the affordability gap for many local people.

The findings of the Rural Affairs Task and Finish Group<sup>1</sup> and the more recent Ten Towns Growth Plans<sup>2</sup> clearly support the need for more housing in rural areas. These plans highlight that affordable homes in rural areas are crucial to help younger and working aged people stay in our rural communities. By helping local people stay, we help preserve the culture of rural towns and villages and protect the Welsh language.

We have strong evidence to support the need for additional homes in the County. This drives our housing investment programmes, ensuring that we build the right homes in the right places. This evidence comes from a variety of sources, including:

#### **A) Demographic Research**

The research data used helps us understand housing need in the County. The data is mainly based on information contained within the Carmarthenshire Housing Market Assessment. A study of publicly available information that projects housing need and demand for affordable and market housing from today through to 2033. The information used as part of the demographic research also includes various housing need studies, including the rural housing need study carried out in 2019, household income data and information on the housing market. We also analyse our own data in the Housing Choice Register and Canfod Cartref.

The data is reviewed frequently, to ensure that we direct resources to the right places, and deliver new affordable homes, in accordance with medium to long term housing need projections. The need for additional homes in the County is also supported by the Local Development Plan, which predicts the need for over 8,000 new homes by 2033.

#### **B) Consultation and Stakeholder Engagement**

It is vital that we understand the views and priorities of the public and our key stakeholders in addressing housing need. To ensure that we are clear on their priorities, in July 2021, we began a six-week consultation campaign that was widely publicised to maximise participation.

Over 2,500 consultation responses were received. The key messages from the consultation are summarised below and have helped shape our new Five Year Delivery Plan.










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<sup>1</sup> Rural Affairs Task and Finish Group – July 2019

<sup>2</sup> Ten Towns Growth Plans – July 2021

## Consultation Key Messages

The infographic consists of eight horizontal sections, each with a yellow icon on the left and text on the right. The background is dark blue with faint, light blue icons of a bicycle, a globe, leaves, a sun, a wind turbine, a gear, a recycling symbol, and a plug.

-  Housing need should determine where more homes are provided;
-  Affordable homes should be provided for families, people with ill-health and disabilities, young people and key workers;
-  Homes should be provided on mixed tenure basis;
-  The Council has a clear role in growing the green economy, including improving the energy performance of homes, using building techniques that reduce waste and embodied carbon and generating renewable energy;
-  91% of respondents said that improving the skills of local people should be a priority for the Council;
-  Future town centre uses should include more residential space, restaurants, cafes, the entertainment industry, the provision of public services and creating more public open space;
-  Homes in town centres should be provided for town centre workers, single people, couples, young people under 25, people with disabilities and retired people;
-  The Council should support rural communities by providing more affordable homes for rent and low cost home ownership, improve transport links, improve digital connectivity and support local businesses; and
-  62% of respondents agreed that building strong communities, promoting the Welsh language and culture should be a priority for the Council.

### **C) Carmarthenshire's Economic Recovery and Delivery Plan**

Carmarthenshire's Economic Recovery and Delivery Plan<sup>3</sup> sets clear goals and actions for the next two years that will support the recovery of the County's economy from the social and economic impacts of the Covid 19 pandemic and Brexit. The Plan sets out the short-term priorities and immediate actions that will protect jobs, safeguard businesses, and build strong, sustainable, resilient communities.

<sup>3</sup> Carmarthenshire Economic Recovery & Delivery Plan Final Report April 2021 – Agreed by Council July 2021

Increasing the supply of homes is recognised in the plan as a key driver of economic recovery and growth.

The actions in the recovery plan are focused on supporting:

- **Businesses** - safeguarding existing businesses, supporting new start-ups and growing businesses in the foundational and growth sectors to become more productive and competitive, including the green economy.
- **People** - protecting jobs, responding to the expected increases in unemployment, helping people gain the skills needed for the jobs that will become available, and creating new and better-skilled employment opportunities.
- **Places** - ensuring a fair distribution of opportunities through investing in the infrastructure and adaptation of our strategic growth areas, town centres, the rural economy and regenerating our most deprived communities.

Increasing the supply of homes and meeting housing need will help support some of the immediate priorities identified in the economic recovery plan, including:

- **The need to build strong communities** – by creating over 2,000 homes we will help ensure that we deliver the right homes in the right places. This will include providing affordable homes for young and working age people in both rural and urban areas, helping them remain in the County, increasing footfall in our primary towns and protecting the Welsh language and culture in rural areas;
- **Replacing and safeguarding jobs** – the investment associated with this plan exceeds £300million. This will support local businesses and the supply chain, creating and safeguarding jobs, helping to replace the 3,000 jobs that have already been lost.
- **Growing the green economy** – developing energy-efficient new homes, with the latest renewable technology and the delivery our commitments outlined in the Housing Decarbonisation and Affordable Warmth Strategy will help support the Council's Net Zero Carbon targets and the circular economy. These new build and retrofit programmes will support the development of the green economy, the construction industry and build local skills.

Addressing the need for more affordable housing in the County has been a key strategic priority for the Council for a number of years. In 2015, we published our five-year vision<sup>4</sup> for increasing the supply of affordable homes. In 2016, we set out our first ambitious programme to deliver over 1000 additional affordable homes

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<sup>4</sup> Our Commitment to Affordable Homes – Agreed by Council in October 2015

across the County<sup>5</sup> and, in September 2019, we published our exciting plans to build over 900 new Council homes<sup>6</sup>.

Our new Housing Regeneration and Development Plan will help increase the supply of homes in the County. It will meet housing need and build on the success of our existing affordable housing and new build plans that have already delivered over 1100 additional affordable homes across the County. It will also support the national goals of the Wellbeing of Future Generations Act, the priorities in the Economic Recovery Plan and the Rural Growth Plans.

### 3. Our Approach....

Meeting housing need has always been our main reason for providing more affordable homes. Our evidence confirms that this approach must continue. Good quality homes, at affordable rents and prices are essential to enable local people and families on low income levels to live in homes in their community of choice.

There are a number of reasons why people find themselves in housing need, including:

- their current home is too small for their family;
- they are homeless;
- their home is not suitable for them because of their disability or ill health;
- they are paying a level of rent that does not leave them enough to live on; or
- their current home is in poor condition

Some of these issues may be resolved by improving existing homes. Our housing need information picks up where this is not possible and identifies where additional affordable and open market homes are required in our communities.

Housing need can be met in a variety of different ways, according to the needs of the household, their financial position and the opportunities available, including:

#### **A) Providing more homes for social rent**

Families and households on income levels of less than £20,000 a year are likely to need a social rented home. Our housing register (Canfod Cartref) tells us how many households need social housing. This includes all types of need, including families, older people, single people, couples, people with disabilities or support needs such as people with mental ill health, autism or learning disabilities.

This plan will play a key role in increasing the supply of social rented homes in our communities, including:

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<sup>5</sup> Affordable Homes Delivery Plan – Agreed by Council in March 2016

<sup>6</sup> Building More Council Homes – Our Ambition and Plan of Action – Agreed by Council in September 2019

- **Providing general needs housing for social rent** – the greatest demand for social rented homes is from individuals and families without any specialist or complex needs. We will continue to increase the supply of general needs social housing for rent throughout the County by providing homes of all sizes.
- **Providing supported specialist housing for social rent** - Supported housing projects are commissioned for accommodation and support for individuals or groups of people that have complex needs. We will continue to increase the supply of supported accommodation and temporary accommodation by bringing the landlord function in-house and commissioning the care services separately. This will provide safe, affordable accommodation for some our most vulnerable individuals and offer them a real choice of support provider, as the support is not linked to the landlord.
- **Providing more social rented accommodation for older people** - We have a good supply of social rented homes for older people, but the supply is unevenly distributed throughout the County, and does not necessarily match where people want to live or their expectations. We need to provide more accommodation for older people, which is easily adaptable, in areas of short supply. This will include two-bedroom bungalows and one-bedroom older person apartments, which are easily adaptable should the needs of the household change.

#### **B) Providing a choice of mixed tenure assisted living accommodation options for older people**

Information from the housing market assessment indicates that the need for assisted living accommodation for older people will continue to rise as the older person population in Carmarthenshire increases. The need for older person accommodation includes social rented homes, homes for low-cost home ownership and open market sale. Many people in owner occupation may want to downsize as they get older and/or release the equity in their existing home.

We want to help older people remain independent as long as possible, by developing homes which are well-designed, accessible and have access to support if required. There will also be a need for good quality residential and nursing care for people with higher care needs. Our future plans include re-modelling and improving our existing accommodation offer for older people.

#### **C) Providing more homes for low-cost home ownership**

The demand for low-cost home ownership products continue to rise as the long term increases in house prices compared with local incomes levels makes home ownership impossible for many individuals and families. The recent economic effect of the Covid19 pandemic has also served to widen the affordability gap for many, as more people work from home and look for alternative accommodation in rural and coastal villages, further inflating property prices.



The estimated need for low-cost home ownership is determined from unmet need and income levels. Families on income levels between of £25,000 and £35,000 a year are unlikely to be able to afford a mortgage without assistance.

Low-cost home ownership is needed throughout the County, but the demand is greatest in rural areas. This is due the existing short supply of homes and the lack of new build developments. Both the findings of the Ten Town Growth Plans and the Rural Housing Study support this need.

#### **D) Providing more mixed tenure developments**

The delivery of mixed tenure developments through this plan will help create balanced sustainable communities. Mixed tenure developments consist of social rented, low-cost home ownership and open market homes, offering a real choice of tenures for local people depending on their individual circumstances. These developments also help strengthen the economy by attracting key workers that are working in the local area, helping to address the labour and skill shortages.

Through this plan we will support the delivery of mix tenure developments in all parts of the County. This will include small rural developments, which will help working aged people stay in rural towns and villages. It will also include the development of key strategic sites that are developed in partnership with private sector development partners.

#### **E) Supporting the development of the Council's strategic regeneration sites**

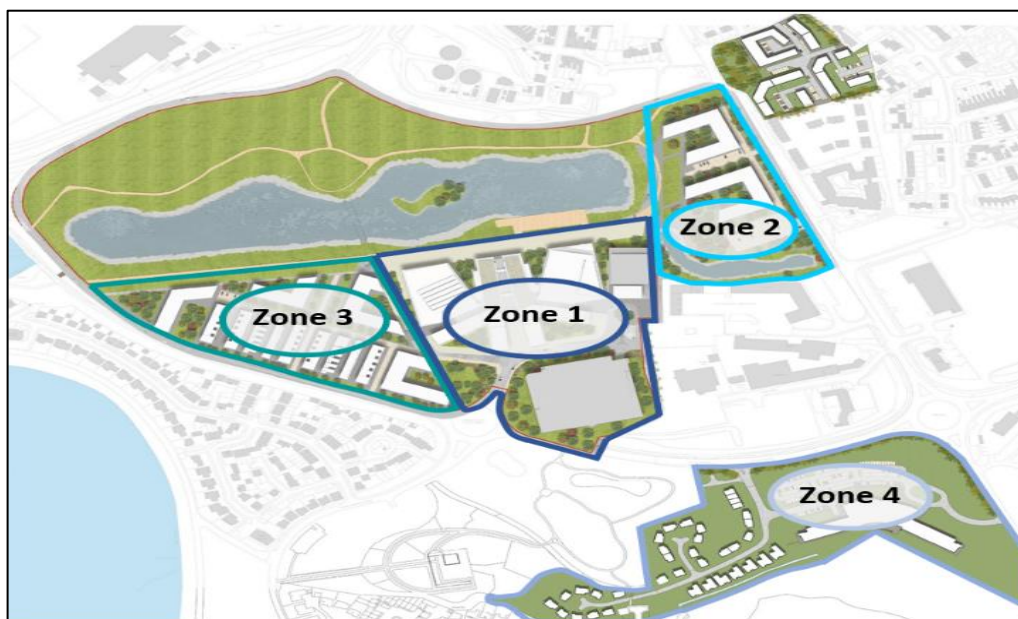
Developing and delivering the Council's strategic regeneration sites is an important part of our economic recovery and growth. This plan will in support the development of these sites throughout the County by delivering more homes for rent and sale, including:

- [Town centre regeneration](#) - Over recent years town centre use and footfall has declined as on-online shopping trends increase. This decline has also been accelerated by the Covid 19 pandemic as shops and businesses were forced to close during the lockdowns. This change in shopping trends has had a negative economic effect on our three primary towns of Ammanford, Carmarthen and Llanelli. Through this plan we want to stimulate housing-based regeneration, economic recovery and growth in our town centres. We will do this by looking at alternative land uses in our town centres including increasing residential space and the residential offer. In line with the public consultation results, more homes in town centres will be provided for people working in town centres (including key workers), single people, couples, people with disabilities and older people.
- [Supporting Rural Town and Villages](#) – Providing more affordable homes in rural areas are important to help younger and working age people stay in rural communities. This will not only help strengthen our rural culture and protect the Welsh language. It will also help create a more balanced age structure in our rural

towns that will help support schools, local businesses and the foundational economy. The affordable homes provided in rural communities will be a mix of social rent and low-cost home ownership. This will provide a choice of tenures, which will help meet some people's aspirations to buy their own homes and get on the property ladder.

- [Pentre Awel Life Science Village in Llanelli](#) - This development forms part of the City Deal portfolios led by the Council in partnership with Hywel Dda University Health Board and a range of other local and regional stakeholders. Its aim is to regenerate the area and stimulate the local economy by integrating economic development, education, wellness and healthcare initiatives, research and business development on one strategic site. The site is over 80 acres in size and will see the investment of over £200 million into South Llanelli. The site has been divided into a number of zones with differing uses as indicated on the master plan below.

#### Pentre Awel Life Science Village Master Plan



- Zone 1** – Integrated business, education, health, aquatics and dry leisure centre;
- Zone 2** – Nursing home, extra care and re-habilitation hub;
- Zone 3** – Assisted living retirement homes and business centre;
- Zone 4** – Hotel and executive homes

This plan will directly support the development of Zones 2 and 3, creating mixed tenure assisted living accommodation for older people with support and care (if required). Helping older people remain independent as long as possible, by developing homes which are well-designed, accessible and have access to support and health care on site if required.

Zone 2 will contain a nursing home and extra care scheme to help cater for older people with higher needs. Zone 3, will consist of 144 mixed tenure assisted living units for lower needs, including homes for social rent, shared ownership and open market sale. This will help cater for older people who may want to downsize in both rented and private accommodation. The shared ownership products offered on this development will also help older people release the equity in their existing home, if required.

- [The Transforming Tyisha Project, Llanelli](#) - The Tyisha project will deliver a bold, transformational plan in partnership with the local community to create vibrancy, cohesion, and sustainability for one of our most deprived communities. The Tyisha project has an ambitious plan to regenerate the area by:
  - [Improving the built environment](#) – demolishing redundant buildings that are no longer fit for purpose. Improving and re-modelling the existing homes in the area and tackling the social deprivation caused by the current tenure mix. Creating innovative business and retail space that will help stimulate the foundational economy. Building new modern, innovative and attractive mixed-tenure homes, that are in high demand by local people and key workers. Creating homes and a community that people are proud to live in.
  - [Creating a new street scene](#) – improving the environment, addressing local traffic, litter and parking issues. This will include improving transport links and the visual appearance of the street scene and public realm. This will strengthen connectivity and access to well-being and leisure facilities at the new Pentre Awel Life Science Village and the Llanelli coastal path. It will also include the creation of a new avenue that will help increase footfall into Llanelli Town Centre, helping local businesses grow and supporting the local economy.
  - [Providing more green space](#) - creating new community facilities and providing more educational opportunities to help children and young people thrive in the area. Providing more green spaces making the most of Llanelli's heritage for everyone to enjoy.

This plan will directly support the regeneration of the Tyisha area by re-modelling the existing housing stock and delivering new mixed-tenure modern homes in the community, which in turn will provide incentives for further development, making the area more vibrant and attractive. This will help lay the foundations for stimulating the economy and improving the social and economic profile of the area.

## 4. The Journey Ahead....

This plan is ambitious and aims support the delivery of over 2,000 homes for rent and sale, over the next five years. The plan is flexible and will be monitored and reviewed on a regular basis to ensure that we respond to and mitigate risks, including changing market conditions, land availability, labour and material shortages.

We will ensure that we support the delivery of more homes in the most cost-effective way, maximising all external funding opportunities, working collaboratively with partners to support the development of our communities, rural areas and town centres.

The authority to respond to changing market conditions and opportunities by acquiring non-Council owned land and buildings, identified to meet the priorities of this plan, is delegated to the Head of Regeneration, in consultation with the Housing and Regeneration Strategic Team.

The delivery of more homes through this plan will be driven by meeting housing need and stimulating economic growth. This will include supporting the delivery of all property types and sizes meeting the individual needs of our communities. The homes delivered will include houses, bungalows and apartments for rent and sale.

Our homes will look distinctive, they will follow a clear set of design principles that create new communities that are sustainable, with a real sense of place. Our developments will have a deep connection between people and places, promoting confidence and encouraging further economic investment.

Our designs will be innovative and attractive, filled with natural light, thermal comfort and packed with high specification fixtures and fittings. Each home, large or small will have its own outdoor space.

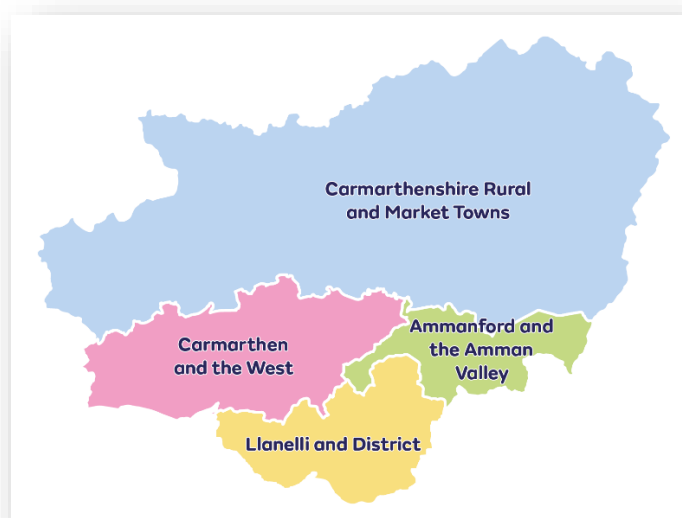
Our developments will follow the Councils Net Zero Carbon Principles. The use of innovative renewable technology and high levels of fabric insulation will be key in all our developments, minimising carbon emissions and promoting affordable warmth for residents.

The homes supported through this plan will be delivered using a range of delivery vehicles that offer flexibility, scale and pace, including:

- **New Build Developments** – the Council will develop new build homes, but will also work collaboratively with housing association partners to maximise all regeneration and funding opportunities;
- **Private Sector Partnerships** – the Council will work with private sector partners to deliver housing solutions at scale and pace that meet the individual needs of an area;
- **Empty Homes** – the Council will continue to work with private owners across the County to bring empty homes back into use. It will also look to purchase empty homes through the Land and Building Development Fund, releasing the potential of a disused asset;
- **Buying Private Sector Homes** – the Council will continue to purchase private sector homes for general and specialist housing need e.g. assisted living schemes for learning difficulties, mental health, temporary accommodation and older people’s housing;
- **Section 106** – low cost home ownership will continue to be provided through the planning system on private sector developments in line with the requirements of the Local Development Plan; and
- **Simple Lettings** – working with private landlords and increasing the number of homes available for rent through the Council’s Simple Lettings Agency.

The delivery of more homes through this plan will follow the affordable housing action areas set up as part of the Affordable Homes Delivery Plan, which are recognised in the deposit draft of the Local Development Plan. Four action areas have been created by building up wards in the County into distinctive areas, which link geographically and culturally as shown in the map below.

### Map of Action Areas



The number of homes delivered in each action area will reflect housing need, population size and the economic opportunities available, including land availability, funding opportunities and market trends.

## 5. Our Five-Year Delivery Programme....

Our plans to support the delivery of over 2,000 homes for rent and sale over the next five years is ambitious and exciting. It will create opportunities and help transform our County following the devastating effects of the Covid 19 pandemic. It will :

- support the development of strong sustainable communities – building the right homes in the right places, creating places which people are proud to call home;.
- stimulate the economy, creating and supporting local jobs;
- support the Councils Net Zero Carbon Principles, reducing carbon emissions and promoting affordable warmth for residents;
- provide affordable homes for young and working aged people to help them remain in the County and benefit from the additional jobs created;
- improving the health and well-being our tenants and residents;
- support rural towns and villages, helping to maintain our culture, identity and the Welsh language by ensuring that local people are able to afford quality affordable homes and remain in their rural communities;
- regenerate our town centres by increasing the residential offer, increasing footfall and helping businesses thrive; and
- support the growth of the green economy, the local construction industry and our supply chains.

Delivering the priorities in this plan will bring new challenges. It will require different thinking and flexibility. It will also require a range of delivery vehicles and clear design standards that meet the diverse needs of our communities.

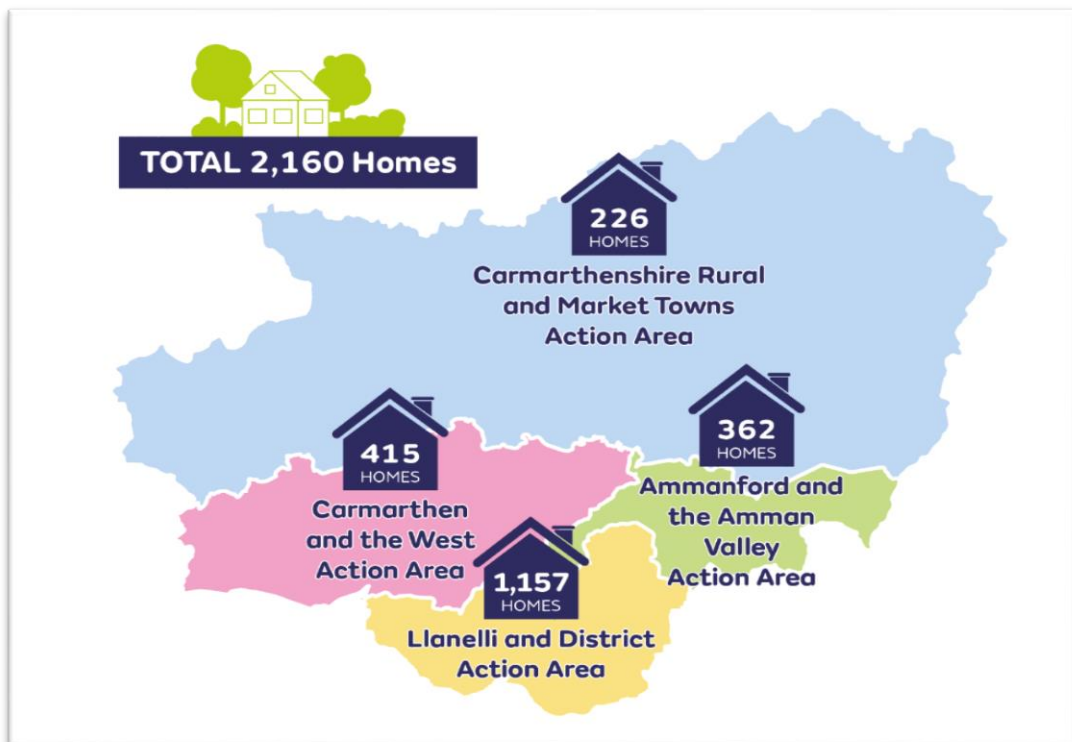
We will continue to maximise all external funding opportunities and work collaboratively with our partner housing associations. We will also work in partnership with private developers to ensure that we access the expertise available in the private sector and deliver mixed tenure developments throughout the county at scale and pace.

The current Housing Regeneration and Development Five Year Delivery Plan by action area and development is shown on pages 16 and 17. This programme is flexible and will change as new opportunities arise. The programme will be affected by changing market conditions and risks that will affect the viability of some developments. This may result in some developments not proceeding and being

replaced by other developments. The authority to acquire land and buildings on behalf of the Council to meet the priorities of this plan is delegated to the Head of Regeneration, in consultation with the Housing and Regeneration Strategic Team.

This programme is inclusive of the homes the Council will deliver, the homes we will deliver collaboratively with our housing association (HA) partners, and the homes the Council will deliver in partnership with private developers.

### Current Housing Regeneration and Development - Five Year Delivery Plan by Action Area (2022 – 2027)



## Current Housing Regeneration and Development – Five Year Delivery Plan (2022 – 2027)

Action Area	Development	Number of Homes	Delivery Vehicle
<b>Ammanford and the Amman Valley</b> 	Land at Gwynfryn, Ammanford	28	Council
	Land at Maes y Bedol, Garnant	8	Council
	Land in Llandybie	24	Council & HA Partner
	Ammanford Town Centre	12	Council
	Land in Saron	60	Council & HA Partner
	Land in Bonllwyn, Ammanford	30	Council & HA Partner
	Land Penygroes	140	Council & HA Partner
	Land in Cross Hands	60	Council & HA Partner
<b>Carmarthen and the West</b> 	Land in Maesgriffith, Llansteffan	16	Council
	Land at Wauniago House	4	Council
	Land in Carmarthen West, Carmarthen	100	Council & Private Partner
	Spilman Street, Carmarthen	12	Council
	Carmarthen Town Centre	25	Council
	Land at Llansteffan Road, Carmarthen	48	Council & Private Partner
	Lidl Site, Carmarthen	50	Council & HA Partner
	Land in Is y Llan, Llanddarog	6	Council
	Land in Station Road St Clears	45	Council & HA Partner
	Clos Llwyn Ty Gwyn, Whitland	15	Council & HA Partner
Land in Porthyrhyd	54	Council & HA Partner	
Land in Bancyfelin	40	Council & HA Partner	
<b>Carmarthen-shire Rural and Market Towns</b> 	Land in Meidrim, Trelech	11	Council
	Land at Alltwalis, School	17	Council
	Land opposite Llangadog School,	12	Council
	Llandovery Playing Fields, Cilycwm Road	12	Council
	Land in Llanllwni	16	Council
	Pencrug, Llandeilo	60	Council & HA Partner
	Land in Cwmman	22	Council & HA Partner
	Land in Llandovery	32	Council & HA Partner
	Land in Pontweli	14	Council & HA Partner
Land in Pencader	30	Council & HA Partner	
<b>Llanelli and District</b> 	Land in Dylan, Llanelli	32	Council
	Land in Maes yr Haf, Pwll	8	Council
	Land in Llangennech	11	Council
	Clos y Bacca, Burry Port	32	Council
	Pentre Awel, Llanelli (Assisted Living)	144	Council & Private Partner
	Llanelli Town Centre	18	Council
	Tyisha, Llanelli	120	Council & Private Partner
	Land at Plas Isaf, Llangennech	60	Council & Private Partner
	Land in Burry Port	240	Council & Private Partner
	Cwm y Nant, Llanelli	202	Council & Private Partner
	Land in North Dock, Llanelli	210	Council & Private Partner
	Land in Cross Hands	60	Council & HA Partner
Penygraig, Bynea	20	Council & HA Partner	
		<b>2160</b>	

**\*\* This programme is flexible and subject to change due to changing market conditions, risks and opportunities that may arise over the next five years \*\***



**Revised Carmarthenshire Local Development Plan**

**Next Steps and Revised Delivery Agreement**

**Cabinet Recommendations:**

- Provide delegated authority to officers to amend the Revised Delivery Agreement timetable and agree its content with the Welsh Government.
- To consider the content of the report and endorse the need to prepare a consolidated second Deposit Revised LDP and associated documents.
- Grant the Director of Environment in conjunction with the Cabinet Member for Planning delegated authority to establish the Afon Tywi Nutrient Management Board (NMB), develop its terms of reference and prepare a Nutrient Management Plan.
- In conjunction with other key public bodies to join the membership board for the Afon Teifi, Afon Cleddau and river Wye NMB's.

**Reasons:**

- To comply with the Council's statutory obligations in terms of the preparation and progression of a Revised Local Development Plan for Carmarthenshire, in accordance with statutory procedures.
- To ensure the Plan is supported by the required evidence and that it delivers against a changing economic and social environment.
- To consider the impacts arising from NRW Interim Advice on phosphates in riverine SACs.
- To reflect the Council's legal duties under the Habitat Regulations as transposed into the Conservation of Habitats and Species Regulations 2017 (as amended).
- to ensure compliance with the Authority's duties to enhance the environment under the Environment (Wales) Act 2016 and to support sustainable development objectives in Carmarthenshire.

Relevant scrutiny committee to be consulted NO

Cabinet Decision Required YES 14<sup>th</sup> February 2022

Council Decision Required YES 9<sup>th</sup> March 2022

CABINET MEMBER PORTFOLIO HOLDER:- Cllr. David Jenkins

<p><b>Directorate</b> Environment</p> <p><b>Name of Head of Service:</b> Rhodri Griffiths</p> <p><b>Report Author:</b> Ian Llewelyn</p>	<p>Designations:</p> <p>Head of Place and Sustainability</p> <p>Forward Planning Manager</p>	<p>Tel Nos. 01267 246270</p> <p>E Mail Addresses: <a href="mailto:RDGriffiths@sirgar.gov.uk">RDGriffiths@sirgar.gov.uk</a></p> <p>01267 228816 <a href="mailto:IRLlewelyn@sirgar.gov.uk">IRLlewelyn@sirgar.gov.uk</a></p>
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# EXECUTIVE SUMMARY

**Council**  
**9<sup>th</sup> March 2022**

## **Revised Carmarthenshire Local Development Plan Next Steps and Revised Delivery Agreement**

### **1. SUMMARY OF PURPOSE OF REPORT**

The report seeks to update on the progress of the Revised Local Development Plan (LDP) and notably the impact and implications of a series of factors, issues and guidance that has, and will have on the progress and/or future content of the Plan. In setting out these areas the report proposes a series of next steps and seeks endorsement on the recommendation to prepare a further Revised Deposit LDP to address and mitigate the implications arising from the issues identified, and to ensure it is procedurally compliant and 'sound', thus enabling its adoption.

The report seeks endorsement to produce an updated Deposit Revised LDP and for officers to prepare a revised Delivery Agreement in conjunction and agreement with Welsh Government with the updated Deposit Plan anticipated to be published for consultation in 2022 with a report presented to Council prior to its publication.

Note: the current adopted LDP will remain in force until it is superseded by the Revised LDP.

### **2. Background**

The preparation of the Revised LDP reflects the Council's statutory responsibilities under the Planning and Compulsory Purchase Act 2004 - setting out policies and proposals for future development and use of land for Carmarthenshire over the period to 2033.

This Report follows the resolution of County Council on the 10th January 2018 to formally commence the preparation of a Revised (replacement) Local Development Plan (LDP). Members will recall that the County Council at its meeting on the 13<sup>th</sup> November 2019 endorsed the Deposit Revised LDP 2018 - 2033 and its supporting documents (Habitat Regulations Assessment and Sustainability Appraisal) along with two draft Supplementary Planning Guidance (SPG) for the statutory 6-week public consultation. This commenced on the 29<sup>th</sup> January 2020 and following an extension of over 2 weeks closed on the 27<sup>th</sup> March 2020.

The above was supplemented by a subsequent 3-week consultation on the Deposit LDP and its supporting documents. This reflected the impact of the closure of public buildings on the

final few weeks of the original consultation and closed on the 2<sup>nd</sup> October 2020. The consultation responses received along with a series of proposed Focused Changes were considered and approved at the meeting of Council on the 13 January 2021.

Following the above Council approval, the Focused Changes were scheduled for publication in February 2021. However, the publication on the 21<sup>st</sup> January 2021 of Natural Resources Wales' (NRW) evidence about the environmental impacts of phosphate in watercourses, further to their assessment of the 9 riverine Special Areas of Conservation (SAC) in Wales raised significant issues on the delivery of development and the progress of LDP's in areas affected by the phosphate guidance and prevented the consultation and the Plan making any further progress.

Further details on the implications on the phosphate guidance will be set out in this report.

### **3. Revised LDP – Key Issues**

The following section outlines some of those factors, issues and guidance that have emerged since the publication of the Deposit Plan and will impact on the progress of the Plan or need to be further considered in respect of its content:

- **Phosphates – Impact of NRW Guidance**

On the 21<sup>st</sup> January 2021, Natural Resources Wales (NRW) published new evidence about the environmental impacts of phosphate in watercourses, further to their assessment of the 9 riverine Special Areas of Conservation (SAC) in Wales. This assessment (based on tighter targets for the water quality of watercourses) established that phosphorus breaches are widespread within Welsh SAC rivers with over 60% of waterbodies failing against the challenging targets.

As a result, NRW issued 'interim planning advice' to avoid further deterioration in environmental capacity. This advice relates to all Riverine SACs whose catchments extend into Carmarthenshire including, the Afon Teifi, Afon Tywi, River Wye and Afon Cleddau.

As a Local Planning Authority, the Council is required to have regard to the advice given by NRW when making planning decisions for both individual developments and Local Development Plans (LDP). Consequently, any proposed development within the river catchment that might result in an increase in phosphate levels will need to clearly evidence that the development can demonstrate phosphate neutrality or betterment in its design and/or its contribution to the river (water body).

In most cases there will be limited capacity to connect to the public sewerage system whereby it would not result in a deterioration. Consequently, an alternative solution will have to be found. This requirement on drainage considerations will impact on all development that increases the volume or concentration of wastewater. In this respect the issues faced are infrastructural as well as environmental, consequently it is a wider multi-agency approach. Further details on the work being undertaken notably by this authority and on the some of the future steps required is set out in the appended report.

A map identifying the extent of the affected area within Carmarthenshire is contained within the appended report. It should be noted at this stage only those areas identified are affected by the interim guidance.

In considering the impact on the preparation of the Revised LDP there are clear implications for its content, and the deliverability of its policies and provisions, as well as its compliance with legislation and national planning Policy and guidance.

The NRW guidance requires a re-screening of the content of the Plan and its proposed allocations and distribution of development under the habitat regulations. In this respect, any proposed development (including each allocated housing, employment etc) within the impacted areas would require consideration through an appropriate assessment on a case-by-case basis. In order for this assessment to be passed the site would be required to demonstrate no impact or neutrality/betterment. It is important to note that at this stage there is no known mitigation upon which many of those identified within the affected areas are likely to pass. The absence of any known mitigation means that any future benefit from mitigation cannot be relied on in undertaking the assessment.

This would inevitably raise clear questions around a number of procedural elements necessary in order for an LDP to proceed to adoption:

1. Compliance with our legal duties under the Habitat Regulations – As Competent Authority the Council has a statutory duty to consider whether a plan or project may have a likely significant effect on a SAC, either alone or in combination with other plans or projects. As Competent Authority the Council must carry out an appropriate assessment for all remaining aspects of the plan or project that it cannot 'screen out'. The identification or inclusion of any development which does not meet the provisions of the Regulations would result in the Plan being found non-compliant.
2. Tests of Soundness – In preparing an LDP it is required to demonstrate its soundness against a series of tests – a key one amongst which is deliverability. In this respect at examination each allocation and the distribution of growth will be required to demonstrate deliverability. The issues around phosphates and the absence of any solutions, investments or mitigation would result in the Plan being found unsound and unadoptable.

The appended Position Paper (Appendix 1 – December 2021) provides a breakdown of the implications on the Revised LDP's growth aspirations and its specific impacts on affected settlements, the creation of new homes and employment opportunities.

These implications are inevitably significant and may require de-allocation of a number of housing sites in the affected catchments. The Authority will not be in a definitive position to know which sites can be retained in the Plan until after additional evidence has been produced including that Dwr Cymru in terms of investments through the future AMP programme.

Proposals and allocations (including Planning applications) outside the identified catchment areas remain unaffected and will be subject to normal planning considerations.

Note: NRW published an update to their interim guidance on the 11<sup>th</sup> May 2021, the content of which and any future iterations will frame ongoing consideration.

- **Covid-19 Recovery**

The Carmarthenshire Economic Recovery and Delivery Plan (April 2021) sets out the short-term priorities and immediate actions over the next two years that protect jobs and safeguard businesses in Carmarthenshire. It also aligns with the Welsh Government's reconstruction priorities. The report in referencing the challenges faced identifies the pathway to recovering from the economic activity already lost and to generate growth and includes some 30 actions in support of business, people and place. The impact of the pandemic and the effects of Brexit need to be considered in any future amendments to the Revised LDP as do the strategic responses and interventions proposed. In this respect the Plan and its content needs to ensure it reflects the changes in economic and social circumstances.

There is a need to understand and reflect that High Streets and retail activity continue to change and as the effects of Covid-19 and the changes in retail patterns continue, evidence will be required to look at the changing shape of the retail sector and the resultant impact on our town centres. Regard will need to be had to the emerging Recovery Plans for Ammanford, Carmarthen and Llanelli Town Centres as well as the Ten Towns Initiative which emerged from the Rural Task Force.

Future demographic updates on population and household projections will be required and will need to consider the new WG projections alongside a selection of growth scenarios which support various growth outcomes. Indeed, these growth outcomes will need to be considered and align with the Council's Covid recovery and the Housing and Regeneration Objectives.

Further evidence which has regard to the latest projections, the Council's and broader strategic objectives and the implications on the environment and linguistic sensitivities will be required, the implications of which will require consideration and potential changes to the Plan.

- **Net Zero Carbon and Decarbonisation Agenda**

Whilst the Deposit LDP places significant emphasis on the response to Climate Change with a proactive set of policies on a number of areas including electric charging points for vehicles as part of new developments, policies need to be reviewed to ensure they are UpToDate and reflective latest technologies and policy requirements.

Regard will need to be had to the provisions of Future Wales and Planning Policy Wales and ensure the LDP supports a low carbon economy and the decarbonisation of industry. It supports the growth of sustainable and renewable energy to help achieve this goal. The Plan and its evidence will need to ensure it responds appropriately to this agenda and the ambitions in relation to decarbonisation, green recovery, the circular economy and net-zero including the Council's policies and strategies.

In this respect the Council's declaration of a climate emergency in February 2019 saw a commitment to become a net zero Local Authority by 2030. The net zero carbon action plan was endorsed by full Council in February 2020 with the Revised LDP as a key contributor to delivering on its aims.

- **Technical Advice Note 15 (TAN15) and Revised NRW Flood Maps**

On the 28th September 2021 the Welsh Government undertook a soft launch of the latest version of TAN15 ahead of its introduction as policy on the 1<sup>st</sup> December. This was accompanied by the Flood Map for Planning, which builds on the Flood Risk Assessment Wales map and includes allowances for climate change. These were scheduled to replace the 2004 version of TAN 15 and the Development Advice Map (which does not include climate change allowances), as well as Technical Advice Note 14: Coastal Planning.

However, in her letter of the 23<sup>rd</sup> November 2021 the Minister suspended the introduction of the new TAN 15 and Flood Map for Planning until 1st June 2023. This was undertaken to enable local planning authorities to consider fully the impact of the climate change projections on their respective areas. The existing TAN 15, published in 2004, and the Development Advice Map will continue in the meantime as the framework for assessing flood risk. In making this provision the Minister states:

*“It is imperative that local planning authorities use the suspension to develop a more detailed understanding of the consequences of flooding, and therefore I require every local planning authority to complete work to review, within the next 12 months, the Strategic Flood Consequences Assessments (SFCAs) for their area, either individually or on a regional basis. I also require each local authority, working in partnership with other flood risk management authorities where appropriate to identify a pipeline of priority flood risk management schemes to address flood risk and vulnerability, as well as an assessment and specific assurances on the effective delivery of SuDS Approval Body functions.”*

In this respect the SFCA originally undertaken to inform the Revised LDP will need to be subject to substantive review having regard to the above requirements. This additional evidence may also need to consider relocation of infrastructure, site specific resilience measures or new green infrastructure. This will have a direct bearing on the content of the Revised LDP including the identification of sites and will need to be incorporated into its content.

Further details on the required methodology for undertaking this SFCA will be provided by the WG in due course.

It should be noted that this additional SFCA evidence will be required at a corporate level to support and inform the Council’s strategic objectives as well as to provide evidence in support of the Revised LDP.

Regard will be had to the regional context, with opportunities to work alongside neighbouring Authorities in the development of evidence embraced where possible. It should be noted the SFCA originally prepared in support of the Revised LDP was undertaken in partnership with Pembrokeshire County Council. Further detailed evidential work in the Llanelli area was then undertaken by Carmarthenshire County Council. Moving forward, consideration will need to be given as to the intentions of neighbouring Authorities (including those to the East) in respect of the expectations emerging from the Minister’s letter of the 23 November 2021 in regards SFCAs.

- **Future Wales**

Future Wales: the National Plan 2040 was published in February 2021. Whilst the emerging Revised LDP took account of this emerging document, its publication – and subsequent implications – both in terms of the Revised LDP’s spatial strategy / growth and the policy framework requires detailed review.

Note: the requirement to prepare a Strategic Development Plan (SDP) for the Southwest Wales region under the auspices of the Corporate Joint Committee (CJC) may present opportunities to develop strategic evidence at a regional level to ensure consistency and reduce duplication.

It should be noted that the preparation of the SDP is scheduled for commencement in 2022 through the production of a Delivery Agreement setting out the timetable for its preparation. It should be noted that the Revised LDP is required to be in conformity with Future Wales. Consequently, the policies and provisions of the Revised LDP will need to be reviewed where appropriate to ensure they have regard to its content.

Opportunities may also emerge for the development of locally distinctive evidence at community level in the form of Place Plans.

The preparation of the SDP doesn’t impact on the ability to prepare an LDP in parallel and the Revised LDP will be proceeding at an advanced stage compared with the SDP. Reference will need to be had to the emerging content of any SDP where appropriate.

#### **4. Next Steps**

The Authority was anticipating progressing to the next stage of Plan preparation in February 2021 including the publication of a set of recommended Focussed Changes following their consideration and approved at the meeting of Council on the 13 January 2021. Whilst these changes sought to address issues and changes in circumstances and guidance at that time, they were considered to be non-substantive and therefore falling within what is considered appropriate as a focused change and recognising that they are exceptional in nature and that changes after deposit should be avoided. In this respect they were identified with a recognition that they would not go to the heart of the Plan.

The scale of overall changes that may now be required to the Plan as a result of the above will in all likelihood now be more significant in number and scope. When considered in conjunction with the Focussed Changes originally proposed, this results in the level of change being higher than that which would be appropriate through a Focussed Changes consultation. As a result, it is recommended that these changes be consolidated into a second Deposit Plan and that this be published for a full public consultation in accordance with regulations.

Whilst this course of action will further delay the final adoption of the Revised LDP, it will ensure that the Authority produces an updated and robust document which reflects the significant contextual changes which have taken place since the publication of the Deposit LDP on the 29<sup>th</sup> January 2020.

It should be noted that the second Deposit will also be accompanied by a range of documents to support its preparation and the consultation. These will include revised versions (where required) of: Sustainability Appraisal/ Strategic Environmental Assessment, Habitat Regulations Assessment, topic papers, an Initial Consultation Report, and Soundness Self-Assessment, and is underpinned by a range of evidence and other background documents.

- **Phosphates – Nutrient Management Board**

In order to ensure compliance with the Authority's duties to enhance the environment under the Environment (Wales) Act 2016 and to support sustainable development objectives in Carmarthenshire it is considered essential to establish a NMB for the Afon Tywi and to become members on the NMBs for the Teifi, Cleddau and Wye.

Section 8.7 of the appended Position Paper on phosphates provides details on the governance, membership and remits of the proposed NMBs. It should be noted that the establishment of NMB is seen as an important step in addressing the challenges facing these rivers and their communities.

In relation to the Tywi NMB representatives from Carmarthenshire would be Chair and offer Secretariat. This report proposes Cabinet Member for Planning in conjunction with the Director of Environment to establish the Tywi NMB and undertake in conjunction with that board preparation of a Nutrient Management Plan for the Tywi. It is proposed the Board itself will contain those bodies with regulatory responsibility for the condition of the Tywi – CCC (Responsible for local development plans, local planning decisions, environmental health (including monitoring private package treatment works and cess pits) and Sustainable Drainage Approval Body (SAB) consenting sustainable drainage in almost all new development).

Reference is made to Sections 6 and 7 of the appended Position Paper on phosphates which identifies the progress made and the work in progress in tackling the challenges posed by phosphates in the Riverine SACs. It also critically identifies the next steps including the NMBs.

- **Delivery Agreement**

The current Revised Delivery Agreement (DA) was approved by County Council on the 22 October 2020 with Welsh Government (WG) letter of approval received on the 12<sup>th</sup> November 2020. This sought to reflect the initial impacts arising from Covid-19 and identified the timeline for the preparation of the LDP with Adoption scheduled in July/August 2022.

However, whilst on target for adoption in accordance with the timetable the publication of the phosphate guidance has resulted in the progress of the Plan being held up with resultant slippage. Consequently, it is required that further revision to the DA be prepared and agreed with the Welsh Government.

The amended timetable will however be informed by the factors, issues and guidance highlighted in this report and as such a definitive timeline is as yet not available. To ensure that the preparation of the revised DA is progressed as quickly as possible delegated authority is sought for officers to amend its content and agree a revised timetable with WG officials with the updated Deposit Plan anticipated to be published for consultation in 2022.



Note: this delegation relates to changes to the timetable and not substantive changes to the DA or its community involvement scheme. It should be noted that any consultations timetabled in respect of the Revised LDP will not be undertaken until after the local elections.

## 5. Financial Requirements

In taking forward the recommendation to prepare a consolidated second Deposit there are essential new and updates to existing evidence as well as production costs. Whilst the majority of evidential work is undertaken internally there are areas where specialist input is required and is provided for through the current financial provisions, the anticipated approximate costs are as follows:

21/22 - £107,000

22/23 - £387,000\*

23/24 - £65,000

Specialist staffing, Examination and associated costs are projected as follows (note: this incorporates the potential costs for two Inspectors):

21/22 – £11,000 circa.

22/23 – £44,300 circa.

23/24 - £162,000 circa

24/25 – £134,000 circa

\*Includes estimated provision to address strategic issues associated with evidence for phosphate mitigation and solutions as well as the SFCA in accordance with the Ministers letter referred to above which may require additional sources of funding outside those budgeted for LDP production. Note: the requirements of the WG in relation to TAN15 and the SFCA are pending further information.

<b>DETAILED REPORT ATTACHED?</b>	<b>YES</b>
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# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: R Griffiths

Head of Place and Sustainability

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>

## 1. Policy, Crime & Disorder and Equalities

The Revised LDP identifies and develops on the links and requirements necessary to ensure the Plan, and the processes in its preparation are compatible with Carmarthenshire County Council's well-being objectives. It also ensures alignment with the national Well-being Goals set out within the Well-being of Future Generations Act 2015. Through its land use planning policies, the Revised LDP will seek to promote the principles of sustainability and sustainable development by facilitating the creation of communities and local economies which are more sustainable, cohesive and provide access to local services and facilities and reducing the need to travel.

The integration of sustainability as part of the preparation of the Plan is reflected in the undertaking of a Sustainability Appraisal and Strategic Environmental Assessment reflecting national and international legislative requirements. This iterative approach ensures sustainability is at the heart of the Plan and that it is reflective of the requirements emanating from the Wellbeing and Future Generations Act 2015 and the Carmarthenshire Well-being Plan: The Carmarthenshire We Want – 2018 - 2023.

The LDP has full regard to the national legislative provisions and will relate and have regard to the Carmarthenshire Well-being Plan. The Revised LDP is assessed against the National and local Well-being Objectives. The Revised LDP will ensure the requirements emanating from the Act are fully and appropriately considered with the Plan, reflective of its duties. In this respect the Plan has been prepared in accordance with the Five Ways of Working through the formulation of its content and its iteration as part of the SA process: long term – The plan sets a framework for land use planning through to 2033 balancing short term needs with those of the long term. Prevention – balancing impacts and the implications of the Plans content. Integration – connects plans, strategies and balancing and measuring the impacts through effective integration. Collaboration – developed through collaboration across the Plan making process with a range of partners. Involvement – reflecting the Plan making's process focus on engagement and involvement, as set out in the Revised Delivery Agreement - Community Involvement Scheme.

Consideration needs to be given to the implications in relation to the forthcoming preparation of Strategic Development Plans within the region and its impact on local planning policy.

## **2. Legal**

The preparation of the Revised LDP reflects the provisions of the Planning and Compulsory Purchase Act 2004, the requirements of the Planning (Wales) Act 2015 and secondary legislation in the form of the Local Development Plan (Regulations) Wales (As amended) 2015.

Its preparation also has appropriate regard to other sources of primary and secondary legislation including the Environment (Wales) Act and the Well-being of Future Generations Act 2015. It must also have regard to the provisions of the Habitat Regulations as transposed into the Conservation of Habitats and Species Regulations 2017 (as amended) and our legal duties as competent authority.

The preparation of the Deposit LDP is in accordance with the 2004 Planning and Compulsory Purchase Act. It is also in line with national regulations and guidance in relation to its scope and content.

Note: The Revised LDP will be required to comply with the provisions of Future Wales: the National Plan 2040 (formerly the National Development Framework) which sets out a high-level spatial strategy for Wales. .

## **6. Finance**

Should the Planning Division Budget not be able to provide further funding necessary to meet the statutory requirements emerging from the specialist input necessary to address the phosphates impacts then an application will be made for a further funding. In addition we will look to share financial burden of such work with partners and seek financial assistance (where applicable) from the Welsh Government as well as maximising grant income (where available). Budgetary provisions within the financial projections within this report have sought to accommodate an allowance for phosphate evidential requirements.

## **6. Physical Assets**

Potential for implications on Council landholdings - the extent and nature of the potential impact to be confirmed.

## **7. Staffing Implications**

Whilst the progression of the Revised LDP will be delivered through current staffing provisions, any delay may require extensions to contracts of those temporary posts in place to support Plan preparation and delivery. Funding would be through current financial provisions and/or future growth items.

Future staffing requirements to address and implement solutions and mitigation associated with phosphates will be subject to future DoR's.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: R Griffiths

Head of Place and Sustainability

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

## 1. Scrutiny Committee

The relevant Scrutiny Committee will be consulted as part of any future report on the amendments to the Revised LDP and Delivery Agreement.

## 2. Local Member(s)

Members will be engaged throughout the remainder of the Plan making process.

## 3. Community / Town Council

Town/Community Councils(s) are a specific consultee at statutory stages throughout the Plan making process.

## 4. Relevant Partners

Contributions have and will continue to be sought throughout the revision process. A range of partners are identified as specific and general consultees throughout the Plan making process.

## 5. Staff Side Representatives and other Organisations

Internal and external contributions have and will continue to be sought throughout the Plan making process.

**CABINET MEMBER PORTFOLIO HOLDER(S)  
AWARE/CONSULTED**

NO (consultation to take place w/c 31 January 2021 - TBC)

**Include any observations here**

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Deposit Revised LDP</b>		<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/deposit-plan/#.Ya5byaj7SUK">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/deposit-plan/#.Ya5byaj7SUK</a>
<b>Delivery Agreement</b>		<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/delivery-agreement/#.Ya5cTKj7SUK">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/delivery-agreement/#.Ya5cTKj7SUK</a>
<b>Revised LDP Evidence Base</b>		<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/development-of-an-evidence-base/#.Ya5ciaj7SUK">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/development-of-an-evidence-base/#.Ya5ciaj7SUK</a>
<b>Revised LDP Covid-19 Assessment</b>		<a href="https://www.carmarthenshire.gov.wales/media/1224020/covid-19-assessment-for-publication-eng.pdf">https://www.carmarthenshire.gov.wales/media/1224020/covid-19-assessment-for-publication-eng.pdf</a>
<b>Sustainability Appraisal and Habitats Regulations Assessment</b>		<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/sustainability-appraisal-and-habitats-regulations-assessment/#.Ya5c6qj7SUK">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/sustainability-appraisal-and-habitats-regulations-assessment/#.Ya5c6qj7SUK</a>
<b>Phosphates Webpage</b>		<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/ecology-advice/new-phosphate-targets/#.Ya5dIKj7SUK">https://www.carmarthenshire.gov.wales/home/council-services/planning/ecology-advice/new-phosphate-targets/#.Ya5dIKj7SUK</a>
<b>County Council meeting 13 of January 2021 (agenda item 7.4 refers)</b>		<a href="#">Agenda for County Council on Wednesday, 13th January, 2021, 10.00 am (gov.wales)</a>

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# Revised Carmarthenshire Local Development Plan 2018-2033

Appendix 1 Position Paper – Phosphates

February 2022

[carmarthenshire.gov.wales](http://carmarthenshire.gov.wales)

Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



Page 359

## Contents

Index of Figures.....	3
Index of Tables .....	3
<b>1.0 Introduction and Purpose.....</b>	<b>4</b>
1.1 Process and Timeline .....	4
<b>2.0 Summary of Current Issues .....</b>	<b>6</b>
2.1 Natural Resources Wales’ advice for planning applications within the river Special Areas of Conservation (SACs) catchments (first guidance issued January 2021). .....	6
2.2 Waste Water Treatment Works (WwTW).....	7
2.3 Future Considerations.....	8
2.3.1 Multi-partnership working.....	8
2.3.2 Marine SAC catchments .....	8
<b>3.0 Implications for the Revised LDP .....</b>	<b>9</b>
3.1 Residential: Allocations.....	9
3.2 Residential: Other components of housing supply.....	9
3.3 Employment Allocations .....	9
3.4 Mixed Use Allocations.....	9
3.5 The Settlement Framework (Strategic Policy SP16) .....	10
3.6 Sustainability Appraisal / Strategic Environmental Assessment.....	10
3.7 Habitats Regulations Assessment .....	10
3.8 Other impact assessments / Plan Evidence Base.....	10
3.9 Mitigation and other Solutions .....	10
<b>4.0 Options Appraisal (including SA/SEA and Habitat Regulations Assessment (HRA)) .....</b>	<b>16</b>
4.1 Overview .....	16
4.2 Timescales.....	16
4.3 Option 1 – No Change.....	16
4.4 Option 2 – Constraint Led .....	18
4.5 Option 3 – Redistribution of homes and jobs .....	19
4.6 Option 4 – Pause .....	22
4.7 LDP Tests of Soundness .....	23
<b>5.0 Potential Technical Solutions and Policy Based Approaches.....</b>	<b>24</b>
5.1 Importance of identifying solutions.....	24
5.2 Technical Solutions .....	26
5.2.1 Immediate Measures .....	26



5.2.2	Calculation of Phosphate Loading.....	26
5.2.3	Short-Interim Phosphate Mitigation Measures .....	26
5.2.4	Mid-long-term measures .....	27
<b>6.0</b>	<b>Progress Made .....</b>	<b>28</b>
6.1	Immediate action taken .....	28
6.1.1	Procurement of specialist advice .....	28
6.1.2	Nutrient Management Officer .....	28
6.1.3	The ‘Big Tent Event’ Approach.....	28
6.1.4	Challenging inconsistencies .....	29
6.1.5	Representations to Welsh Government .....	29
6.1.6	Refined internal metrics.....	29
6.1.7	Website and Leading role .....	29
6.1.8	Briefing for Members.....	30
<b>7.0</b>	<b>Work in progress.....</b>	<b>31</b>
7.1	Phosphate Calculator.....	31
7.2	Developer Guidelines.....	31
7.3	Nutrient Management Board.....	31
7.4	Review of Council land assets .....	31
7.5	Legal Interpretation of the Habitat Regulations .....	32
7.6	Formation of Additionality Group.....	32
7.7	Land Management Techniques.....	32
7.8	Green and Blue Infrastructure (GBI) Strategy.....	32
<b>8.0</b>	<b>Next Steps.....</b>	<b>33</b>
8.1	Obtain specialist HRA advice on inconsistencies in the regulations.....	33
8.2	Statement of Common Ground (SoCG) for the CCC led Additionality Group.....	33
8.3	Publication and distribution of phosphate calculator .....	33
8.4	Development Management.....	33
8.5	Phosphate Stakeholder Forum .....	34
8.6	Review of Council land assets .....	34
8.7	Catchment Scale Nutrient Management Board (NMB) .....	34
8.7.1	Overview and Governance.....	34
8.7.2	Membership of NMB.....	35
8.7.3	Remit of NMB.....	35
8.7.4	Overarching Wales NMB.....	36
8.7.5	Awareness Raising.....	36
8.7.6	Technical Officer Group .....	37

8.7.7	LDP Policy .....	37
<b>9.0</b>	<b>Financial Considerations .....</b>	<b>38</b>
9.1	Overview .....	38
9.2	Credit trading system - Council owned assets .....	39
<b>10.0</b>	<b>Further information and contact .....</b>	<b>40</b>

#### Index of Figures

Figure 1.	Revised LDP Key Diagram (with settlement names added to aid the reader).....	11
Figure 2.	Catchment Areas of River Special Areas of Conservation in Carmarthenshire .....	12
Figure 3	Projected Budgetary Needs 2022-2023 .....	38

#### Index of Tables

Table 1.	Analysis of allocated housing sites (April 2021) .....	13
Table 2	Analysis of Allocated Housing Sites by settlement within the SAC – cluster 1 (April 2021) ....	14
Table 3	Analysis of Allocated Housing Sites by settlement within the SAC – cluster 4 (April 2021) ....	15
Table 4	Analysis of Allocated Housing Sites by settlement within the SAC – cluster 5 (April 2021) ....	15

## 1.0 Introduction and Purpose

### 1.1 Process and Timeline

1.1.1 The preparation of the Revised LDP reflects the Council's statutory responsibilities under the Planning and Compulsory Purchase Act 2004 - setting out policies and proposals for future development and use of land for Carmarthenshire over the period to 2033. The Revised Delivery Agreement, as approved by County Council on the 22 October 2020 for submission to the Welsh Government (WG) for approval, identifies the timeline for the preparation of the LDP, with Adoption of the Plan scheduled in July/August 2022. Reference should be made to the main / cover report tabled in respect of the Revised LDP for further information.

1.1.2 The plan making process was suitably advancing in accordance with this timescale. [The Deposit Revised LDP was placed before full Council on the 13 January 2021](#), with the Council resolving as follows:

(a) to endorse the officer recommendations on the consultation responses received to the Deposit Revised LDP, Sustainability Appraisal, Habitat Regulations Assessment and Supplementary Planning Guidance;

(b) to agree to the presentation of the schedule of Focused Changes to Executive Board for approval for a minimum 6-week public consultation;

(c) to approve the submission of the Deposit LDP and its supporting documents, evidence and background documents as required to the Welsh Ministers for Examination;

(d) to grant officers delegated authority to respond to recommendations and requests arising from the Inspector as part of the Examination and hearing sessions;

(e) to resolve to adopt the SPG in relation to Caeau Mynydd Mawr SAC and the Burry Inlet (subject to the outcome of the Examination) concurrent with the adoption of the Revised LDP;

(f) to grant officers delegated authority to make non-substantive typographical, cartographical and/or factual amendments to improve the clarity and accuracy of the Revised Local Development Plan and its supporting documents.

1.1.3 During January 2021, officers were proceeding with actioning the above resolutions – notably the preparation of the Focused Changes for consultation. However, On 21<sup>st</sup> January 2021, Natural Resources Wales (NRW) published evidence in relation to phosphate levels for riverine Special Area of Conservation (SACs) in Wales (including the Teifi, Tywi, Cleddau and Wye). This was accompanied by planning position statements/guidance. This should not be confused with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, albeit interested parties are advised to appraise themselves of these also to develop a rounded picture beyond the LDP itself. NRW published an update to their

interim guidance on the 11<sup>th</sup> May 2021, the content of which and any future iterations will frame ongoing consideration.

1.1.4 This Paper provides an overview of the NRW guidance and its implications on the Revised LDP. It sets out some high-level options with a view to feeding into the main / cover report being presented to CMT in regards the Revised LDP. It is accepted that the ‘phosphate issue’ has already had timescale implications upon Plan preparation, however (and as stated in the main / cover report) the ‘phosphate issue’ has been compounded by wider considerations to emerge. This Paper should be read with the knowledge that the situation is constantly evolving as new information emerges. Notwithstanding its impact on the Revised LDP, the ‘phosphate issue’ has potentially significant wider corporate and policy implications – most notably in terms of spatial implications and the potential impact within rural Carmarthenshire. It should be noted that an earlier iteration of this Paper was provided to CMT in May 2021.

1.1.5 To provide an appreciation of the implications of the phosphate issue on a regional (and potentially national basis) it can be noted that on the 21 October 2021, Ceredigion County Council resolved a temporary but as yet unspecified length pause for the replacement LDP to allow essential evidence and data to be gathered and mitigation options to be devised.

1.1.6 This paper seeks to play an informing role to the main report being presented to CMT on the 16 of December 2021. In this respect, commentary on options, risks etc should be read with the awareness that a ‘rounded’ discussion is set out in the main paper, along with any specific recommendations on how to proceed from an LDP point of view. **Any reference to ‘Options’ (notably within Section 4.0) is done with a view to facilitating a discussion only. It will be for subsequent reports and the Council to map a way ahead in regards the Revised LDP.**

## 2.0 Summary of Current Issues

2.1 Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (first guidance issued January 2021).

2.1.1 Carmarthenshire is characterised by its rich environmental qualities and is home to a number of areas and features designated for their environmental importance including the Afon Teifi and Afon Tywi riverine Special Areas of Conservation (SAC).

2.1.2 Following new evidence about the environmental impacts of phosphate in watercourses, Natural Resources Wales (NRW) have assessed the 9 riverine SACs in Wales. This assessment based on tighter targets for the water quality of watercourses established that phosphorus breaches are widespread within Welsh SAC rivers with over 60% of waterbodies failing against the challenging targets.

2.1.3 As a result of this failure NRW have issued 'interim planning advice' to avoid further deterioration in environmental capacity. This 'advice' relates to all Riverine SACs whose catchments extend into Carmarthenshire namely, the Afon Teifi, Afon Tywi, River Wye and Afon Cleddau. As a Local Planning Authority (LPA), the Council is required to have regard to the advice given by NRW when making planning decisions (for both individual developments and Local Development Plans (LDP)). Consequently, any proposed development within the river catchment that might increase phosphate levels will need to clearly evidence that the development can demonstrate phosphate neutrality or betterment in its design and/or its contribution to the water body. In most cases there will be limited capacity to connect to the public sewerage system and an alternative solution will have to be found. This requirement on drainage considerations will impact on all development that increases the volume or concentration of wastewater.

2.1.4 A map to show the catchment area of the rivers within Carmarthenshire is set out in [figure 2](#).

2.1.5 Drainage proposals for developments are required to be given significant consideration within these catchment areas.

2.1.6 NRW provided [interim planning advice for developers](#). The guidance includes an outline of the type of development which is unlikely to have an impact on phosphate levels in the watercourses.

2.1.7 Subsequent iterations of the guidance have been published. The latest advice and more detailed information can also be [found directly on NRW's website](#).

2.1.8 The NRW advice note outlines, where a planning application within the catchment areas of the Afon Teifi, Afon Tywi, River Wye and Afon Cleddau cannot evidence that the development proposal would result in phosphate neutrality or betterment, that unfortunately the Local Planning Authority would not be able to support the application. This reflects the unacceptable impact on the water quality of the rivers which are sensitively designated as a SAC. This also has implications for the policies and proposals of the Development Plan (including site allocations).

2.1.9 Officers are working on understanding the full implications of NRW's guidance for current planning applications and the progress of the Revised LDP. The Council must ensure that development proposals do not harm the environmental capacity of our watercourses. Officers are also working collaboratively with NRW in understanding the wider issues and identifying the way forward for all proposals, to find solutions that comply with the requirements of the new interim planning advice.

## 2.2 Waste Water Treatment Works (WwTW)

2.2.1 The position with regards WwTW phosphate permits is as follows. What is important to note however is that all the permitted works are located outside of the affected areas.

2.2.2 There are current phosphate permits at: Cross Hands, Garnswllt (Ammanford), Llanelli, Parc y Splott (Carmarthen) and Pontyberem.

2.2.3 The following are within the 2020 -2025 Dŵr Cymru Welsh Water (DCWW) Asset Management Plan (AMP7) - Carway, Cwmgwili, Cwmtawel (Cross Hands), Pontyates, Pontyberem, Trimsaran and Llanedi.

2.2.4 Pontyberem is included twice above because there is a current permit, but it is understood that this is being amended in the current AMP (AMP7) to meet the requirements of the Water Framework Directive (WFD)'s 'Good Status' driver. It is also understood that the permit at Cross Hands WwTW is being amended to meet the requirements of the WFDs 'Prevent Deterioration' driver.

2.2.5 With regard to future investment programmes, DCWW have an agreed two AMP programme (i.e., AMP7 & AMP8) with NRW. However, whilst AMP7 is known the schemes for inclusion in AMP8 are not yet at a stage where they've been finalised. It is understood that the location of WwTWs where phosphate permits are required to be introduced or tightened is guided by NRW's National Environment Programmes (NEP).

2.2.6 The current review of WwTW phosphate permits by NRW in light of the new JNCC conservation objectives may demonstrate inadequate permit levels in the settlements outside of the SAC catchments. If this is the case, there would be an immediate implication for development in growth areas / urbanised areas. It is anticipated that this information will inform investment for AMP8 (commencing 2025). However, in this scenario there is likely to be an implication for development (possibly for a period of 2-3 years) if solutions were solely dependent on DCWW infrastructure.

2.2.7 A phosphate permit limit is imposed on a respective DCWW WwTW by the Environmental Regulator (i.e. NRW in Wales). This essentially requires that DCWW ensures that they remove phosphates from wastewater to meet that limit. Phosphate permits are assessed over an average of all phosphate results in a rolling 12-month period. The typical method to remove phosphorous from a WwTW is to introduce ferric (iron) dosing and ‘strip’ the phosphate – the ferric reacts with the phosphate and forms solid precipitates which are then removed via a settlement tank.

2.2.8 It can be concluded that the issues faced are infrastructural as well as environmental in this regard. This also frames the discussion with an awareness of the wider role of multi-agency organisations – e.g., DCWW and NRW and in this regard the Council will be unable to address this matter in isolation. The issues faced are similar to those experienced in the Llanelli WwTW catchment over recent years and the solution is founded in the principles of partnership working, enabling policy provisions but also financial investment. Innovative and sustainable solutions, such as the [Rainscape approach in Llanelli](#), are noted.

2.2.9 DCWW are conducting source apportionment data in affected SAC catchments throughout Wales. The data collected will identify the source of pollution along the SAC rivers i.e., diffuse or point source pollution. An appreciation of pollution source will determine remediation strategies employed. Indicative timeline for completion of this work is the end of 2021.

## 2.3 Future Considerations

### 2.3.1 Multi-partnership working

2.3.1.1 The NRW phosphate guidelines have had immediate and significant implications for the development sector. As such, these issues have been responded to from an initial planning perspective. However, it is important to note that the implications extend far beyond the confines of the planning discipline (e.g. the agricultural sector). Under the current interpretation of the guidelines, there are implications for economic growth and provision of health and education settings. It is noted that the phosphate guidelines place a permanent environmental constraint on the County, and will be a consideration in any future plans or projects.

### 2.3.2 Marine SAC catchments

2.3.2.1 While Officers are responding to the implications of the river SAC phosphate guidelines, there is potential for further constraints to be imposed on the County. NRW have conducted a review of water quality in the Marine SAC areas. Carmarthen Bay and Estuaries is designated a SAC and is a large estuarine site, encompassing the estuaries of the Rivers Loughor, Tâf and Tywi (coastal plain estuaries) and the Gwendraeth (a bar-built estuary). These four estuaries form a single functional unit around the Burry Inlet. The environmental constraints placed on any development within these most populous areas of the County would have a significant effect that exceeds the current challenge faced by the river SAC constraints. The publication date of the Marine SAC guidelines has not been disclosed by NRW.

## 3.0 Implications for the Revised LDP

### 3.1 Residential: Allocations

3.1.1 A total of 527 allocated housing units (7.52% of all housing allocations within the county) are impacted. Most of the issues impact on Clusters 4 and 5 respectively as defined within the strategy of the Revised LDP.

3.1.2 Reference is made to [figures 1 and 2](#) together with [table 1](#) for more information and analysis.

3.1.3 Data analysis undertaken April 2021.

### 3.2 Residential: Other components of housing supply

3.2.1 In reference to the Plan's policy framework (notably HOM3) it should be noted that 217 of the allowance of up to 465 housing units in Tier 4 are affected. That is 46.6% of the small site allowance. Clusters 2 and 6 are unaffected, but clusters 4 and 5 are severely impacted. There is also an impact in Cluster 1 (21 of 92 units).

3.2.2 There are approximately 129 large windfall units within the affected areas.

3.2.3 Data analysis undertaken April 2021.

### 3.3 Employment Allocations

3.3.1 In total some 1.85 ha (2.4% of all employment allocations within the County) are impacted. All are located within Clusters 4 and 5. Of the 1.85 ha, 0.6 ha have full planning permissions.

3.3.2 It should be noted that the delivery of employment proposals across the County is also supported through policies which enable appropriate unallocated opportunities to come forward. Such opportunities may be adversely impacted.

3.3.3 Data analysis undertaken April 2021.

### 3.4 Mixed Use Allocations

3.4.1 In relation to the mixed-use allocations as defined under Policy SG1 – Regeneration and Mixed Use Sites - only SeC16/MU1 Beechwood Industrial Estate in Rhosmaen, Llandeilo is impacted. The total area of the mixed-use site is 1.61ha, however 0.75 ha has been identified for employment uses on this site and has been accounted for in the employment allocation figure. Data analysis undertaken April 2021.



### 3.5 The Settlement Framework (Strategic Policy SP16)

3.5.1 An analysis (April 2021) has been undertaken on those settlements that are included within the affected areas. Cluster 5 is entirely impacted, Cluster 4 almost entirely impacted – whilst there are impacts on settlements in Clusters 1, 3 and 6 also. Whilst not all these settlements are earmarked to receive growth (i.e., allocations), the implications are notable – including upon those criteria-based policies in the Plan – e.g., housing and employment.

### 3.6 Sustainability Appraisal / Strategic Environmental Assessment

3.6.1 Dependent on the agreed way forward, there will be a need to review the SA/SEA in an iterative manner. Given the nature of the issues being discussed, there are likely to be social, economic, and environmental implications that will require review.

### 3.7 Habitats Regulations Assessment

3.7.1. Irrespective of the agreed way forward the emergence of the phosphate issue in relation to the freshwater SACs will require the Revised LDP to be subject to a further screening in relation to its potential impact on these designations. Dependent on the agreed way forward, this may require a full Appropriate Assessment being required for each development allocation where it may result in an impact on the SAC and its water quality. It should be noted that without deliverable and evidenced mitigation no site will pass a full Appropriate Assessment.

### 3.8 Other impact assessments / Plan Evidence Base

3.8.1. Dependent on the agreed way forward, there will be implications – notably those impact assessments underpinning the Plan's preparation. In extreme circumstances and subject to the scale and strategic nature of any change to the Plan there may be a requirement to revisit some of the earlier stages of the Plans preparatory process.

3.8.2 Those key pieces of evidence that are likely to require review include settlement role and function, spatial options, housing supply, viability (in the event of a developer pays option) and the Welsh language impact assessment. The scale and scope of the work will vary subject to the respective option and reflects the need for the Plan's evidence base to be iterative and responsive to changes in circumstances and the Plan's content. Reference should be made to the main / cover report provided.

### 3.9 Mitigation and other Solutions

3.9.1 The Revised LDP, in reflecting the issues associated with phosphates, will (irrespective of the way forward) require additional policies to mitigate (where appropriate) for the impact and potentially provide a pathway for acceptable developments to be considered and permitted. In order to deliver such policies, provisions and mechanisms will need to be developed which provide evidence and a framework for the implementation of these policies. Such approaches are further considered within this paper; however these are designed to facilitate discussion only – with detailed consideration required by future reporting and the input of the Council.



Figure 1. Revised LDP Key Diagram (with settlement names added to aid the reader).

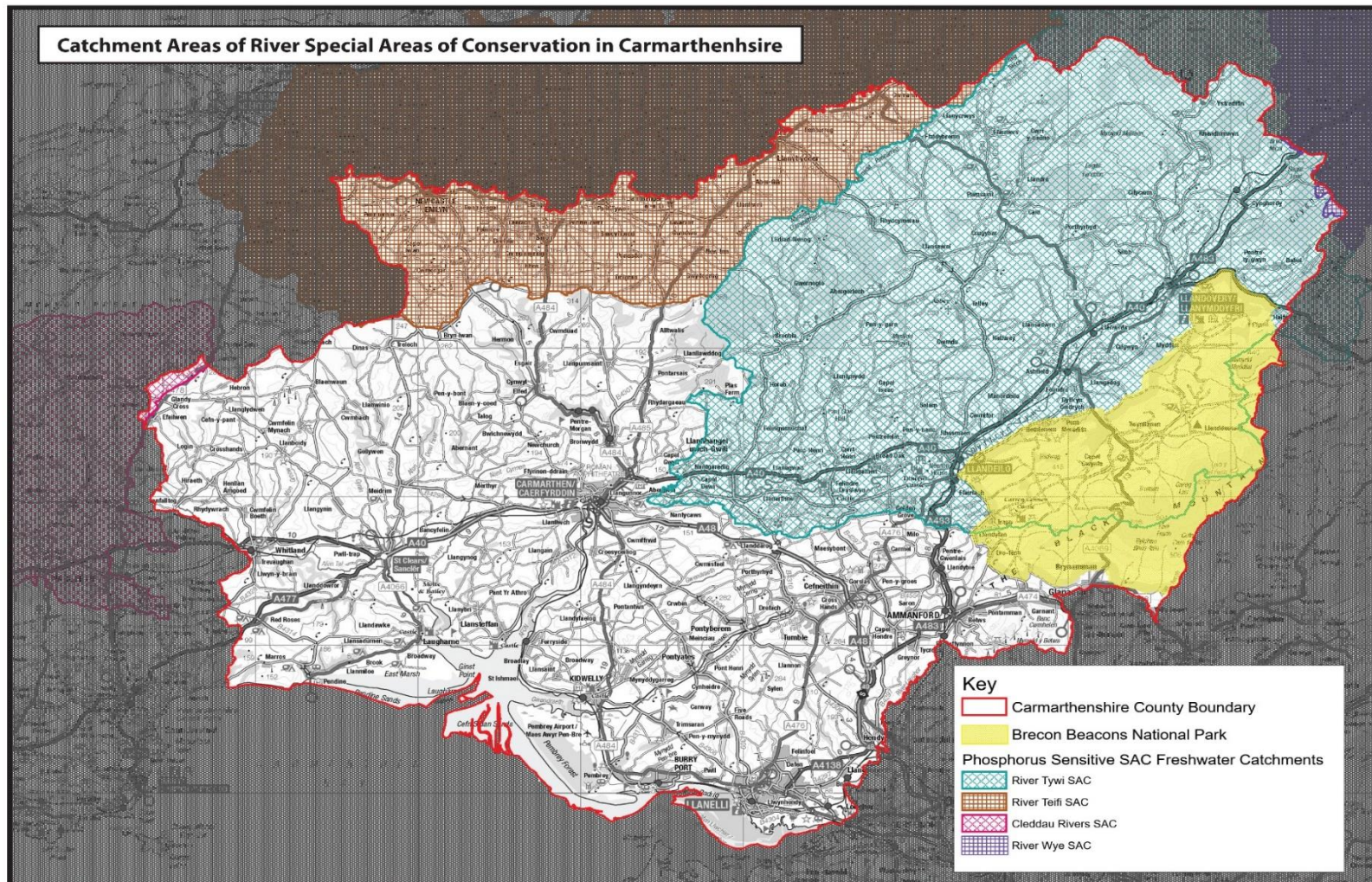


Figure 2. Catchment Areas of River Special Areas of Conservation in Carmarthenshire

	Allocated Units within the cluster	Allocated Units within the SAC area	Number of units within the SAC with planning permission (Full or RM)	Affected Units	Percentage affected	Number of units without public sewerage
<b>Cluster 1</b>	1655	53	21	32	60.38% of allocated units in the SAC area = <b>cluster total of 1.93%.</b>	8
<b>Cluster 2</b>	3047	0	0	0	0.00%	0
<b>Cluster 3</b>	1315	0	0	0	0.00%	
<b>Cluster 4</b>	405	397	12	385	96.98% of allocated units in SAC area= <b>cluster total of 95.06%</b>	22
<b>Cluster 5</b>	122	122	12	110	90.16% of allocated units in SAC area = <b>cluster total of 90.16%.</b>	0
<b>Cluster 6</b>	461	0	0	0	0.00%	
<b>Total</b>	<b>7005</b>	<b>572</b>	<b>45</b>	<b>527</b>	<b>7.52% of all housing allocations within the County</b>	<b>30</b>

Note: Trelech is the only settlement within Cluster 4 outside the SAC – Its allocated site has planning permission for 8 units.

Table 1. Analysis of allocated housing sites (April 2021)

Revised Carmarthenshire Local Development Plan 2018-2033  
Position Paper - Phosphates – February 2022

		Allocated Units within the SAC area	Allocated Units within the SAC with planning permission (Full or RM)	Affected Units	Number of units without public sewerage
<b>Cluster 1</b>	Capel Dewi	8	6	2	8
	Nantgaredig	30	0	30	0
	Pontargothi	15	15	0	0
	<b>Total</b>	<b>53</b>	<b>21</b>	<b>32</b>	<b>8</b>

Table 2 Analysis of Allocated Housing Sites by settlement within the SAC – cluster 1 (April 2021)

		Allocated Units within the SAC area	Allocated Units within the SAC with planning permission (Full or RM)	Affected Units	Number of units without public sewerage
<b>Cluster 4</b>	Newcastle Emlyn	51	6	45	0
	Llanybydder	63	0	63	0
	Pencader	79	0	79	0
	Drefach Felindre	22	0	22	0
	Waungilwen	6	6	0	0
	Llangeler	5	0	5	0
	Pentrecwrt	14	0	14	0
	Saron / Rhos	35	0	35	0
	Llanllwni	22	0	22	22
	Cwmann	50	0	50	0

Revised Carmarthenshire Local Development Plan 2018-2033  
Position Paper - Phosphates – February 2022

	Capel Iwan	16	0	16	0
	Llanfihangel ar Arth	7	0	7	0
	Pontyweli	19	0	19	0
	New Inn	8	0	8	0
	<b>Total</b>	<b>397</b>	<b>12</b>	<b>385</b>	<b>22</b>

Table 3 Analysis of Allocated Housing Sites by settlement within the SAC – cluster 4 (April 2021)

		Allocated Units within the SAC area	Allocated Units within the SAC with planning permission (Full or RM)	Affected Units	Number of units without public sewerage
<b>Cluster 5</b>	Llandovery	20	12	8	0
	Llandeilo	47	0	47	0
	Llangadog	24	0	24	0
	Talley	7	0	7	0
	Cwrt Henri	16	0	16	0
	Cwmifor	8	0	8	0
	<b>Total</b>	<b>122</b>	<b>12</b>	<b>110</b>	<b>0</b>

Table 4 Analysis of Allocated Housing Sites by settlement within the SAC – cluster 5 (April 2021)

## 4.0 Options Appraisal (including SA/SEA and Habitat Regulations Assessment (HRA))

### 4.1 Overview

4.1.1 The following high-level options are provided to outline some of the considerations which will inform the future work in relation to the Revised LDP arising from phosphate implications. It should be noted that matters are evolving with the following intended to guide our understanding of the options available. This section should be read with the awareness that whilst there can be an emphasis on seeking to avoid the affected areas, there is still likely to be a need to identify solutions within the areas themselves as part of a forward-thinking approach. **It should be noted that in respect of the below (including the Risk Analysis, SA-SEA and HRA commentary) these should not be read in isolation of the main / cover report tabled in respect of the Revised LDP. As such, the purpose of this paper is to provide a supporting / informative role. No decisions have been made; it will be for the Council to determine such matters.**

### 4.2 Timescales

4.2.1 It is recognised that the issues of phosphates and the publication of the NRW Interim Guidance has had a wide-ranging impact on Planning across Wales. In this regard the preparation of an LDP is no different with clear implications upon the content and deliverability of its policies and provisions as well as its compliance with legislation and national planning Policy and guidance. Reference should be made to the main/cover report in respect of the Revised LDP being presented to CMT on the 16 of December 2021.

### 4.3 Option 1 – No Change

4.3.1 This would require the inclusion of mitigation policies and a robust monitoring framework to enable future delivery to occur when potential solutions emerge. Such policies could be included through the examination process - allowing the publication of the focused changes to proceed, and the Plan submission for examination. Alternatively, policy changes would be agreed at Council with full consultation undertaken prior to the Plan's submission.

4.3.2 However, whilst there is the potential to develop mitigation policies there remains a significant level of uncertainty on the deliverability of the Plan in those parts of the County identified in Figure 2. This raises significant risks in relation to the successful adoption of the Plan under this option. In addition, further risks include a failure to comply with the Council's duty as the Competent Authority under the Habitat Regulations (HRA). In this respect the content of the Revised LDP will require a further screening with allocated sites in the affected areas requiring an appropriate assessment under the Habitat Regulations.

4.3.3 This option is not considered to be realistic unless there are investments by DCWW programmed in advance of the Examination to Wastewater Treatment Works WwTW in the north / west of the County within the Plan period so that they are phosphate enabled and that development can be delivered by 2033. This would still result in the requirement to move much of the proposed development in the affected catchments to the end of the Plan period / trajectory which would call into question how realistic the Plan is, and its compliance with the Tests of Soundness. In terms of private investment through a ‘developer pays’ principle, it is highly unlikely to secure sufficient contributions to enable upgrading WwTW facilities. It is recommended that such a scenario is run through the high-level viability evidence which supports the Plan. Additional costs could render developments unviable or may necessitate a reduction in other planning contributions such as the provision of affordable housing and public open space etc. The emphasis would have to be on proactive monitoring, and it would have to be demonstrated that the mitigation is achievable and realistic.

#### 4.3.4 Risk Analysis:

##### ‘Con’s’:

- Risk of the authority acting unlawfully as the Competent Authority under the Habitat Regulations requirements.
- Deliverability of the Plan’s content given the constraints associated with phosphate levels – subsequent failure to adopt the Revised LDP in light of non-compliance with the Tests of Soundness.
- Potential reputational damage associated with either failure to meet legal duties or ejection/non adoption of the Plan - in that the Plan is unlikely to be considered deliverable at Examination; and,
- Financial implications –will incur costs leading up to the point of non-adoption.

##### ‘Pro’s’:

- The Plan’s content would reflect that approved by Council.
- Reflects the consensus building, consultation, and a robust evidence base.

4.3.5 Note: Potential changes would be required to ensure to the Plan reflects the issues associated with phosphates and the need for policy interventions to address known and emerging means of mitigation. There is a need for evidential proof of mitigation that is scientifically sound and accurate. This would require democratic approval if proposed for inclusion ahead of the examination.

4.3.6 **SA/SEA and HRA Analysis:** Proceeding with Option 1 would constitute non-compliance with the Statutory Duties of CCC under the Conservation of Habitats and Species Regulations 2017 (as amended) by failing to protect the integrity of the Special Area of Conservation (SACs). In light of the announcement by NRW on 01.02.2021, there is a statutory requirement to re-assess the affected allocations.

4.3.7 The potential for mitigation through DCWW investment in the catchment cannot form a basis for proceeding in an absence of a legally binding agreement demonstrating reasonable scientific certainty that adequate mitigation can be relied upon to underpin a conclusion of no adverse effects on integrity.



4.3.8 Furthermore, Option 1 also fails to take account of the LDP's Sustainability requirements, including a requirement for development within environmental limits, and to promote sustainable economic growth.

#### 4.4 Option 2 – Constraint Led

4.4.1 This option would involve the removal of all development allocations (including housing and employment) within the affected areas from the Plan. Whilst this would address some of the legal and procedural issues in progressing the Plan, it would reduce the development opportunities arising in the affected areas. However, it should be recognised that the implications of the phosphate issue would de facto have this effect in any case. Whilst it would not necessarily see the settlements in the affected areas re-classified in terms of their position in the strategy, it would see their contribution in terms of growth downgraded. This constraint led approach would not be consistent with a number of corporate goals - including the '10 Towns' and Rural Regeneration Strategy.

4.4.2 The removal of development allocations from the affected area would result in a reduction in the Plans growth figures, notably in terms of new homes. Reference should be made to the main / cover report being provided to CMT in terms of population projection evidence. In terms of housing allocations, this would equate to over 500 units and their deletion from the Plan altogether would in all likelihood necessitate a review of the Plan's evidence base. Furthermore, there would be the loss of opportunities within those settlements without allocations and/or those which would be subject to criteria-based approaches – notably through policies HOM3 and HOM4 as set out within the deposit Plan.

4.4.3 It must however be noted that the real-world effect of the phosphate position in the affected areas significantly limits the potential for developments to come forward. This would be irrespective of their allocation within the Revised LDP. Further policies would be required in the Plan to allow for developments to come forward where the impact arising from the proposals could be mitigated. Such mitigation can, amongst others, form a mix of DCWW investment, technical solutions, development credits associated with offsetting impacts as well as dedicated area specific policies in the affected areas. This would ensure appropriate proposals could be permitted where justified (albeit not explicitly identified within the Plan) and as solutions and mitigation approaches are developed.

#### 4.4.4 Risk Analysis:

##### 'Con's':

- Requirement for updated evidence to reflect the reduction in the Plan's housing requirement from the 10,160 homes (note this includes a 15% flexibility allowance).
- Removal of housing and other allocations within the affected areas – reflecting the reduced potential for developments as a result of phosphates in these areas.

**‘Pro’s’:**

- Will allow for issues in regards site specific / appropriate assessment requirement for individual sites to be set aside.
- Would reduce the Plan’s requirement for new homes – this would need to be aligned with updated evidence.
- Would enable the Plan to proceed to submission and anticipated adoption.

**4.4.5 SA/SEA HRA Analysis:** In the light of the interim statement from NRW, and in the absence of a full appraisal of the facts and legally binding and scientifically proven measures to remove, mitigate or offset the phosphate load from qualifying developments, the ‘halting’ of development within the affected catchment would be compliant with the statutory duties of CCC under the Habitat Regulations.

4.4.6 Reference is made to the [Moving Rural Carmarthenshire Forward Report](#). This was approved at Full Council on the 11 September 2019. Of note is recommendation 10 *“That the Council ensures that the revised Local Development Plan: a. enables appropriate scale residential and business development in smaller community areas as needed b. enables appropriate tenure mix in residential developments, based on local housing need c. enables the appropriate allocation of affordable homes within rural areas d. enables tourism and business development in rural areas to support future development and diversification”*. In light of this, consideration will need to be given to the impact of the removal of 500 houses from the northern rural areas of Carmarthenshire in socio-economic terms – including the Welsh Language as well as house prices and availability of employment. The extent of this effect has not yet been determined.

4.4.7 This option has a positive alignment with the environmental considerations and requirements of the Revised LDP, and in its obligation to ensure that growth is sustainable.

#### 4.5 Option 3 – Redistribution of homes and jobs

4.5.1 This option would require the removal of the allocated sites in the affected areas. However, rather than deleting the numbers from the Plan, the growth would be redirected towards other sustainable locations. These ‘replacement’ allocations would not be within the affected riverine catchments and possess phosphate enabled WwTW (however refer to paragraphs 2.2.6, 4.5.11 and 4.5.12 of this Paper).

4.5.2 Three potential scenarios for redistribution have been identified. These are:

4.5.2.1 *Balanced Redistribution* – This would require the lost growth from the phosphate affected areas re-distributed across the settlement hierarchy. This would be reflective of the respective settlement’s sustainability credentials. Such areas could include the Gwendraeth, Amman, and the outskirts of Carmarthen reflecting their social, economic and environmental facets. Such facets include the Welsh language and particular employment sectors (noting the key role of the agricultural industry).

4.5.2.2 *Ten Towns* - A key recommendation emerging from Moving Rural Carmarthenshire Forward related to the rejuvenation and regeneration of Ten Towns across rural Carmarthenshire. Part of this initiative includes working with the local communities and stakeholders in ten identified rural towns (and their surrounding communities) to develop individual plans that aim to deliver long-term strategic visions to secure their economic, cultural, social, and environmental sustainability. In acknowledging the potential impact on rural areas, this Option provides a variation on the redistribution scenario by providing an opportunity to redistribute growth through the ten towns framework. Such an approach acknowledges environmental capacity, role and function and corporate focus on these settlements. An analysis of the position is as follows: Losing development allocations: Llandovery, Llandeilo and Llanybydder and Newcastle Emlyn. Option to 'move' growth to the remaining: St. Clears, Whitland, Laugharne, Kidwelly, Cwmamman and Cross Hands. It is clear that in developmental terms St Clears and Whitland exhibit many qualities, notably their location on the trunk road and lack of environmental constraints. Cwmamman and Cross Hands both exhibit higher levels of Welsh speakers and both have phosphate enabled WwTW serving them.

4.5.2.3 *Future Wales Approach* - Published on the 24<sup>th</sup> February 2022 Future Wales represents the development plan for Wales and along with the forthcoming regional Strategic Development Plans will shape the land use planning from a national to local level. This scenario in reflecting the provisions of Future Wales provides opportunities to realign any growth within the Swansea Bay City deal context. It would involve 'moving' the growth earmarked for the rural areas affected by the phosphate issues to the more urbanised southeast. This option would allow for a further emphasis on cluster 2 as a recognition of its strategic importance as a regional centre (notably Llanelli through to and including the Ammanford/Cross Hands area). This approach would allow for alignment with national policy. However, it would not conform in spatial terms with the balanced approach as identified within the Revised LDP and the Council rural regeneration initiatives. It should also be noted that cluster 2 already provides a notable contribution to the overall housing supply. Any realignment of growth to this area would need to be considered in light of the environmental and infrastructure constraints in this area. Reference should be made to the main / cover report in respect of the implications of the Revised TAN 15 (albeit this is now delayed until June 2023) notably the Llanelli area is impacted by flooding matters.

4.5.3 Note: Through the introduction of mitigation and dedicated policies in the affected areas themselves, this option will also seek to allow some scope for criteria-based approaches in the phosphate affected areas so that some development can take place as and where appropriate. Such mitigation can form a mix of DCWW investment, technical solutions, development credits associated with offsetting impacts as well as dedicated area specific policies in the affected areas. This would ensure appropriate proposals could be permitted where justified (albeit not identified within the Plan) and as solutions and mitigation approaches are developed.

#### 4.5.4 Risk Analysis:

##### 'Con's':

- Potential requirement to revisit the Deposit Revised LDP with cost and timetabling implications.
- Will still lead to a significant reduction of growth in the impacted rural areas, thus potentially impacting on investment, provision of jobs and homes.
- The re-location of growth would need to be supported by robust evidence of need for the development, the impact on infrastructure capacity and social implications.
- Deliverability within the plan period would also need to be robustly evidenced.
- Could result in a potential over provision of homes in certain areas, resulting in a negative impact on local communities and the Welsh language within them.

##### 'Pro's':

- Dependent of approach it could align with corporate objectives (subject to scenario selected).
- Maintain the level of growth identified in the Revised LDP.
- Potential to align with role and function of settlements and allow for recognition of the contribution of rural communities and their housing / employment need.
- Future Wales scenario ensures compliance with national policy.

4.5.5 **SA/SEA HRA Analysis:** At present there is an absence of information on headroom in phosphate enabled WwTW's. DCWW have not confirmed they have sufficient capacity in these areas for the additional wastewater of the additional housing or of the subsequent increased phosphate load that this will incur.

4.5.6 This option removes known environmental risk from the northern end of the county. However, moving of allocations does not present a long-term sustainable solution, in that it fails to consider the long-term implications of increased phosphate loading in the absence of clarity or agreement on mitigation or remediation. Consideration will need to be given to the impact of the removal of 500 houses from the northern rural areas of Carmarthenshire in socio-economic terms – including the Welsh Language as well as house prices and availability of employment. It could however allow for a solution that facilitates the adoption of the Plan (the plan period runs up to 2033).

4.5.7 Development in Welsh speaking rural communities would be reallocated to other areas of the County, with isolated potentially adverse effects on the northern portion of the county. However, those areas outlined above – notably the Amman and Gwendraeth areas – are traditional heartlands in terms of Welsh speakers and represent key spatial priority areas in this regard. A balance would need to be struck in terms of facilitating enough development to protect and enable the Welsh language to thrive in these areas, whilst care would be needed not to redistribute growth to a level which would be detrimental to the future of the language.

4.5.8 In relation to the reallocation of housing in the 10 town settlements, this seeks to promote a model of sustainable economic growth, with spatial allocations aligned with infrastructure investment, through appropriate siting of new developments with existing provision of public transport infrastructure. This aligns with the objectives of the emerging Transport Strategy for Wales: Llwybr Newydd. This also accords with Future Wales.

4.5.9 Future Wales does have a national growth plan for Llanelli linked to Swansea Bay. This is based on co-locating homes, jobs, and services. However, it also has a Regional Growth plan which includes Carmarthen, the Teifi Valley including Newcastle Emlyn, and Lampeter which is directly impacted by the phosphate issue.

4.5.10 It is noted that the Future Wales scenario would perform well in terms of the SA/SEA in terms of spatial sustainability, regards will need to be given to socio-economic impact in those affected areas. In HRA terms, its positive elements would need to be balanced against its potential impacts on the Marine SAC (i.e. the Burry Inlet).

4.5.11 If the removed allocations are directed to settlements that are served by a WwTW with phosphate stripping then the LA as competent authority we would first have to conduct an AA on the works. There would also be a potential need to reduce wastewater being sent to the works. The scale of this intervention and means of achieving these requirements have not yet been mapped out by officers.

4.5.12 It is also noted that there is ambiguity regarding the adequacy of the current phosphate permits of the WwTW. There is a need to determine if the current permits are valid for the current population, and proposed housing allocations in these non-SAC catchment areas.

#### 4.6 Option 4 – Pause

4.6.1 This option acknowledges the fact that the Council has an Adopted Plan in place and given the uncertainty with regards the ongoing emergence of the ‘phosphate issue’, the Council may consider it appropriate to pause with the preparation of the new Plan temporarily. As stated previously, there is a likelihood that there will be future focus on the estuarine areas, notably in terms of nutrients. It is understood that the existing Plan would carry on post the ‘drop dead date’. The current Development Plan is still allowing for the consideration of development proposals in those areas that are not affected and as such key corporate developments (including the strategic / corporate development of significance in the growth areas) can be considered. However of course, there are significant issues in the affected areas of the County.

#### 4.6.2 Risk Analysis:

##### ‘Con’s’:

- Timescale issues; the current Development Plan becomes increasingly out of date, albeit it can still be used.
- Failure to have an up to date adopted Plan would increasingly see applications considered in light of national policy with less local emphasis.

**‘Pro’s’:**

- Opportunity to focus on developing evidence and solutions in relation to phosphates and to seek to build consensus and to seek to develop a multi-agency approach to this matter. It should be noted that this issue affects many other Councils to varying degrees – notable of which within a cross border context is Ceredigion, Powys, Brecon Beacons and Pembrokeshire.

4.6.3 **SA/SEA HRA Analysis:** This option would allow a full assessment of implications on HRA and SA/SEA.

4.6.4 At present there are data gaps which are inhibiting informed choices. There is also an anticipation that further nutrient information relating to Nitrogen and/or Ammonia may be released from NRW. Option 4 will allow for a full appraisal of the phosphate situation, and potential combination effects to be made.

4.6.5 Any solution necessitates a cross-sector approach. At present, discussions are at a stage of infancy. Not all relevant partners have been engaged with. Any potential for mitigation under the Habitat Regulations will require a legally binding agreement demonstrating reasonable scientific certainty that adequate mitigation can be relied upon to underpin a conclusion of no adverse effects on integrity of the SAC.

4.6.6 A complete analysis on the consequences is also required to present a proposal that ensures the Council is proceeding in its duty to act in a Sustainable manner.

4.6.7 A full appraisal of the adequacy of the WwTW phosphate permits within Carmarthenshire is required in order to determine the soundness of the plan. A full review of such permits is being conducted by NRW on a National basis. Consideration can be given to any timing issues in this regard with regards the Revised LDP.

#### 4.7 LDP Tests of Soundness

4.7.1 The process itself for the preparation of the LDP is set within statutory regulations, with further procedural guidance contained within the LDP Manual as prepared by the Welsh Government. The preparation and content of the LDP will be assessed against three tests of soundness namely: 1. Does the plan fit? 2. Is the plan appropriate? 3. Will the plan deliver? From an initial review, particularly from an evidential and procedural perspective, would indicate a preference for option 3 in terms of soundness. **However, this is a high level review and it should be noted that the purpose of these options is to simply facilitate discussion – this Paper does not seek to make any specific recommendations.**

4.7.2 Reference should be made to the main / cover report provided in respect of the Revised LDP to CMT where such issues are discussed in a rounded manner. This paper therefore seeks to inform that main report but is not intended to allow for detailed consideration of Revised LDP matters over and above scoping out the ‘phosphates issue’.

## 5.0 Potential Technical Solutions and Policy Based Approaches

### 5.1 Importance of identifying solutions

5.1.1 Whilst Section 4 of this Paper discusses ‘avoidance options’ at a macro scale, there will still be an expectation that solutions are identified within the affected areas themselves so as to allow suitable developments to proceed. Further research will be undertaken by officers in regards potential mitigation measures, however an outline of some initial outcomes follows below. Consideration will be given to introducing dedicated local policies for the areas affected and as such will require denoting on the Proposals Map. This is a similar approach to that within the Caeau Mynydd Mawr and Burry Inlet areas. It should be noted that the solutions identified will be subject to a multi-agency partnership-based approach.

5.1.2 It is important to note that the Revised LDP will only be part of the solution. In this regard, with a view to reviewing the risks facing the Council, there will be some matters which are outside the influence and scope of the Planning Service and indeed the Council itself. The scale of the issues, both in terms of spatial extent and cross agency responsibility, are likely to mean that a multi partnership approach will be required at a landscape scale – e.g., Memorandum of Understanding (MoU).

5.1.3 In terms of limitations and to appreciate the scale of the issues facing the Council, reference is drawn to the position in the Brecon Beacons National Park. A report (ENC7Item 8) submitted to the [Planning, Access and Rights of Way Committee on Tuesday, 26th January, 2021](#) summarised the issues faced and these would be of relevance to Carmarthenshire also. Of particular note within the [Cover Report](#) is the following extract:

*“3.1 Restricting new planning permissions will only ever have a minimal impact on meeting phosphate targets and bringing the designated features back into favourable condition; significant factors that are largely outside the scope of planning control can have a much greater impact. Unfortunately, the situation has not been arrested sooner and we are uncertain as to how long ‘legacy phosphates’ and phosphate loading introduced by uncontrolled activities will mean that new permissions will need to be restricted. This may include certain agricultural developments that are submitted via the ‘prior notification’ procedure. At the very least, it is likely that ‘prior approval’ will be required in most circumstances to allow for the relevant assessments to take place. Officers are considering the potential impacts on other forms of permitted development, including homeowners’ rights to extend and make alterations to their property.*”

*3.2 It is likely that a concerted cross-sector, landscape-scale effort to improve environmental quality and sectoral practices alongside regulation and enforcement will be required to improve water quality and build the ecological resilience of the River Wye so that the designated features it supports are returned to favourable condition. We are members of the River Wye Nutrient Management Plan Board, its technical advisory group, and the Wye Catchment Partnership. Despite the best efforts of these bodies (and others) over the last 10 years, the issue is yet to be resolved.*

*3.3 Although a very difficult task, establishing the evidence-base, modelling and monitoring indicators needed to demonstrate environmental and ecological capacity to accept the loading of new development must be a priority.*

*3.4 The letter received from NRW and its enclosures were sent to agents on 21 December 2020, with a commitment to meeting with them in the near future. Officers have also been asked if they can contact those to whom pre-application advice has been given during the previous 6 months to alert them to the issue. A high-level meeting between representatives of the National Park Authority and MP's took place on 8th January. A verbal update on any developments regarding the issue can be provided at PAROW.*

*3.5 The development of landscape scale nature-based solutions to the issues identified within this report will be a matter for investigation within the next iteration of the Management Plan. This will take concerted partnership working with a range of stakeholders not least, NRW, DCWW and landowners/managers within the affected catchment. The first meeting of such a grouping is scheduled to take place on the 18th of January”.*

5.1.4 In noting that the provisions of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 are not directly related to the LDP, it further frames the cross sectoral dimension to the issues being faced. Members are therefore asked to note that the Council, as a corporate body, faces challenges in policy terms in terms of reconciling its commitment to nature conservation and its declaration of the climate emergency with the requirement to recognise and support those agricultural and rural communities which form a key component of the social fabric of the County.

5.1.5 Generally, there will be a requirement for strategic avoidance or mitigation solutions. Projects to convert agricultural land to open space/habitat and upgrading of WwTW have been evidenced as the primary success measures in England. It is also worth noting that surface water run-off appears to be emerging as a further phosphate load consideration, arising from garden fertilisers and road salt for example, in relation to protected habitats. [Reference is made to this website](#) for further information.



## 5.2 Technical Solutions

### 5.2.1 Immediate Measures

5.2.1.1 Any measures must be undertaken with full regard to the EU Court of Justice, 2018 ruling known as the ‘Dutch Case’. The judgement ruled that development must cause ‘no detriment’ to water quality. The Dutch case ruling applies to all stages of the planning process, in a catchment where water quality has been identified as an issue. While mitigation is allowed under this ruling the future benefit of mitigation measures cannot be relied upon in an appropriate assessment, where those benefits are uncertain at the time of the assessment. The primary short-term measure that has been employed in English counties to address this is the phosphate calculator. The calculator is used by developers to calculate the phosphate burden of a development, and this information is submitted as part of a planning application.

5.2.1.2 Development is only granted if phosphate neutrality is achieved or if certain and measurable mitigation can be secured. Following of land has been the primary mitigation response in the southern English counties to date. Other developer responses have included private wastewater treatment facilities on the development site, and developer investment in public WWTW. These have been recognised to be cost ineffective and not a viable long-term solution in the South of England. The financial unviability is likely to be more pronounced in the affected catchment areas of Carmarthenshire due to lower house prices, smaller profit margins, and the need for affordable housing.

### 5.2.2 Calculation of Phosphate Loading

5.2.2.1 For each qualifying planning application or LDP development allocation, an estimate of the additional phosphate load can be made. Phosphate loads are estimated on a rate of phosphate produced per dwelling assuming an average occupancy of 2.3 people per dwelling, unless there is clear evidence that a higher or lower number is appropriate for the type of residential development proposed. The phosphate load is calculated on the basis that residential development will be built to the highest water efficiency standards provided for by the building regulations. Each local planning authority will impose a planning condition on all planning permissions for one or more net additional new dwellings requiring construction to the optimum requirement. Natural England and the Environment Agency have provided evidence to justify this imposition within England.

### 5.2.3 Short-Interim Phosphate Mitigation Measures

5.2.3.1 The following mitigation measures (see overleaf) have been implemented through a Memorandum of Understanding (MoU) within English Counties e.g. Wiltshire.

- (i) - Diverting Surface Water Flows and groundwater ingress away from the Foul Sewage Network (long term);
- (ii) - Addressing misconnections (short term);
- (iii) - Reducing flows to the Foul Sewage Network through water efficiency measures (immediate);
- (iv) - Silt Traps and small farm wetlands on agricultural land (Short term –implemented in 1-2 years?);
- (v) - Taking land out of intensive agricultural (arable or grass) production through offsetting (Long-term);
- (vi) – Change land-use from intensive to Less intensive grass production i.e., dairy and pig farming to cattle (Short term 1-2 years);
- (vii) – Partnership funding for grant applications e.g., measures 4 and 8 (Short term) – potential for grant funding uncertain;
- (viii) - Diverting surface water flows and groundwater ingress away from the foul sewage network (Long term).

#### 5.2.4 Mid-long-term measures

5.2.4.1 Memorandum of Understanding (MoU) – This would take the form of a multi-agency agreement to ensure that development is ‘phosphate neutral’, and therefore will not have adverse effects upon the integrity of the affected SAC catchment area. A MoU describes where the parties will work together to help develop and implement appropriate phosphate controls and mitigation measures.

5.2.4.2 Nutrient Management Board/Plan – This would take the form of a multi-agency board to identify sources of nutrients that are entering the river and steps that can be taken to manage them. An example of this approach can be seen in Herefordshire. The aim of the plan is to manage nutrients in the affected SAC to enable growth in Carmarthenshire whilst conserving the river environment. The remit of the board is likely to include gathering an evidence base, appraising options and developing a local level action plan.

## 6.0 Progress Made

### 6.1 Immediate action taken

The following immediate action has been taken as part of a proactive approach by the Council.

#### 6.1.1 Procurement of specialist advice

6.1.1.1 Given the levels of complexity involved with these issues, it was identified that the procurement of specialist expertise would be needed to provide immediate and strategic advice and guidance on measurement and mitigation of phosphate within CCC. A procurement exercise was undertaken, and Ricardo Energy and Environment were appointed in July 2021 by the Council. The commission objectives are as follows.

- In conjunction with CCC, identify a list of multi sector stakeholders to attend a 'big tent event' whereby awareness of the phosphate issue raised, and solutions are discussed.
- To develop a phosphate calculator for Carmarthenshire.
- To formulate immediate and interim mitigation guidelines that can be used by developers within any Neutrality Assessments/Appropriate Assessments.
- Make recommendations on addressing the limited pool of expertise that exists (both within and outside of the Council), so that appropriate professional support mechanisms are available to assist developers in measurement of mitigation.

6.1.1.2 The cost of this consultation service was funded from the 2021/2022 LDP budget.

#### 6.1.2 Nutrient Management Officer

6.1.2.1 It was recognised that the creation of a full-time dedicated post and resource within the authority (including supplemental Officer time) to 'head up' a co-ordinated response to phosphates and the Nutrient Management Team was critical. A Nutrient Management Officer was recruited by the Council and has been in post since 30<sup>th</sup> August 2021. The Nutrient Management officer will lead a strategic response to the challenges and opportunities presented by the phosphate guidance. It is anticipated that this post will evolve as the Authority advances its response.

#### 6.1.3 The 'Big Tent Event' Approach

6.1.3.1 Building on the experiences in Somerset, it was recognised that one of the most important aspects and roles for the Local Authority would be to raise awareness and facilitate discussion between stakeholders. A stakeholder engagement event was held on 21<sup>st</sup> October, 2021, facilitated by Ricardo, and introduced by Cllr. Mair Stephens, Deputy Leader of the Council. A range of stakeholders attended, and a constructive debate was held on potential solutions and complexities of implementation. It is intended that a Stakeholder Forum is created consisting of attendees and other relevant stakeholders that are able to contribute

towards solutions. A Terms of Reference document, which includes membership, will be created and ratified. It is envisaged that there will be a key role for elected representatives to lobby and raise awareness.

#### 6.1.4 Challenging inconsistencies

6.1.4.1 The Council recognised that there remained a number of areas where greater clarity was needed from the NRW following their issuing of guidance. Furthermore, it was felt that clarity was required in regards potential inconsistencies in the interpretation of the Habitat Regulations by Natural England and NRW. Officers have challenged these inconsistencies through procurement of legal advice, information sharing of legal advice procured by neighbouring LA's, and through legal opinion procured through the Planning Officers Society for Wales (POSW). Further points of clarity have been obtained via NRW officers, discussion and information sharing with various LA's, officer attendance at the all-Wales SAC Rivers Planning Subgroup Meeting, expression of views at an Oversight group and at attendance at ALGE Phosphate sub group.

6.1.4.2 In some instances, obtaining points of clarity has enabled the Authority to determine planning applications in SAC catchments e.g., permitting of extensions. However, there remain unanswered questions, and further legal advice, and HRA advice has been sought.

#### 6.1.5 Representations to Welsh Government

6.1.5.1 Representations were made to the Welsh Government, in the form of a letter to the first Minister of Wales Rt Hon Mark Drakeford AS/MS on 14<sup>th</sup> June, 2021. A response was received from Julie James AS/MS Minister for Climate Change on 13<sup>th</sup> July, 2021.

#### 6.1.6 Refined internal metrics

6.1.6.1 A review of applications affected by phosphates has been undertaken, and a 'RAG' rating system employed. The Arcus dashboard (an information management system deployed within planning services) now displays planning applications affected by phosphates, and separately identifies those applications whose determinations are solely dependent on a phosphate solution.

#### 6.1.7 Website and Leading role

6.1.7.1 A phosphate page has been created on the Council's website. The page provides a candid reflection of the issues, as well as providing information for developers and interested parties. This includes links to further information, and a FAQ section. The media message seeks to recognise that the Authority is trying to find solutions.

6.1.7.2 It can be argued that the Council is leading the way in Wales in seeking to find a way forward. It has been determined at all-Wales SAC Rivers Planning Subgroup Meeting that the CCC website information is adopted by all LA's across Wales.

6.1.8 Briefing for Members

6.1.8.1 On 26<sup>th</sup> November 2021, Members were briefed by the Nutrient Management Officer on the implications of the NRW phosphate guidance for Carmarthenshire. A copy of the presentation and briefing notes have been circulated to all Members.

## 7.0 Work in progress

### 7.1 Phosphate Calculator

7.1.1 The development of a Phosphate calculator is underway, with an indicative completion date of January 2022. The methodology and underlying assumptions of the calculator have been presented to NRW and have met with their approval. It is intended that this calculator will provide a clear and transparent approach in establishing the level of phosphate loading resulting from a development proposal within the scope of planning control.

7.1.2 The Carmarthenshire phosphate calculator will be the first phosphate calculator developed and used in Wales. NRW have indicated a desire to enter into a procurement relationship with CCC in order to roll-out the Carmarthenshire calculator on an all-Wales basis. Exploratory discussions are underway. Neighbouring LA's have also expressed an interest in procuring and adopting the calculator. In the interests of expediency, their use would not be contingent on prior ratification by NRW.

### 7.2 Developer Guidelines

7.2.1 The development of mitigation guidelines to assist developers is underway and the indicative timeline for completion is January 2022. The guidelines will be presented to NRW for their approval. In the interests of expediency, their use would not be contingent on prior ratification by NRW.

### 7.3 Nutrient Management Board

7.3.1 It is proposed that the scope and structure of a Nutrient Management Board (NMB) such as those that have been utilised in those English affected areas may be established. The NMB will be responsible for producing and monitoring a catchment based Nutrient Management Plan for each of the affected areas. CCC have proposed that consideration is given to the scope and remit of an all-Wales 'umbrella NMB' to avoid duplication of resources amongst LA's.

### 7.4 Review of Council land assets

7.4.1 A review of council owned assets is underway. It is envisaged that this will identify opportunity sites on a large scale that offer economic feasibility of larger scale mitigation (e.g., wetland). It is also considered that this can identify strategically placed sites (e.g., Council owned land next to WwTW for reed bed creation). Council officers are currently working on providing land ownership and suitability details within the catchment areas.

7.4.2 It is likely that there will be a need to work with landowners to access privately owned land for mitigation due to the level of requirements for successful on ground delivery mechanisms. Any estimation of ha/dwelling is subject to evidential testing, and site-specific context of mitigation/offsetting measures.

## 7.5 Legal Interpretation of the Habitat Regulations

7.5.1 Further clarity on legal interpretation of the Habitat Regulations is required. Legal advice has been sought, however further clarity is required. Further advice has been sought in the form of specialist HRA advice. The Council is in the process of procuring this key specialist opinion. This advice will provide clarity on several areas of uncertainty. It will also enable the Council to determine an approach on the screening of additional wastewater. This has implications for the determination of commercial applications within the affected catchments.

## 7.6 Formation of Additionality Group

7.6.1 The Council has established a working group, chaired by Forward Planning Manager, in order to reach a common understanding between LA's in the interpretation of guidance. The Council is leading the group, and the HRA advice being procured (see 7.5.1. above) can inform any decision making. A Statement of Common Ground will form the basis of any commonality of interpretation, and the application of this understanding in Development Management.

## 7.7 Land Management Techniques

7.7.1 The importance of the farming sector within Carmarthenshire is acknowledged. A positive working relationship has been sought with representatives of the agricultural sector. A communication agenda in conjunction with neighbouring LA's and environmental groups is being developed. A mutually beneficial long-term working arrangement with landowners will be critical both in enabling nutrient neutral development to proceed, and in order to remediate the unfavourable SAC status of the affected rivers.

## 7.8 Green and Blue Infrastructure (GBI) Strategy

7.8.1 Nature-based systems are the most effective forms of mitigating and offsetting in phosphate pollution. This has been acknowledged within the GBI strategy as an area of need. The GBI Strategy will seek to identify opportunities to utilise GBI in addressing phosphate pollution in the affected catchments. The GBI Strategy will be available in March 2022.

## 8.0 Next Steps

The below sets out an indicative framework for implementation in chronological order:

### 8.1 Obtain specialist HRA advice on inconsistencies in the regulations

8.1.1 Obtaining clarification on key points of interpretation in respect of the Habitats regulations will enable the determination of applications within the authority, with implications for commercial operations and public services including schools. The difficulty that officers have encountered in securing this advice reflects the complexity of the matters involved, and the lack of subject specialism. This advice is now being pursued via Ricardo and will require an extension of contract.

### 8.2 Statement of Common Ground (SoCG) for the CCC led Additionality Group

8.2.1 Agreement with other Local Authorities in interpretation of the regulations (while not essential) is considered preferable. Once a specialist opinion on matters of uncertainty has been obtained, a SoCG will between LA's can be produced.

### 8.3 Publication and distribution of phosphate calculator

8.3.1 The indicative completion time for the phosphate calculator is January 2022. Ricardo technical officers are working on a method of avoiding some of the more complex modelling that would place a burden on single dwelling applications.

8.3.2. There will be a need to determine remuneration options and terms of use of the phosphate calculator amongst other SAC affected LA's. There is a clear advantage to using consistent calculations amongst neighbouring Authorities whereby river SAC's cross Authority boundaries. Pembrokeshire and Ceredigion have indicated a desire to acquire the CCC phosphate calculator. Whilst NRW has indicated a desire to roll-out the use of the Carmarthenshire phosphate calculator on an all Wales basis, this has not progressed beyond preliminary discussions.

8.3.3 While CCC officers (in conjunction with Ricardo) will seek ratification of the calculator from NRW, the publication and use of this key resource will not be a pre-requisite for its use.

8.3.4 The publication of the phosphate calculator will be resource intensive initially. There will be a need for awareness raising, along with an education programme and support.

8.3.5 It is proposed that the calculator is utilised initially on a pilot project at a scale that builds confidence in the efficacy of the calculator and the successful on ground delivery of nature-based systems.

### 8.4 Development Management

8.4.1 Further communication with applicants on phosphate issues, and requests for extension of time, will need to be made. There is a desire amongst SAC affected LA's to begin to refuse phosphate applications rather than hold in abeyance. It is anticipated that the publication of the phosphate calculator in January will render this option unnecessary for CCC.



8.4.2 In respect of any invitation of submissions of Neutrality Assessments from landowner/site proponents of revised LDP allocations within the affected areas, an efficient process for the consideration and assessment of planning applications along with their submitted proposals for mitigation/offsetting needs to be established. Consideration needs to be given to appropriate professional support mechanisms available to assist developers in submission of mitigation applications, and additional resource requirements of the authority.

## 8.5 Phosphate Stakeholder Forum

8.5.1 Following the Stakeholder Engagement Event, the establishment of a Phosphate Stakeholder Forum with ToR's will be made in order to implement solutions.

## 8.6 Review of Council land assets

8.6.1 Whilst there may be opportunities for mitigation on a site by site / case by case basis, it is clear that a high-level strategic approach to mitigation will be required longer term. In order to facilitate this, regional and pan Wales approaches should be adopted through shared approaches and integrated working. There is a need to identify opportunity sites on a large scale that offer economic feasibility of larger scale mitigation, and to also identify strategically placed sites e.g., Council owned land next to WwTW for reed bed/wetland creation. There is a need for support from CCC records team to providing land ownership details in the areas concerned.

8.6.2 There is an opportunity for synergistic interventions to address a number of the Authority's corporate and regulatory objectives including renewable energy, conservation, carbon sequestration, provision of amenity land and air quality. The Green and Blue Infrastructure Strategy and Ten Towns Initiative are noted. It is recommended that a co-ordinated response to maximise the benefit to be obtained from Council land assets should be considered, in collaboration with Corporate Property.

## 8.7 Catchment Scale Nutrient Management Board (NMB)

### 8.7.1 Overview and Governance

Note: the following in relation to the prospective governance arrangements for the prospective NMB's is subject to ongoing discussion with a view to identifying transparent and effective processes.

8.7.1.1 It is recommended that delegated powers be given to the Director of Environment to establish a Tywi Nutrient Management Board, with delegation to agree terms of reference for the group and prepare a Nutrient Management Plan. It is further recommended that CCC joins the membership board for the Teifi NMB, the Cleddau NMB and the Wye NMB. This is to ensure compliance with the Authority's duties to enhance the environment under the Environment (Wales) Act 2016 and to support sustainable development objectives in Carmarthenshire.

8.7.1.2 Consideration needs to be given to the proper constitution of the NMB including ToR. In order to mitigate against legal risk to the Authorities involved accountability and delivery agreement considerations will need to be incorporated. This is particularly important in different regulators and cross border agreements. A MoU is proposed at this stage.

8.7.1.3 While a regional/sub regional Board has been considered, a board at a catchment level is preferable in order to define a strategy that is proportionate to the scale of the problem and also that accounts for the spatial issues that will determine where in the catchment actions should be targeted. This spatial issue, which is likely to manifest as areas of each SAC catchment where more actions are required relative to other areas of the catchment, will have an influence on who in an NMB is going to have to take more or less responsibility for issues within a catchment.

#### 8.7.2 Membership of NMB

8.7.2.1 The majority of the Tywi catchment falls within the CCC boundary, and therefore Carmarthenshire would be largely responsible for developing and implementing actions for this catchment. Similarly, Ceredigion County Council would form the lead LA for the Teifi, Pembrokeshire for the Cleddau, and Powys for the Wye.

8.7.2.2 In this way an Authority's role in an NMB for these catchments reflects the areas that are under their 'jurisdiction' to respond to causes of notable contributions to nutrient problems

8.7.2.3 The Council (as in Carmarthenshire County Council) would be Chair and offer Secretariat for the NMB for the Tywi. This report advises Cabinet that the Cabinet Member for Planning in conjunction with the Director of Environment will establish a NMB for the Tywi and undertake in conjunction with that board preparation of a Nutrient Management Plan for the Tywi. The Board itself will contain those bodies with regulatory responsibility for the condition of the Tywi – CCC (Responsible for local development plans, local planning decisions, environmental health (including monitoring private package treatment works and cess pits) and Sustainable Drainage Approval Body (SAB) consenting sustainable drainage in almost all new development.), Ceredigion County Council, Powys County Council, NRW, Dŵr Cymru and Welsh Government (Responsible for defining agricultural standards required for receipt of farming subsidy – the Sustainable Farming Scheme.)

8.7.2.4 The Board will contain both Members and Officers. The intention is to then support this with two further groups – a key stakeholder group with representatives from interest groups such as the National Farmers' Union, the Farmers Union for Wales, Afonydd Cymru and local Fisheries groups and a technical officers group with officers from the regulatory bodies.

#### 8.7.3 Remit of NMB

8.7.3.1 The remit of a proposed sub regional NMB would be to ensure nutrient neutral development within the affected catchments, whilst also addressing the unfavourable conservation status of the SAC's (statutory responsibility of the LA as the competent authority) It is recommended that the extent to which the NMB is accountable for these requirements is

laid out in ToR and MoU Documents. The primary mechanism for achieving this will be through the preparation and delivery of the Nutrient Management Plan.

8.7.3.2 It is proposed that these overarching requirements are attained through;

- (i) Ensuring the formulation of a Nutrient Management Plans (NMP) for each river SAC catchment.
- (ii) Producing a delivery agreement for mitigation interventions, including infrastructure development and land use changes.
- (iii) Providing advice on policy implications, and measures that can be adopted in a LDP to account for neutrality requirements.
- (iv) Work with the Technical Support Groups, Stakeholder Forum and regulators to overcoming barriers to implementation in the agricultural and developmental sectors
- (v) Utilising the key resource developed by Carmarthenshire County Council, the phosphate calculator.
- (vi) Credit trading
- (vii) Facilitating transformative outcomes taking into full account the environmental, economic and social implications of interventions on a catchment scale.

#### 8.7.4 Overarching Wales NMB

8.7.4.1 An overarching Wales NMB is considered important to eliminate unnecessary duplication of resources and time, act as an information and resource sharing, and provide a vehicle for cross border catchment agreements. The Council have proposed that an overarching Wales board is necessary to endure the following:

- (i) Providing leadership and coordinating an overarching strategy for each of the NMP's.
- (ii) Acting as a vehicle for addressing future needs such as may arise from any further water quality and neutrality guidelines such as Marine SAC's, Nitrogen, Ammonia, and Methane and facilitate an expedited response to the complexities of nutrient management.
- (iii) In addition to the NMP's the NMB will be responsible for securing legal opinions, and HRA advice, to ensure compliance with relevant Water, Agriculture and Environmental legislation including the Habitats Regulations and Water Framework Directive. Ensuring a commonality of approach in the interpretation of the regulations between LA's wherever possible. Accounting for differences of interpretation where they occur, and management of the implications on shared catchments where relevant.
- (iv) Formulating and updating of communication responses.
- (v) Ensurance of commonality in and guidelines.
- (vi) Establishment of a national approach to nutrient credit trading.

#### 8.7.5 Awareness Raising

8.7.5.1 There is a need for continued engagement with public bodies, and further representations to Welsh Government, and Senedd Members. This may be assisted by securing Cabinet support for the selection of Member 'Champion(s)' to assist in lobbying, constructive engagement with the agricultural sector and dissemination of information.

#### 8.7.6 Technical Officer Group

8.7.6.1 Establishment of a Technical Officers Group consisting of officers from the regulatory bodies, to support the NMB in conjunction with the Stakeholder Phosphate Forum.

#### 8.7.7 LDP Policy

8.7.7.1 At a strategic level, there will need to be an assessment of headroom data and potential future County-wide implications.

8.7.7.2 There is likely to be a requirement to identify large scale mitigation measure to enable the financial feasibility of offsetting.

8.7.7.3 Other interventions could include identifying land next to WwTW's for reedbeds. Criteria will need to be set for selecting nature based systems such as performance, cost, maintenance requirements and site conditions to identify the right intervention for the site specific context. Furthermore, there may be a requirement to allocate mitigation / offsetting land in the Development Plan. A further evidential facet would be to review the cost of mitigation / offsetting within a viability context.

8.7.7.4 The establishment of a credit trading scheme would be with a view to facilitating development. As part of this, there would be key operational requirements such as legal agreements, maintenance contracts etc. It should be noted that mitigation would need to be provided in perpetuity.

8.7.7.5 The Development Plan may require the inclusion of a water policy requirement for new developments to be built with a 100l/p/d water efficiency standard, and use of water harvesting systems.

8.7.7.6 A key step will be to determine the implications for Carmarthenshire as a result of the review of Appropriate Assessment (AA) permits of WwTW's. The last review of consents by NRW on WwTW was conducted in 2009/10. They were therefore reviewed against old conservation objectives. A new review by NRW is underway to determine if the current Phosphate stripping permits are adequate. There will be administrative implications for the Revised LDP to facilitate a AA of WwTW if the NRW review of consents is not taken by the time the deposit LDP is reviewed. CCC will therefore have to conduct the review themselves, an aspect not commonly undertaken by LA's as the usual procedure is for a LA to adopt the AA conducted by NRW. This is important, because many of the permitted WwTW are in those urban areas of the County where the largest quantum of development is likely to go.

8.7.7.7 In terms of developing a policy mechanisms, there will be a need to consider a structured format to optimise opportunities to meet multiple Corporate objectives in any

mitigation strategy. Such objectives can include net zero, amenity land (economic regeneration) air quality, biodiversity and habitat restoration and flood alleviation.

## 9.0 Financial Considerations

### 9.1 Overview

9.1.1 There are inevitable resource implications attached to a response to an area of such complexity. In addition to likely need for future staffing, there remains a number of complex areas that need addressing. In the absence of a leadership response by NRW/WG to these complexities the cost will need to be borne by Carmarthenshire in order for the Authority to make a fully informed decision on a number of issues.

9.1.2 Additional consultancy advice has been sought. The following projections are provided to inform the budgetary needs for 2022-2023. It should be noted that these are estimates.

#### Anticipated Consultancy requirements

HRA specialist advice	£15,000
Site specific mitigation/offsetting consultancy	£25,000
	£40,000

#### Credit trading system

Administrative resource (Core budget)

#### LDP

HRA review of WwTW P permits £30,000

#### Legal Costs

Nutrient Management Boards £10,000

Mitigation legal and maintenance agreements (Cost to be borne by applicant)

**Total Projected Budgetary needs 2022-2023 £80,000**

Figure 3 Projected Budgetary Needs 2022-2023

## 9.2 Credit trading system - Council owned assets

9.2.1 DCWW are investigating a potential all-Wales credit trading systems. There are efficiencies of scale to be made by a centralised administrative body responsible for the establishment, administration, and legality agreements necessary in establishing and monitoring a credit trading system. However, any offsetting/mitigation for a development must remain in the catchment of that development. The use of council owned assets for mitigation will allow the Authority to meet its development and housing needs in affected areas. However, the sale of the credits will also generate capital reserves for the Authority.

9.2.2 Any use of Council owned assets should examine the opportunity to stack benefits on mitigation land with biodiversity and carbon mitigation. Working in these additional facets should not increase the complexity of the scheme but presents an opportunity to add additional benefits.

## 10.0 Further information and contact

10.1 Further information is available from the Council's Forward Planning Section.

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## COUNCIL 9<sup>TH</sup> MARCH 2022

### REVIEW OF GAMBLING POLICY

#### **Cabinet Recommendations:**

A summary of the consultation responses is attached.

It is recommended that :-

- The amended Gambling Policy be approved.

#### **Reasons:**

- The attached revised Gambling Policy document reflects the results of the consultation and review process and complies with relevant legislation and guidance

Relevant scrutiny committee to be consulted **NO** (Licensing Committee 17/02/2022)

Cabinet Decision Required **YES** 28<sup>th</sup> February 2022

Council Decision Required **YES** 9<sup>th</sup> March 2022

**CABINET MEMBER PORTFOLIO HOLDER:-  
Cllr. P M Hughes (Public Protection Portfolio Holder)**

<p>Directorate: Department for Communities</p> <p>Name of Head of Service: Jonathan Morgan</p> <p>Report Author: Emyr Jones</p>	<p>Designations:  Head of Homes and Safer Communities</p> <p>Licensing Lead</p>	<p>Tel:  Email addresses:</p>
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**EXECUTIVE SUMMARY**  
**Council**  
**9<sup>th</sup> March 2022**

**REVIEW OF GAMBLING POLICY**

**Context**

The current Gambling Policy was adopted by the authority in December 2018. The legislation requires it to be reviewed at least every three years to ensure that it reflects feedback from the local community that the statutory objectives are being met.

**Consultation**

As part of the review, the authority is required to undertake a consultation exercise aimed at the chief officer of Police, representatives of gambling businesses and persons representing the interests of residents and businesses in the area, in order for their views to be formally considered by the authority.

The consultation began on the 25<sup>th</sup> of October 2021 and finished on the 21<sup>st</sup> of November 2021. Over one thousand individuals and organisations, including licence holders and their representatives, town and community councils, members of parliament, assembly members, county councillors, council departments and responsible authorities received consultation documents. The responsible authorities include, The Licensing Authority, Dyfed Powys Police, Mid and West Wales Fire and Rescue Service, Gambling Commission, Environmental Health (Pollution Section), Planning Authority, HMRC, Children Services.

The survey was again undertaken using the consultation facility on the Council's web site. This enabled the majority of consultees to be contacted via e-mail, thus reducing the cost whilst increasing the accessibility of the consultation.

**The key issues raised as a result of the consultation exercise and review were:-**

- No clear evidence that specific areas of the county are suffering with gambling related problems.
- There is evidence of access to gaming machines by under 18's in alcohol licensed premises and improvements to supervision arrangements and staff training are required.

The authority's licensing section in conjunction with the council's legal department have reviewed the policy document in light of the consultation responses. The authority has liaised closely with the Gambling Commission, included hosting a virtual meeting with a representative of the Gambling Commission as well as the licensing sections of, Pembrokeshire, Powys and Ceredigion licensing authorities, with the aim of ensuring as far as possible a consistent approach to the revised Gambling Policy.

**The key change to Gambling Policy document include :-**

1. Section 21 of the Gambling Policy relating to licensed premises gaming machine permits has been updated to reflect the results of the test purchasing exercise undertaken in 2019.(Page 31)
2. Section 23 of the Gambling Policy relating to Club Gaming Machine Permits has also been updated with good practice advice following the test purchase exercise in 2019.(Page 33)

A revised gambling policy document, incorporating amendments to reflect the relevant consultation responses is attached.

**DETAILED REPORT ATTACHED?**

**YES**

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Jonathan Morgan**

**Head of Homes and Safer Communities**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities

The proposed amendments to the Gambling Policy promote the prevention of crime and disorder. The Policy complies with the Authority's duty under section 17 of the Crime and Disorder Act.

An Equalities impact assessment has been undertaken and no negative impacts have been identified.

## 2. Legal

Legal services are satisfied that the proposed amendments comply with the Gambling Act 2005 and the statutory guidance issued by the Gambling Commission.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Jonathan Morgan

Head of Homes and Safer Communities

**1. Scrutiny Committee** N/A - The Council's Licensing Committee considered the Gambling Policy Review report on the 17<sup>th</sup> of February and UNANIMOUSLY RESOLVED TO RECOMMEND TO THE CABINET that the amended Gambling Policy be approved.

**2. Local Member(s)** Local Members were consulted through correspondence.

**3. Community / Town Council** Town and Community Councils were consulted through correspondence.

**4. Relevant Partners** Relevant partners were consulted through correspondence and consultation meetings.

**5. Staff Side Representatives and other Organisations**

**CABINET MEMBER PORTFOLIO  
HOLDER(S) AWARE/CONSULTED**

YES

The cabinet members comments are incorporated within the analysis report.

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Consultation Responses	Review of Gambling Policy 2021	3, Spilman Street, Carmarthen
Gambling Commission Guidance	Review of Gambling Policy 2021	3, Spilman Street, Carmarthen

# Gambling Policy

## Gambling Act 2005

2021

[carmarthenshire.gov.wales](http://carmarthenshire.gov.wales)

Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



## Contents

<b>Part A: Statement of Gambling Policy</b> .....	<b>3</b>
1: The Licensing Objectives .....	<b>3</b>
2: Introduction .....	<b>3</b>
3: Declaration .....	<b>4</b>
4: Page title .....	<b>5</b>
5: Interested Parties .....	<b>6</b>
6: Exchange of Information .....	<b>7</b>
7: Enforcement .....	<b>8</b>
8: Licensing Authority Functions .....	<b>9</b>
<b>Part B: Premise Licences</b> .....	<b>9</b>
9: General Principles .....	<b>9</b>
10: Adult Gaming Centres .....	<b>20</b>
11: (Licenced) Family Entertainment Centres .....	<b>20</b>
12: Casinos .....	<b>21</b>
13: Bingo .....	<b>21</b>
14: Betting Premises .....	<b>22</b>
15: Tracks .....	<b>23</b>
16: Travelling Fairs .....	<b>25</b>
17: Provisional Statements .....	<b>25</b>
18: Reviews .....	<b>26</b>
19: Risk Assessments .....	<b>28</b>
<b>Part C: Permits/Temporary and Occasional Use Notices</b> .....	<b>29</b>
20: Unlicensed Family Entertainment Centre Gaming Machine Permits .....	<b>29</b>
21: (Alcohol) Licenced Premises Gaming Machine Permits .....	<b>31</b>
22: Prize Gaming Permits .....	<b>32</b>
23: Club Gaming and Club Machines Permits .....	<b>33</b>
24: Temporary Use Notices .....	<b>35</b>
25: Occasional Use Notices .....	<b>35</b>
26: Small Society Lotteries .....	<b>36</b>

**Appendix**

Appendix A: Delegation of Functions ..... 37  
Appendix B: Contact Details ..... 39  
Appendix C: Map of Carmarthenshire ..... 42

# PART A

## Statement of Gambling Policy

### 1. The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- **Ensuring that gambling is conducted in a fair and open way;**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- **in accordance with any relevant code of practice issued by the Gambling Commission;**
- **in accordance with any relevant guidance issued by the Gambling Commission;**
- **reasonably consistent with the licensing objectives and**
- **in accordance with the authority’s statement of Gambling policy.**

### 2. Introduction

2.1 Carmarthenshire is the third largest county in Wales in geographic terms, with a population in 2013 of 184 681. As a primarily rural area, Carmarthenshire has a strong agricultural base with a ‘necklace’ of key market towns providing for the needs of communities in those rural areas. South East Carmarthenshire is the most densely populated part of the county, and is characterised by close knit former industrial communities. A plan of the county showing individual wards is attached as Appendix C.

2.2 Currently there are 26 Gambling Premises in the County, consisting of 15 Betting Premises, 4 Bingo Premises, 4 Adult Gaming Centres, 2 Family Entertainment Centre and 1 Track Betting Licence.

2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed periodically and any amended parts re-consulted upon. The statement must be then re-published. This document is



Carmarthenshire County Council's statement of principles in accordance with the Act.

2.4 This policy has been formulated as a result of a consultation exercise involving (but not limited to):-

- a) The Police
- b) Gambling Commission
- c) Other Responsible Authorities
- d) Licence Holders and their representatives
- e) Permit Holders and their representatives
- f) Local Gambling businesses and their representatives
- g) Local residents and their representatives

Due consideration has been given to all those who have responded.

2.5 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.6 It is noted that applicants for premises licences need to obtain operating licences from the gambling commission and have responsibilities to the Commission as a result.

### 3. Declaration

3.1 In producing this policy document, Carmarthenshire County Council declares that it has had regard to the licensing objectives of the Gambling Act 2005 and the guidance issued by the Gambling Commission.

### 3.2 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 1.1 above
Council:	Carmarthenshire County Council (hereinafter referred to as "the Council")
County	The area of Carmarthenshire administered by Carmarthenshire County Council referred to in the map attached (see Appendix C)
Licences:	As defined in Part B
Applications:	Applications for licences and permits as defined in Parts B and C

Licensing Authority	A Licensing Authority within the meaning of Section 2 of the Gambling Act 2005 (hereinafter referred to as “the Authority”)
Notifications:	Means notification of Temporary and Occasional Use Notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Carmarthenshire County Council

#### **4. Responsible Authorities**

The following are responsible authorities in relation to premises licences under the Act :-

1. The Licensing Authority in whose area the premises are wholly or partly situated (“Carmarthenshire County Council”);
2. The Gambling Commission;
3. Chief Constable of Heddlu Dyfed-Powys Police;
4. Mid and West Wales Fire and Rescue Service
5. Head of Planning, Carmarthenshire County Council or Brecon Beacons National Park Authority.
6. Public Health Services Manager, Public Protection, Carmarthenshire County Council.
7. Department for Education and Children, Carmarthenshire County Council.
8. HM Revenue and Customs.
9. In relation to a vessel, a navigation authority, Environment Agency, British Waterways Board and Secretary of State
10. Any other person prescribed in regulations by the Secretary of State

4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

4.2 The principles are:

- a) the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- b) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.3 For these reasons, this authority designates the Department for Education and Children , Carmarthenshire County Council for this purpose.

4.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are contained in Appendix B of this Policy document and are also available via the Council's website at: [www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)

## 5. Interested parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”.

5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.9 and 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, community councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the **Licensing Section, Department for Communities, 3 Spilman Street, Carmarthen, SA31 1LE.**

5.3 Any community or County Councillors who are approached to represent interested persons should ensure that they comply with the Code of Conduct and seek dispensation from the Standards Committee if appropriate.

## 6. Exchange of Information

6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act.

6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulation 2016 and Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

## 7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities, and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open, and keep regulations simple and user friendly; and
  - Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission
- 7.5 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.6 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Section, 3 Spilman Street, Carmarthen, Carmarthenshire, SA31 1LE.

## 8. Licensing Authority functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences; for Bingo premises, Betting premises, Tracks, Adult Gaming Centres and Family Entertainment Centres.
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

### *PART B*

#### *PREMISES LICENCES – CONSIDERATION OF APPLICATIONS*

## 9. General Principles

9.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

9.2 All applicants for Premises Licences will be required to set out how they will have regard to the licensing objectives, as specified in section 1.1 above, and what measures they intend to employ to ensure compliance with them.

### 9.3 Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

9.4 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licenses.

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information of products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

9.5 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place.

But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, we will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

9.6 The Gambling Commission states in S7.6 of the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building

/ plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. S7.7 The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit”

9.7 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

9.8 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.



## 9.9 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

7.23:

### Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

### Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

### Betting Shops

- Access must be from a street (as per para 7.20 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

### Tracks

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

### Bingo Premises

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

### Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

## 9.10 Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future,

consistent with the scale of building or alterations required before the premises are brought into use.

9.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

9.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

9.13 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

9.14 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.

9.15 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This does not preclude any applications being made and each application will be decided on its merits.

9.16

When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, youth centres, vulnerable adult centres or residential areas where there is an evidential link between the proximity of such premises and the gambling premises. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. Therefore, if an Applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

### 9.17 **Duplication with other regulatory regimes**

When determining an application, the Authority shall not take into account matters not relevant under the Act such as the likelihood of the applicant obtaining planning permission or building control approval.

An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

9.18 This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a premises is likely to be awarded planning permission or building regulations approval or comply with any existing permission or approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

9.19 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

9.20 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission’s Guidance to local authorities and some comments are made below.

#### **1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime –**

- a) This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- b) The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- c) Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the

behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

d) When preparing licence applications, applicants are advised to consider the following:-

1. The design and layout of the premises;
2. Location in so far as the location relates to the licensing objectives
3. The training given to staff in crime prevention measures appropriate to those premises;
4. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
5. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
6. The likelihood of any violence, public order or policing problem if the licence is granted.
7. In relation to the prevention of disorder, the Authority has the ability (under S169 of the Act) to impose licence conditions.
8. The staffs awareness of the Money Laundering Regulations and the provision of a clear procedure for reporting any suspicious activity to senior management

## **2. Ensuring that gambling is conducted in a fair and open way –**

*This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below – page 16).*

## **3. Protecting children and other vulnerable persons from being harmed or exploited by gambling –**

- a) This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling. The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas within the same premises, staff training and design and layout of the premises.
- b) This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- c) Children and vulnerable persons**
  1. Children

The Gambling Act and guidance issued by the commission make detailed provision for the protection of children from gambling harm. Licence holders should familiarise themselves with these provisions.

## 2. Test Purchasing

The Authority supports the stance of the Gambling Commission in promoting operators to test the integrity of their age verification policies and procedures to prevent children from accessing gambling facilities. Each premises will be expected to inform their Primary Authority (where there are such agreements in place with specific operators) in writing of the approach they have adopted and share the results of such tests with the Authority annually with a view to working with the Authority to enhance robustness of procedures preventing children using gambling facilities.

Those who do not have such primary authority agreements are expected to share the results of such test purchases with this Licensing Authority.

### **d) Vulnerable Persons**

1. As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.
2. The Authority expects all gambling premises to make available information regarding the Financial Exploitation Safeguarding Scheme (FESS) .Given the evidence of a link between gambling and financial exploitation. Further information regarding the scheme can be obtained from the Licensing Section.

### **e) Local Health Board Notification.**

The Licensing Authority will notify the Local Health Board of applications for gambling premises licences.

### **f) Good Practice Guidance**

Premises operators, responsible authorities and decision makers are strongly advised to consider best practice guidance when assessing the impact of granting a licence. Particular reference should be made to the following reports:-

- Welsh Government Framework on Tackling the Night Time Economy
- The Relationship Between Alcohol and Gambling behaviours - Alcohol Concern Cymru (2015)

- Gambling with Our Health – Chief Medical Officer for Wales Annual Report 2016/17

### **g) Training**

Premises operators are advised to provide staff training that includes training on drug and alcohol related issues, particularly training on local policies for dealing with discarded needles and the risks of blood borne virus in order to protect staff. Training could also include awareness of the types of new and emerging drugs referred to as “New Psychoactive Substances” (previously “Legal Highs”) in order to better equip staff to handle use on premises. Local services can provide short, bespoke courses free to licensed premises and operators are strongly advised to contact the licensing authority for details of how to access these courses.

Premises operators are also strongly advised to promote local help services for addressing gambling, drug and alcohol issues. Details of where to obtain relevant promotional material can be obtained from the licensing authority.

### **h) Safeguarding**

1. Carmarthenshire County Council believes that the safeguarding of Children and Vulnerable persons is a priority.
2. Carmarthenshire’s Licensing Section in conjunction with agencies, including the Gambling Commission and Dyfed Powys Police is looking to work in partnership with licensees, their staff and other organisations to ensure that premises offering gambling activities operate responsibly and with due regard to children and vulnerable persons.
3. As part of this initiative the group has produced information and training material to raise awareness of safeguarding issues, including Child Sexual Exploitation and to provide local points of contact for advice and guidance as well as to report concerns.
4. The authority recommends that businesses offering gambling activities need to ensure that their staff have been adequately trained in relation to safeguarding matters in order to respond appropriately and quickly where issues arise. This advice is equally as important to operators of premises which offer gaming machines alongside the sale or supply of alcohol.
5. The authority strongly suggests that applicants for authorisations include information regarding their arrangements for staff safeguarding training as part of the application documents.
6. Gambling businesses are advised to contact the licensing section or visit the Authority’s gambling web pages to obtain copies of the documents.

### **l) Bet – Watch**

The Authority encourages and will support local operators to create and maintain an information sharing network to discuss issues of problem

gamblers that are identified. This will also be an opportunity for operators to discuss issues with licensing officers.

### **Conditions**

9.21 - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

9.22 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

9.23 This licensing authority will also consider specific measures, which may be required for buildings that are subject to multiple premises licences.

9.24 Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.25 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- that all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- that only adults are admitted to the area where these machines are located;
- that access to the area where the machines are located is supervised;
- that the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- that at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.26 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure

that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.27 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

9.28 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirement for different types of premises vary (as per the Guidance, Part 33).

9.29 However, where an applicant chooses not to engage SIA registered door supervisors this Licensing Authority will expect the applicant to describe in their application how they intend to: -

- a) Carry out Criminal Record checks (CRB) on each individual
- b) Provide details of their criminal convictions criteria
- c) Explain the proposed method of identifying these individuals when working in the capacity of door supervisors.
  
- d) Indicate the ratio of male and female operatives
- e) Provide details of the appropriate training for the role
- f) Provide a work register showing the duty time and date (same applies to SIA registered).

9.30 **Closed Circuit Television Systems** - This Licensing Authority recognises the value of CCTV systems in preventing crime and disorder. Applicants are advised to follow the guidance available from the Dyfed Powys Police regarding the standards and specifications of any proposed system to ensure that it is appropriate for the premises.



## 10. Adult Gaming Centres

- 10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 10.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:
- Adopt a proof of age scheme such as challenge 21 or 25;
  - How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed;
  - CCTV;
  - Supervision of entrances/machine areas;
  - Physical separation of areas;
  - Location of entry;
  - Notices/signage;
  - Specific opening hours;
  - Self-exclusion schemes;
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## 11. (Licensed) Family Entertainment Centres:

- 11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Applicants are strongly advised to refer to the safeguarding information set out on page 13 of this policy document.
- 11.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However appropriate measures/licence conditions should cover issues such as:
- CCTV;
  - Supervision of entrances/machine areas;
  - Physical separation of areas;
  - Location of entry;
  - Notices/signage;
  - Specific opening hours;

- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises.
- How any risks to children and vulnerable adults from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **12. Casinos**

12.1 There are currently no casinos operating within the county.

12.2 There is no resolution to prohibit casinos in the county at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos.

12.3 Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

## **13. Bingo premises**

13.1 This licensing authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 13.2 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 13.3 Paragraph 18.7 further states that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 13.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions should cover issues such as:
- Adopt a proof of age scheme such as challenge 21 or 25;
  - How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed
  - CCTV;
  - Supervision of entrances/machine areas;
  - Physical separation of areas;
  - Location of entry;
  - Notices/signage;
  - Specific opening hours;
  - Self-exclusion schemes;
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.

## 14. Betting premises

- 14.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. This Licensing Authority expects applicants to demonstrate suitable measures to ensure children do not have access to such machines.
- 14.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions should cover issues such as:
- Adopt a proof of age scheme such as challenge 21 or 25;
  - How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed
  - CCTV;
  - Supervision of entrances/machine areas;
  - Physical separation of areas;

- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

14.3 The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who shall be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

## **15. Tracks**

15.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

15.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

15.3 It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

15.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes, such as challenge 21 or 25;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

**15.5 Gaming machines** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

**15.6 Betting machines** - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

**15.7 Condition on rules being displayed** - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

**15.8** This Licensing Authority will expect applicants to demonstrate how they will comply with this guide as part of their application.

#### **15.9 Applications and plans**

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.43).

**15.10 Plans** – Applicants will be expected to provide a plan of the premises in a scale of 1:100 unless the Authority has agreed in writing to the applicant to accept a plan in an alternative scale. The plan should show:

- The entire boundary of the premises, and all buildings and structures within the premises.
- The location of the points of access to and egress from the premises.
- The areas to be used for gambling activities whether permanent or temporary.
- Any areas where access by children is restricted/prohibited.
- Location of any warning or information notices.
- Location of any public conveniences.
- Location of any gambling areas at the premises covered by separate licences or permits.

- The plan may include a legend through which the above matters may be identified.

15.11 This Licensing Authority is of the view that, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

15.12 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.46).

## **16. Travelling Fairs**

16.1 It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

16.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **17. Provisional Statements**

17.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises

licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S.204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

17.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 18. Reviews:

- 18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of principles.
- 18.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 18.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 18.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 18.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 18.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 18.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.



18.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## 19. Risk Assessments

19.1 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The Licence Conditions and Code of Practice issued by the Gambling Commission ( The code ) requires all operators of; Adult Gaming Centres (AGC's), Bingo Premises, Family Entertainment Centres (FEC's), Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

19.2 Operators are required by the code from 6<sup>th</sup> April 2016 to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Authority's inspection regime and may be requested when officers are investigating complaints.

19.3 Operators are strongly advised to ensure that a copy of the current premises risk assessment is kept at the premises alongside the premises licence document and made available to staff.

19.4 The code requires the Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Authority expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may reflect benefit payments and paydays.
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

19.5 The Authority expects the following matters to be considered by Operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

19.6 Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, places of worship, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

19.7 This list is not exhaustive and other relevant factors not in this list that are identified must be taken into consideration.

## **PART C**

### **Permits/Temporary & Occasional Use Notice**

**20. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 paragraph 7).**

20.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the act).

20.2 An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and the Chief Officer of Police has been consulted on the application. This Licensing Authority will expect applicants to :

- Demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- Demonstrate that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- Demonstrate that staff are trained to have a full understanding of the maximum stakes and prizes.
- Demonstrate an understanding of safeguarding issues highlighted on page 13 of this policy.
- Provide a basic criminal record check from the Disclosure and Barring Service (DBS) or a Subject Access printout from the Police National Computer dated within one calendar month of the date of application being submitted (unless the applicant holds a current Operator's licence issued by the Gambling Commission)
- Provide plans of the premises which comply with the requirements of paragraph 15.9 – 15.10 of this policy and which illustrate the proposed locations of gaming machines and the locations of staff managing and supervising the centre.

20.3 When considering any convictions revealed in an application the licensing authority will consider the nature and relevance of the offence, how long ago it took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and “spent” convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 7 to the Gambling Act 2005.

20.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.

20.5 **Statement of Principles** - This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

20.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, appropriate measures / vetting of staff/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

20.7 Applicants are advised to refer to the Safeguarding advice outlined on page 13 of this Policy or contact the relevant Responsible Authorities for further guidance.

## 21.(Alcohol) Licensed premises gaming machine permits

21.1 Based on experience of a test purchase exercise undertaken at licensed premises in 2019 which resulted in a 100% failure rate premises licence holders are strongly advised to review and improve their staff training and the supervision of gaming machines in order to protect children from gambling harm.

### **Gaming Machines -Automatic Entitlement**

21.2 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.

21.3 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

### **21.4 Gaming Machine Permit: 3 or more machines – (schedule 13 paragraph 4(1))**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives under the 2005 Act, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”.

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

Applicants for Licensed premises Gaming Machine Permits are therefore required to provide the following information alongside their application:-

1. A plan of the premises in accordance with paragraph 15.10 of this policy on which they shall show the proposed location of each gaming

machine along with details of the locations of supervising staff as well as Notices and signage.

2. Information regarding the nature of the premises including access to the premises by persons aged under 18.
3. Applicants are required to demonstrate that the gambling activity proposed at the premises will be incidental / ancillary to the other licensable activities at the premises.

21.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

21.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

21.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

21.8 The Local Authority may consult the Police prior to determining any such applications.

## **22. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3)).**

22.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

22.2 **Statement of Principles** - Applicants should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.
- Clear policies that outline the steps to be taken to protect children from harm.

22.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard

to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).

22.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

### 23. Club Gaming and Club Machine Permits

23.1 Based on experience of a test purchase exercise undertaken at licensed premises in 2019, which resulted in a 100% failure rate at those premises, members clubs are strongly advised to review and improve their staff training and the supervision of gaming machines in order to protect children from gambling harm.

23.2 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

23.3 This licensing authority notes that the Gambling Commission's Guidance states:

25.44 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.45-25.47 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

23.4 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police".

23.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

23.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

23.7

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or 25;
- How any risks to children and vulnerable persons from gambling will be addressed;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;

- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

## 24. Temporary Use Notices

24.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

24.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

24.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

24.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

24.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## 25. Occasional Use Notices

25.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.



## 26. **Small Society Lotteries**

26.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

26.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority on 01267 228717 for further advice.

**APPENDIX A  
DELEGATION OF FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub Committee</b>	<b>Officers</b>
Final approval of three year Licensing policy	X		
Policy not to permit casinos	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received and representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received and representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received and representations have been withdrawn
Application for a review of a premises / club licence		X	
Application for club gaming/ Club machine permits		Where objections have been made and not withdrawn	Where no objections made or where objections have been withdrawn
Cancellation of club gaming/ Club machine permits		X	
Applications for other permits		Where objections have been made and not withdrawn	Where no objections made or where objections have been withdrawn
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Fee setting (when appropriate)	Executive Member Board Decision Meeting		
Decision of whether a representation is irrelevant, frivolous or vexatious			X In consultation with Licensing Committee Chairperson

## GAMBLING ACT 2005

### GAMBLING POLICY

Appendix B

#### Contact Details

##### Licensing Authority

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Tel No. 01267 234567

e-mail : [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel No. 0121 230 6666

e-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Fax No. 0121 230 6720

HMRC  
The National Registration Unit  
Betting and Gaming  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

Tel No. 03000 516023

e-mail [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

Fax No. 03000 516249

#### **The Relevant planning Authority**

**Either ,**

Head of Planning  
Carmarthenshire County Council

8 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LQ

Tel No. 01267 242454  
e-mail: [Planning@Carmarthenshire.gov.uk](mailto:Planning@Carmarthenshire.gov.uk)

**Or**

Brecon Beacons National Park, for premises within its administrative area

Enforcement Officer  
Brecon Beacons National Park Authority  
Plas Y Ffynnon  
Cambrian Way  
Brecon  
Powys  
LD3 7HP

Tel No: 01874 620431  
Email: [planning.enquiries@breconbeacons.org](mailto:planning.enquiries@breconbeacons.org)  
Fax: 01874 622524

Commercial Services Manager  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
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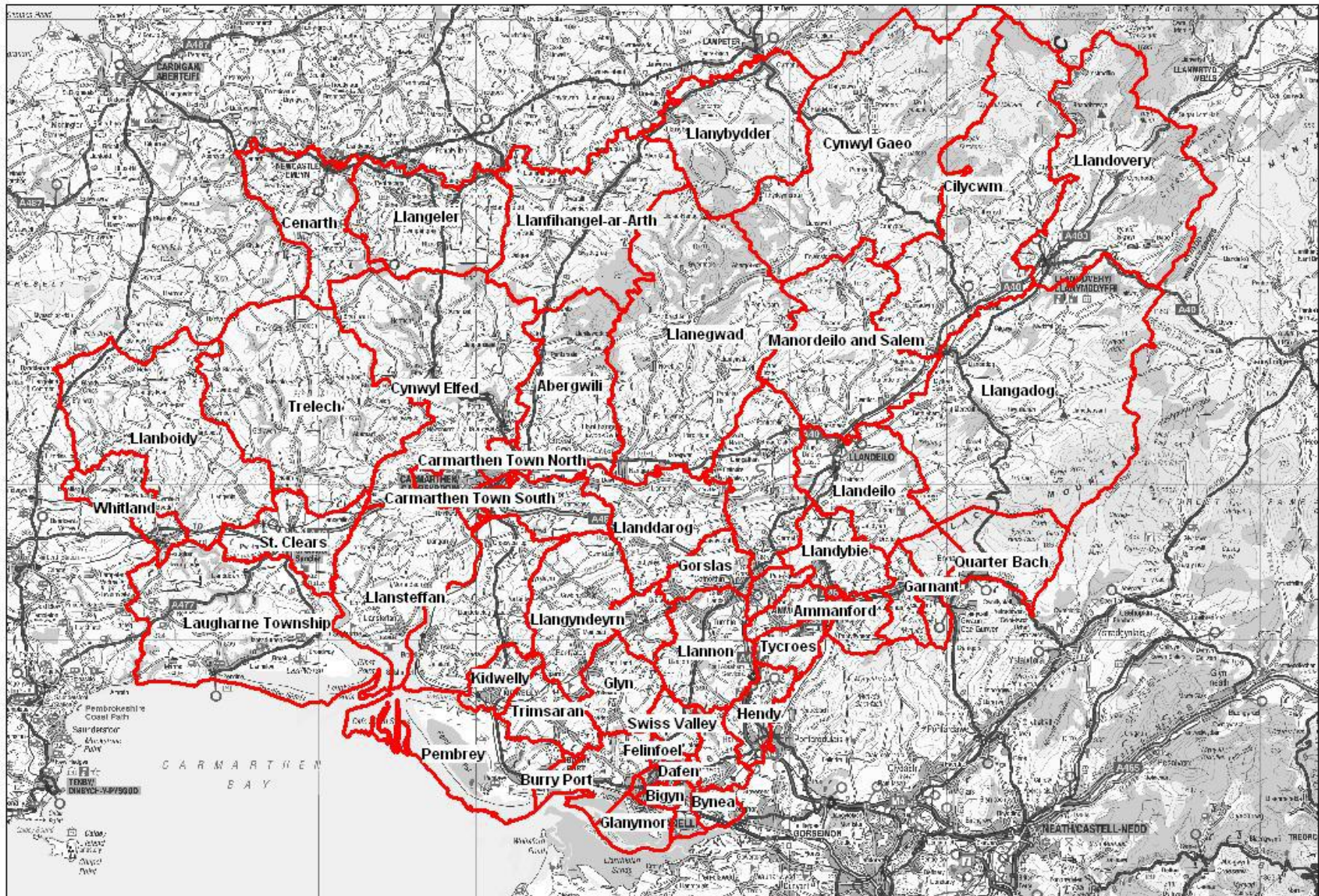
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**Applicants for licences in respect of vessels should contact the Licensing Authority for additional information.**



# Review of Gambling Policy

## Consultation Report

2021

[carmarthenshire.gov.wales](http://carmarthenshire.gov.wales)

Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



Page 447

## Contents

Introduction and context .....	1
Outline of approach and consultation methods .....	1
Key quantitative findings from the survey .....	4
Analysis of general comments from the survey (matrix table)	9
Summary – key changes to the gambling policy.....	17
<i>Appendix A – Gambling Policy survey .....</i>	<i>18</i>
<i>Appendix B – Map of Carmarthenshire’s postcode districts ..</i>	<i>22</i>



# **CARMARTHENSHIRE COUNTY COUNCIL**

## **GAMBLING POLICY CONSULTATION**

### **INTRODUCTION & CONTEXT**

On a periodic basis – at least once every three years – the local authority is legally required to review its Gambling Policy under the Gambling Act 2005 to ensure fitness for purpose. Consultation is an intrinsic part of this process: the policy must be responsive to local needs, it should take under advisement comments from myriad stakeholders and seek evidence that will help evaluate progress against its statutory objectives.

To this end, a five week consultation (25<sup>th</sup> October to 21<sup>st</sup> November 2021) was held to garner views from a wide range of organisations and individuals with an interest in licensing matters. The consultation was the first opportunity that local residents, businesses, existing licence holders and their representatives have had to formally comment on the Policy since 2018.

This report, incorporating the results of the public consultation and the authority's response in summary form, will go to both the Licensing Committee and the Executive Board in February 2022 before going to full Council in March 2022.

---

This report:

- 1) Outlines the approach and consultation methods deployed;
  - 2) Summarises results and key findings;
  - 3) Considers free-text responses from residents, licence holders, organisations and town and community councils in a summary matrix table;
  - 4) Provides a short summary
- 

### **1) OUTLINE OF APPROACH AND CONSULTATION METHODS**

A mixed-methods approach to ascertaining views on Carmarthenshire's Gambling Policy was employed to gather quantitative and qualitative data for analytical and evaluative purposes. Specifically, the consultation focused on identifying locations where gambling and gambling-related problems were perceived to be a serious issue.

In accordance with the Gambling Act 2005, a number of statutory consultees were engaged throughout the consultation. This included:

- the Police
- the fire authority
- the Gambling Commission
- Planning
- Environmental Health
- Child Protection
- HMRC

The gambling consultation was jointly publicised with the licensing policy. Awareness was raised through use of the following consultation channels:

### **Publicity**

The consultation was publicised through the Council's press office, through means including: press releases; information on the Council's website; online consultation portal and through social media feeds.

### **Survey**

Surveys are a cost-effective method for finding out stakeholders' views and can be administered in a variety of different ways. An electronic survey was thus selected as the principal method for gathering data. The survey contained a number of fixed-response (closed) and free-response (open) questions. Furthermore, the survey encouraged respondents to upload/attach evidence to support their submission.

The on-line survey was made available through Carmarthenshire County Council's website. In addition to listed statutory consultees, links to the survey were circulated to members of the aging well forum, county councillors and town and community councils, gambling licence holders, licensing solicitors, MPs, AMs and the Police and Crime Commissioner. Taken as a whole, consultation invites were sent to over 1000 individuals and organisations.

The consultation exercise resulted in **72 submissions**, covering a wide section of the community. The table presented below provides a breakdown of the composition of respondents. Some have responded in a number of capacities, therefore the table presented below contains 86 responses.

<b>Are you responding as a... (Multiple choice question)</b>		
Member of the Public	26	37%
Premises licence holder	15	21%
Other	11	16%
Personal licence holder	9	13%
Gambling premises licence holder	5	7%
Gambling permit holder	5	7%
Club premises certificate holder	5	7%
Body representing licence holders / clubs	5	7%
Local business	4	6%
Body/ Person representing members of the Public (e.g. County councillors; Town & Community Council)	1	1%

The table below presents the areas respondents resided in. Respondents were asked to enter the first two digits of their postcode following SA. The following table presents the postcodes entered. No other postcode attracted a response.

<b>Postcode*</b>	<b>Number of responses (/47)</b>
SA14	6
SA15	11
SA16	2
SA17	1
SA18	5
SA20	1
SA31	10
SA32	3
SA33	3
SA34	5

\*Note Postcode areas seen in Appendix B.

### **Other**

Carmarthenshire's Licensing Section convened a meeting with representatives of Ceredigion, Pembrokeshire and Powys Council licensing sections as well as the Gambling Commission to discuss revisions to Gambling Policies and to adopt a consistent approach where possible.

## 2) KEY QUANTITATIVE FINDINGS FROM THE SURVEY

The section will be structured by considering each quantitative survey question in turn. Mention will be made of the views of different categories of respondent (i.e. Postcode area and nature of respondent), to enable comparisons to be made. In section 3, comments from the consultation will be considered separately in a matrix table, whether these have arisen through survey submission, or letter or email submissions.

### *About the **Average Index Score (AIS)***

Sometimes known as a 'weighted average', the AIS is a way of distilling the 'balance and strength of opinion' down into one number. Useful for questions with options to 'strongly agree', 'disagree', etc., the technique is used throughout the report.

#### **Example**

10 people are asked whether they 'strongly agree', 'agree', 'have no opinion', 'disagree' or 'strongly disagree' that Wales will win the six nations.

Results...

3 strongly agree (each response worth 2, so=**6**)

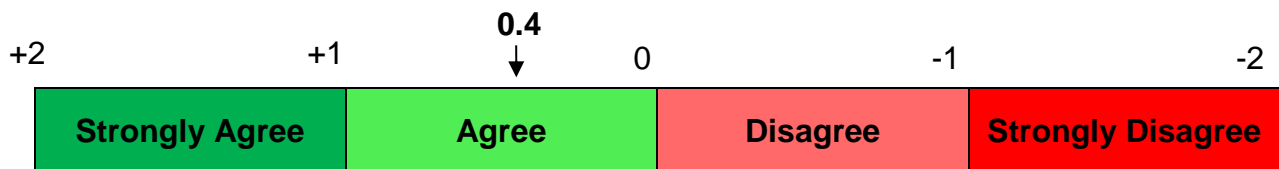
3 agree (each response worth 1, so=**3**)

1 no opinion (each response worth 0, so=**0**)

1 disagree (each response worth -1, so= **-1**)

2 strongly disagree (each response worth -2, so=**-4**)

The AIS is calculated by adding all the numbers in bold: So,  $6+3+0-1-4=4$ ; Then dividing by the number of responses (10 in this case). The average index score is:  $4 \div 10 = \mathbf{0.4}$

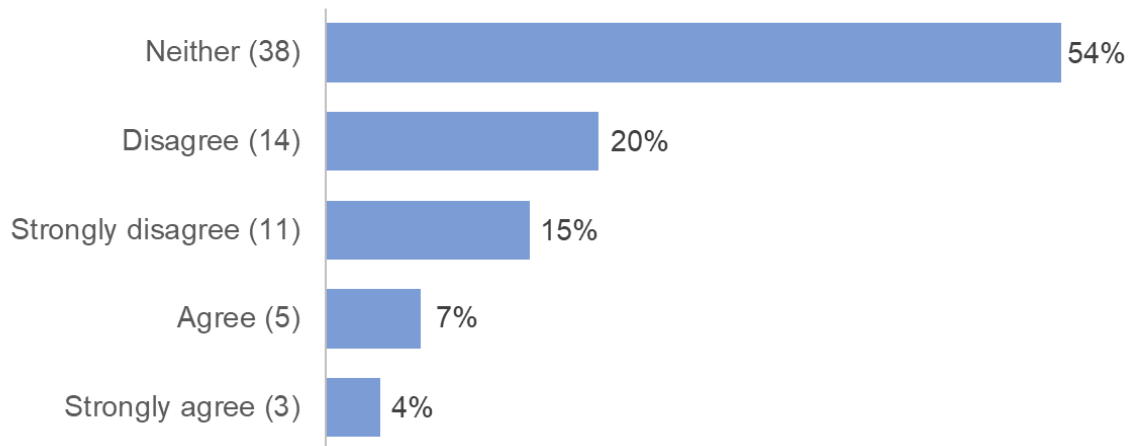


Respondents were asked to indicate the extent to which they agreed or disagreed with a series of statements about gambling – designed to produce information on the gambling-related problems across Carmarthenshire. A likert scale was used, with 'strongly agree' and 'strongly disagree' as response anchors.

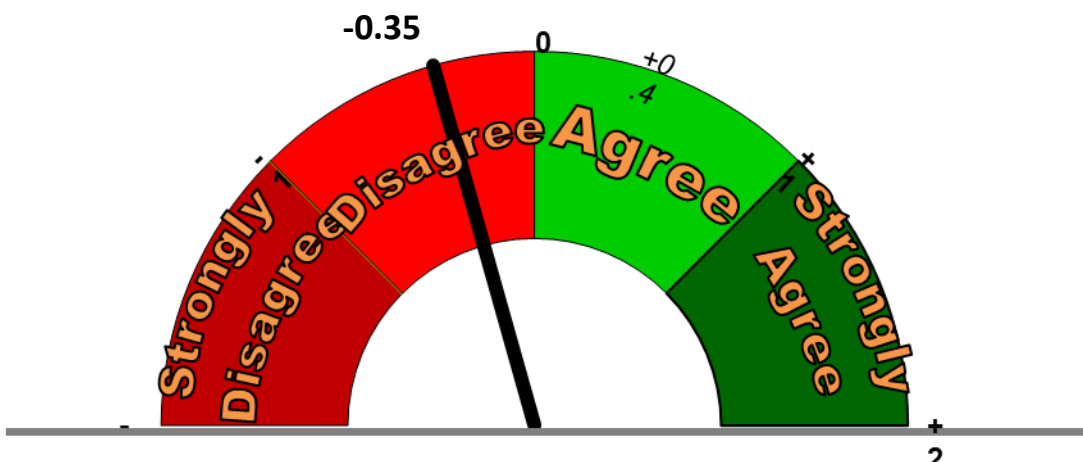
**1. There are gambling related problems in my area.**

Firstly, 36% of respondents disagreed (20% disagree; 16% strongly disagree) that there were **gambling-related problems in their area**. 54% of respondents reported that they 'Neither' disagreed nor agreed with this statement. This may suggest that respondents do not feel they have sufficient knowledge/information or local intelligence to make an informed judgment, thus preferring to remain neutral. It was seen that only 11% of respondents agreed with the statement with 4% of these participants strongly agreeing.

**1. There are gambling related problems in my area.**



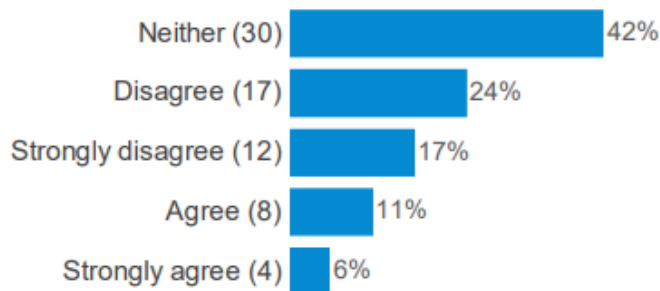
That the majority do not consider gambling-related problems to be an issue in their area is borne out by a negative Average Index Score (AIS) of **-0.35** (plotted below).



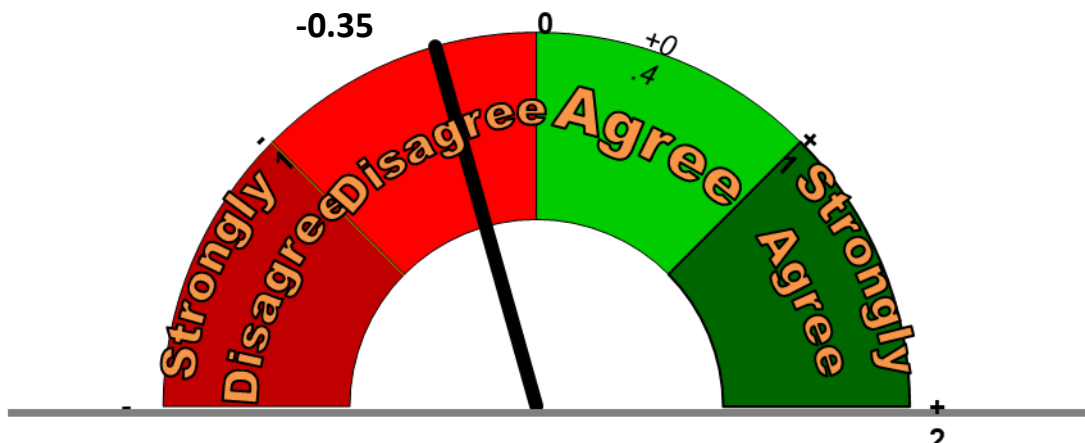
**2. Access to gambling by children, young people and other vulnerable persons is a problem in my area**

Next, 41% of respondents disagreed (24%) or strongly disagreed (17%) that **access to gambling by children and young people was a problem in their area**. Contrastingly, 11% agreed with this statement and 6% strongly agreed. The results can be seen in the table below. When examining the breakdown, it is clear that most individuals, organisations and businesses noted that access to gambling by children, young people and vulnerable persons is not a problem in their area.

**2. Access to gambling by children, young people and other vulnerable persons is a problem in my area**



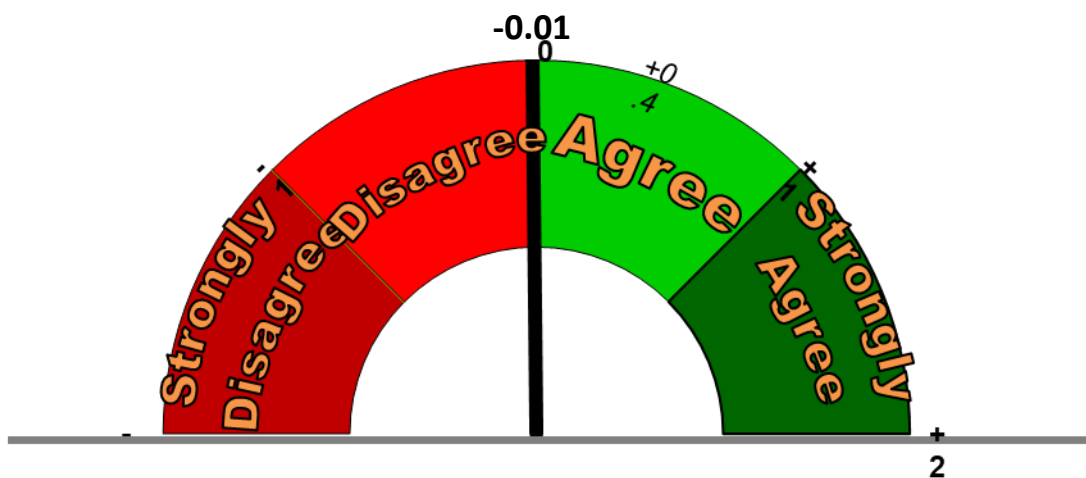
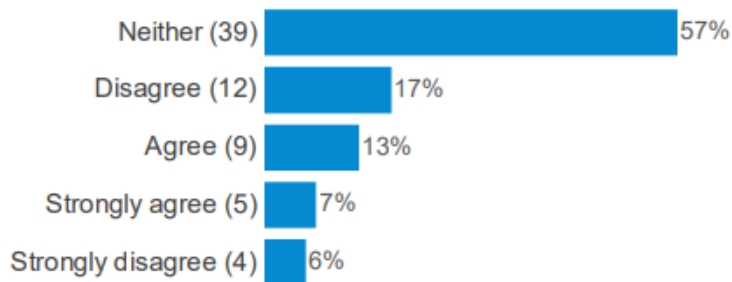
An Average Index Score of -0.35 confirms this result, with a score in the 0 – -1 range indicating disagreement.



**3. I am aware of where to get advice or support locally/nationally for gambling related problems.**

It was seen that 57% (N=9) respondents neither agreed nor disagreed that they were **aware of where to get advice or support locally / nationally for gambling related problems**. Again, this suggests most respondents are neutral/undecided on the matter or have insufficient knowledge or experience to form strong feelings. Additionally, 20% of respondents agree (Strongly agreed 7%; agreed 13%) with this statement. Moreover it was seen that 23% participants disagreed (6% strongly disagree; 17% disagree).

**3. I am aware of where to get advice or support locally / nationally for gambling related problems.**



An Average Index Score of -0.01 suggests, overall, respondents neither agreed or disagreed with the statement. Values closer to a '0' value are indicative of a fairly neutral response.

**4, Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children’s play areas, treatment centres for drug, alcohol and other addictions?**

The graph below shows that the majority of respondents (n=69; 97%) are unaware of any problems which have occurred as a result of gambling premises being located in close proximity to sensitive buildings. Only two people responded that they were aware of problems which have occurred.

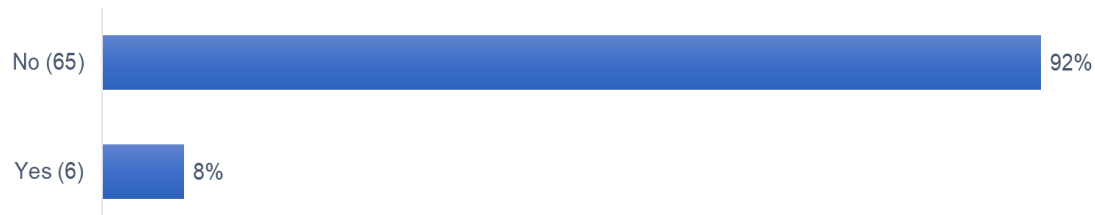
**4. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children’s play areas, treatment centres for drug, alcohol and other addictions?**



**5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?**

Similar to the preceding question, 92% (N=65) were unaware of any premises in their area where problems have occurred as a result of gaming machines being made available to the public. In contrast only 9% (N=6) noted that they have experiences problems due to gaming machines being made available to the public.

**5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?**





### 3) ANALYSIS OF COMMENTS – SUMMARY MATRIX TABLE

The report now considers comments expressed in the survey’s free-text questions. Note is made of the respondents’ ID number (to provide a traceable record), comment(s) received, the Council’s response and, where appropriate, changes to the gambling policy as a result of the consultation. Respondents that have not submitted a reply are omitted from the table.

RESPONDENT	COMMENTS	APPRAISAL	RESPONSE	CHANGES
Respondent 11	<p><b>Question 6</b></p> <p>I think it's important to recognise establishments that are well run and which keep a close eye on any gambling activities, ensuring that children do not have access to gaming machines. We consider ourselves to be such an establishment, as we do not rely on gambling as our main source of revenue. For this club, it is a sideline because our members want to play bingo and some of them also enjoy our various gaming machines. We tend to have an older clientele who would not otherwise be able to enjoy the social aspect of a game of bingo in a friendly, small scale environment. We strongly believe that a club like our should not be penalised simply because other forms of gambling cause problems.</p>	Noted	No Change required to policy	No Change

Respondent 29	<p>Question 6</p> <p>Monitoring adverts online and aimed at young adults and children</p>	Noted	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 38	<p>Question 1</p> <p>The are about the same number of betting shops in the town centre as public houses. The hours of opening are quite late and there is often parking issues in Caersalem terrace due to people placing bets late in the evening.</p> <p>Question 6</p> <p>The number of "gambling" outlets needs to be reduced, similarly the number of street side advertising. Llanelli has significant social issues and reducing the presence may prevent a recovering gambling addict being tempted back</p>	<p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>No change required to policy</p>	<p>Cannot limit number of premises.</p> <p>Cannot limit number of premises.</p>

Respondent 43	Question 6 Keep your noses out of peoples lives. Got nothing to do with you	Noted	No change required to policy	No Change
Respondent 51	Question 3 Online ability through phones	Noted.	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 54	Question 6 More accessible places for people to get support for gambling addiction. I am 24 yrs old, and have friends who gamble - they never go into any betting shops, all online/on app. Need to have more accessible and local places for them to get support.	Noted.	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 58	Question 3 This is an online problem and not specific to the locality. Nor is it anything that one can hold the Local Authority responsible for.	Noted	No change required to policy	No Change

	As with so many issues this is an question of balance. It must be considered that Gambling does provide much needed income for the country as well as providing an element of fun when handled correctly, an element of life that has been sorely lacking in recent years. However, there is no question that the ease of access to gambling does create problems although I believe that this is mainly due to online presence and apps rather than anything the Council has much control over.			
Respondent 66	<p>Question 1 Lots of betting shops</p> <p>Question 2 Some pubs etc have fruit machines in communal areas that aren't monitored such as entrance halls - children could access these without being stopped</p>	<p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>The Policy document has been amended to include further strong advice regarding the supervision of gaming machines</p>	<p>Cannot limit number of premises.</p> <p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p>
Respondent 67	<p>Question 2 I am a Trading Standards Officer in Carmarthenshire and undertook a an under age test purchasing survey in Oct 2019. In total, 17 premises from</p>	Noted	The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed	Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need

	across the county were visited with a 100% failure rate, with no challenge made of the young volunteers.		Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.	to improve staff training and the supervision of gaming machines.
Respondent 68	<p>Question 1 lots of betting shops in small area</p> <p>Question 2 lots of fruit machine in some places not supervised - could be an issue</p> <p>Question 4 station road as an example - drug rehab place &amp; 'half way house' in old Vista Lounge - within stones throw of several 'bookies'!</p> <p>Question 6 encourage schools to do a session on the dangers of gambling? they concentrate on drugs, smoking etc but maybe gambling should be included</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>The Policy document has been amended to include further strong advice regarding the supervision of gaming machines</p> <p>No change required to policy</p> <p>No change required to policy</p>	<p>Cannot limit number of premises.</p> <p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p> <p>Each application considered on their individual merits.</p> <p>Not within the scope of the Gambling Policy</p>

Respondent 70	<p>Question 6</p> <p>While physical gambling premises can be regulated locally the real issue is with the online gambling companies. While Carmarthenshire County Council can't influence policy making in regard to these establishments regrettably this is where the root of the problem lies and more actions in the form of advertising restrictions and controls are needed as well as spending caps.</p>	Noted	No change required to policy	Not within the scope of the Gambling Policy
Respondent 71	<p>Question 6</p> <p>The licensing authority undertook an underage test purchase exercise in October 2019, looking at access to gaming machines in licensed premises by persons under the age of 18. All 17 premises tested failed the exercise and were required to review and improve their staff training and supervision of Gaming Machines at the premises.</p>	Noted	The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.	Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.

Respondent 72	<p>Question 2</p> <p>The issue I have found is that we need to improve the supervision of Gaming Machines located within premises. Once these machines have been installed, the supervision especially towards young people is poor. The age verification systems can only be described as poor</p> <p>Question 6</p> <p>As I have previously alluded to, I am aware of test purchases being conducted within Carmarthenshire during 2019. I was very disappointed at the results and the failure rates whereby such a high proportion of children were allowed access to Gaming Machines at various premises without any form of challenge regarding their ages. It was quite apparent that there was simply very little supervision of the gaming machines at the premises. Whilst there was and is no evidence of a gambling problem in the area, these premises</p>	<p>Noted</p> <p>Noted</p>	<p>The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.</p> <p>As above</p>	<p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p> <p>As above</p>

	<p>need to vastly improve their supervision and challenging mechanisms. My Organisation together with the Licensing Department need to work closely with Licensed Premises which have Gaming Machines in order to improve the age verification process. this can be done through visits, campaigns, education etc. in order to improve the situation.</p>			
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#### **4) SUMMARY – KEY CHANGES TO THE GAMBLING POLICY**

1. New paragraph inserted into section 21 (Licensed Premises Gaming Machine Permits) strongly advising licensees to improve staff training a supervision of gaming machines.
2. New paragraph inserted into section 23 (Club Gaming and Club Machine Permits) strongly advising members clubs to review and improve staff training and the supervision of gaming machines.



## Gambling Act 2005 - Review of Gambling Policy Consultation Document 2018

### Part 1 - About You

Are you responding as a...

Gambling premises licence holder

Gambling permit holder

Premises licence holder

Personal licence holder

Club premises certificate holder

Member of the Public

Local business

Body representing licence holders / clubs

Body/ Person representing members of the Public (e.g. County councilors; Town & Community Council)

Other Organisation or Group

If responding as an organisation/business/body, please write its name here

Following 'SA', please specify the two numbers of your postcode

4	<b>20</b>	39
9	31	40
14	<b>32</b>	44
15	33	48
16	34	<b>66</b>
17	35	67
18	37	out of county
19	38	

**Part 2**

To what extent would you agree or disagree with the following statements:

**1. There are gambling related problems in my area**

Strongly agree

Agree

Neither

Disagree

Strongly disagree

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

**2. Access to gambling by children, young people and other vulnerable persons is a problem in my area**

Strongly agree

Agree

Neither

Disagree

Strongly disagree

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

**3. I am aware of where to get advice or support locally / nationally for gambling related problems.**

Strongly agree

Agree

Neither

Disagree

Strongly disagree

If you agree, please give details of the services that you are aware of below

Street

Town / Village

Nature of problem

**4. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children's play areas, treatment centres for drug, alcohol and other addictions?**

Yes

No

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

**5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?**

Yes

No

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of Problem

**6. Is there anything else that you want us to take into account when reviewing the Gambling Policy?**

If you would like to attach a document to your survey response, please do so:

### Part 3 - Your Details

**(optional)**

Name:

Address:

Tel No:

Fax:

E-mail:

Under certain circumstances, we may wish to contact you to follow-up on your response, either to ask for additional comment or to reply to the points you have raised.

Do you consent to CCC using your details in this way?

Yes - I am happy to be contacted  
contacted

No - I do not wish to be  
contacted

#### **How we will use your information**

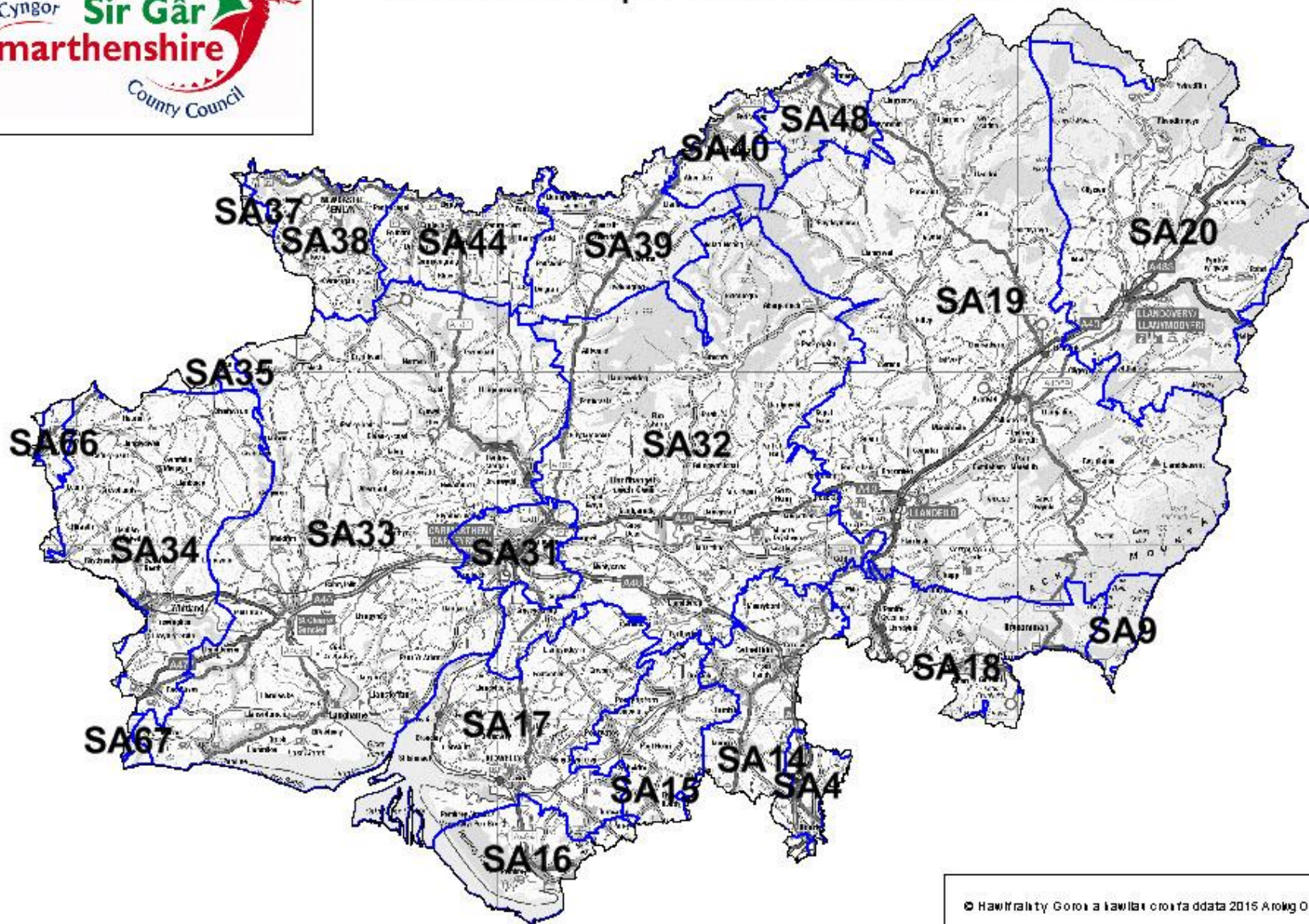
We are collecting personal data about you on this form to comply with requirements in the Gambling Act 2005 on carrying out consultations.

This personal data will only be used for the purpose of this consultation exercise by the Licensing team and will not be shared with any other Council service or external organisation. When we publish a report on this consultation this will not contain your personal details.

To find out more about how we will use your information, including your Data Protection rights, please contact the Licensing Section on 01267 228717.



### APPENDIX 2 - Map of Carmarthenshire Postcode Districts



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## Council 9<sup>th</sup> March 2022

### REVIEW OF ELECTION FEES PAYABLE AT THE COUNTY COUNCIL AND TOWN/COMMUNITY COUNCIL ELECTIONS

The purpose of this report is for Council to review and approve the fees payable to the Returning Officer in respect of these local elections.

#### Cabinet Recommendations:

##### To approve the following:

1. That the fees payable to the Returning Officer which is inclusive of payments to those undertaking the role of Deputy Returning Officers and other key personnel involved in the planning and oversight of the County Council and Town / Community Councils be as follows:
  - a. £170.00 per contested election
  - b. £56.61 per uncontested election
2. To authorise the Chief Executive as the Council's Returning Officer to:
  - a. Make arrangements for the employment of persons to assist with the Local Elections
  - b. Determine the level of fees and payments to those employed on Election duties, subject to the total amount payable being within the available resources set to cover the cost of these elections
  - c. There will be full cost recovery for any costs incurred for Town/Community Council elections.

#### Reasons

##### To determine certain fees payable for the local elections.

Relevant scrutiny committee to be consulted    No

Cabinet Decision Required                                NO

Council Decision Required                                YES

CABINET MEMBER PORTFOLIO HOLDER:- Cllr David Jenkins

Directorate: Corporate Services/Head of Administration & Law/Assistant Chief Executive People Management

Name of Director:  
Chris Moore

Linda Rees-Jones  
Paul R Thomas

Designations:

Director of Corporate Services

Head of Administration and Law

Assistant Chief Executive People Management

Tel No. 01267 224121  
E Mail Addresses:

CMoore@carmarthenshire.gov.uk

## EXECUTIVE SUMMARY

### **Review of Election Fees payable at the County Council and Town/Community Council Elections**

The fees payable to the Returning Officer in respect of these Elections and all associated costs relating to them are determined locally and are funded by the County Council and the Town / Community Councils. This includes payments to persons employed by the Returning Officer to undertake the following tasks:

- (i) The preparation, revision and issue of official poll cards;
- (ii) The issue and receipt of postal ballot papers;
- (iii) The verification of the ballot paper accounts;
- (iv) The count; and
- (v) Any other clerical or other assistance for the purposes of the election.

The duties of the RO are separate and one of a personal nature from his/her duties as a local government officer. The RO is not responsible to the local authority but directly accountable to the courts as an independent statutory office holder by virtue of the Representation of the People Act 1983

The County Council has made budgetary provision to cover the costs of holding the local elections on 5th May 2022 in the Revenue Budget Strategy 2022-2025 and there will be full cost recovery for the administration of the Town / Community Council elections.

#### **Scheme for the calculation of the Returning Officer's fees and those undertaking the role of Deputy Returning Officers and other key personnel for the County Council and Town / Community Council Elections:**

The following sets out the current rates applied in 2017 (adjusted for estimated pay awards to 2022, together with the proposed scheme for calculating the fee payable to the Returning Officer which is inclusive of payments to those undertaking the role of Deputy Returning Officers and other key personnel involved in the planning and oversight of Local Elections:



	<b>Current Fees</b>	<b>Proposed Fee</b>
<b>County Council Elections</b>		
Contested Ward	£170.56	£170.00
Uncontested Ward	£66.60	£56.61
Postal Votes – fee for despatch and receipt (per contest)	£53.97	Nil
<b>Town/Community Council Elections</b>		
Town/Community Council Elections – fixed Fee	£6,297.30	Nil
Local elections - Contested Ward	-	£170.00
Local elections - Uncontested Ward	-	£56.61
By-election - Contested Ward	£170.56	£170.00
By-election - Uncontested Ward	£66.60	£56.61
Postal Votes – fee for despatch and receipt (per contest)	£53.97	Nil
<b>Fee for general round of Local Elections</b>		
Training Fee	£2,024.00	Nil

The proposed structure of a pre-set fee for each and every contested and uncontested electoral division/community ward at both county and town and community level follows the benchmarking of the rates, with the fee for non-contested elections being set at 1/3<sup>rd</sup> of the contested election rate.

Fees are not proposed for any other activity undertaken as part of the role, such as training, receiving candidate nominations, oversight of postal vote and poll card despatch, and overseeing the count and declaring results.

If it is assumed that the 2022 elections have the same ratio of contested/uncontested elections, then it would result in a reduction of 43% on the fee payable for the County Election.

<b>DETAILED REPORT ATTACHED ?</b>	<b>NO</b>
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# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Chris Moore Director of Corporate Services

Policy, Crime & Disorder and Equalities <b>NO</b>	Legal <b>YES</b>	Finance <b>YES</b>	ICT <b>NO</b>	Risk Management Issues <b>YES</b>	Staffing Implications <b>YES</b>	Physical Assets <b>NO</b>
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## 2. Legal

- Representation of the People Act 1983;
- Representation of the People Act, the Representation of the People Regulations, the Local Elections (Principal Areas) (England and Wales) Rules 2006;
- Local Government and Elections (Wales) Act 2021.

## 3. Finance

Within the existing budget set aside in the 2022/2025 revenue budget strategy and the Earmarked reserves for the costs of holding the local elections in 2022

## 5. Risk Management Issues

Failure to meet the statutory requirements of the legislative requirement of local government elections.

## 7. Staffing Implications

Failure to recruit sufficient staff for the elections will result in our inability to meet the legislative requirement of local government elections.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Chris Moore

Director of Corporate Services

### 1. Scrutiny Committee

N/A

### 2. Local Member(s)

N/A

### 3. Community / Town Council

None

### 4. Relevant Partners

None

### 5. Staff Side Representatives and other Organisations

None

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
		<a href="http://www.carmarthensire.gov.uk">www.carmarthensire.gov.uk</a>

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# Council

## 9<sup>th</sup> March 2022

### MODERNISING EDUCATION PROGRAMME

### PROPOSAL TO CHANGE THE AGE RANGE OF YSGOL SWISS VALLEY FROM 4-11 TO 3-11

**Cabinet Recommendations:**

It is recommended that the Council:

1. Being satisfied that there are no other related proposals; that the statutory proposal has been consulted upon and published in accordance with the School Organisation Code and contains all the relevant information and, having considered the consultation document and consultation report, and that no objections were received in response to the Statutory Notice, recommend to the County Council the implementation of the proposal as laid out in the Statutory Notice.

**Reasons:**

- To comply with statutory procedures and guidance in relation to school re-organisation.

<b>Relevant Scrutiny Committee to be consulted:</b>	No
<b>Cabinet Decision Required:</b>	Yes - 28/02/22
<b>Council Decision Required:</b>	Yes - 09/03/22

**Cabinet Member Portfolio Holder:** Cllr. Glynog Davies (Education & Children)

<b>Directorate:</b> Education & Children  <b>Name of Head of Service:</b> Simon Davies  <b>Report Author:</b> Sara Griffiths	<b>Designations:</b>  Head of Access to Education  Modernisation Team Manager	<b>Tel Nos. / E-Mail Addresses:</b>  01267 246471 <a href="mailto:SiDavies@carmarthenshire.gov.uk">SiDavies@carmarthenshire.gov.uk</a>  01267 246618 <a href="mailto:SMGriffiths@carmarthenshire.gov.uk">SMGriffiths@carmarthenshire.gov.uk</a>
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# EXECUTIVE SUMMARY

## COUNCIL 9<sup>th</sup> March 2022

### MODERNISING EDUCATION PROGRAMME

### PROPOSAL TO CHANGE THE AGE RANGE OF YSGOL SWISS VALLEY FROM 4-11 TO 3-11

#### Background

Ysgol Swiss Valley has been undertaking a pilot scheme to become a 3-11 school since 2013 which was initiated as part of a Welsh Government scheme to give parents flexibility and choice regarding nursery provision. However, as the school is currently advertised officially as a 4-11 school, parents are unaware or confused in regard to what nursery provision the school offers.

The proposal aims to provide equal provision within the Llanelli area, aligning Ysgol Swiss Valley with neighbouring schools that are already 3-11 schools. The governing body and head teacher are positive with the outcome of the pilot scheme and now wish to proceed with officially making the school a 3-11 school through statutory process.

#### The Proposal

The proposal is to change the age range of Swiss Valley Primary School from 4-11 to 3-11 from 1 September 2022.

#### Statutory Process

In accordance with the Executive Board's (now known as the Cabinet) instructions on the 21 December 2020, a formal consultation exercise was undertaken from 11 January 2021 and was due to end on the 21 February 2021. However, a decision was made by the Executive Board to extend the Consultation Period until 16 July 2021. The results of the consultation exercise are contained in the Consultation Report (link provided). and were presented to the Cabinet for consideration and determination on whether or not to publish a Statutory Notice.

On the 6 December 2021 approval was granted by the Cabinet for the publication of the Statutory Notice. The Statutory Notice (link provided) was published on 10 January 2022. The notice provided objectors with 28 days in which to forward their objections in writing to the Council which ended on the 6 February 2022. No objections were received to the Statutory Notice therefore there is no Objection Report.

The full suite of documents which include: Consultation Document, Consultation Report, the Statutory Notice will be presented to the Cabinet and ultimately will be presented to the County Council for their determination.

This provides the Cabinet the opportunity to offer comment and a recommendation to the County Council whether or not to implement the proposal as laid out in the Statutory Notice.

Should the County Council agree to implement the proposal, the age range of Ysgol Swiss Valley will change from 4-11 to 3-11 from 1 September 2022.

**Recommendation**

1. Being satisfied that there are no other related proposals; that the statutory proposal has been consulted upon and published in accordance with the School Organisation Code and contains all the relevant information and, having considered the consultation document and consultation report, and that no objections were received in response to the Statutory Notice, recommend to the County Council the implementation of the proposal as laid out in the Statutory Notice.

<b>DETAILED REPORT ATTACHED?</b>	<b>NO</b>
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# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *S. James* Head of Access to Education

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities

Developments are consistent with the Authority's Corporate Strategy and the Modernising Education Strategic Outline Programme.

## 2. Legal

Appropriate consultation was initiated in accordance with the relevant statutory procedures.

## 3. Finance

Revenue implications will be catered for within the Local Management of Schools Fair Funding Scheme.

## 4. ICT

None.

## 5. Risk Management Issues

The proposal may impact on the demand for school places at the school and surrounding catchment area schools. The situation will be monitored as part of the school admission process and ongoing data forecasting and analysis through the Authority's Modernising Education Programme.

## 6. Staffing Implications

Staffing implications will be addressed in accordance with the County Council's Policy and Procedures.

## 7. Physical Assets

None.



## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed:  Head of Access to Education

1. **Scrutiny Committee** – The Scrutiny Committee were formally notified of the Statutory Notice period.
2. **Local Member(s)** – The local member was formally notified of the Statutory Notice period.
3. **Community / Town Council** – Llanelli Rural Council was formally notified of the Statutory Notice period.
4. **Relevant Partners** – All relevant partners were formally notified of the Statutory Notice period.
5. **Staff Side Representatives and other Organisations** – Staff side representatives and other organisation were formally notified of the Statutory Notice period.

**EXECUTIVE BOARD PORTFOLIO  
HOLDER(S) AWARE/CONSULTED**

N/A

YES

### Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

Title of Document	File Ref No./Locations that the papers are available for public inspection
MEP Biennial Review	<a href="http://www.carmarthenshire.gov.uk">www.carmarthenshire.gov.uk</a> Executive Board 20 <sup>th</sup> June 2016
21 <sup>st</sup> Century Schools Website	<a href="http://www.21stcenturyschools.org">www.21stcenturyschools.org</a>
Consultation Document/Consultation Report/Statutory Notice	<a href="http://Swiss Valley (gov.wales)">Swiss Valley (gov.wales)</a>
Stage 1 (Permission to Consult) – ECS Scrutiny Committee Report	<a href="#">Agenda for Education &amp; Children Scrutiny Committee on Monday, 23rd November, 2020, 10.00 am (gov.wales)</a>
Stage 1 (Permission to Consult) - Exec Board	<a href="#">Agenda for Cabinet on Monday, 21st December 2020, 10.00 am - Carmarthenshire County Council (moderngov.co.uk)</a>
Stage 2 (Permission to Notice) – Cabinet	<a href="#">Agenda for Cabinet on Monday, 6th December 2021, 10.00 am (gov.wales)</a>

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**COUNCIL**  
**9<sup>TH</sup> March 2022**

**MODERNISING EDUCATION PROGRAMME**

**PROPOSAL TO CHANGE THE NATURE OF PROVISION AT  
YSGOL Y FELIN**

**Cabinet Recommendations:**

It is recommended that the Council:

1. Considers the submissions received to the Statutory Notice (Objection Report attached) for Ysgol Y Felin.
2. Being satisfied that there are no other related proposals; that the statutory proposal has been consulted upon and published in accordance with the School Organisation Code and contains all the relevant information and, having considered the consultation document and consultation report, the objections and any responses to the notice in the objection report, recommend to the County Council the implementation of the proposal as laid out in the Statutory Notice.

**Reasons:**

- To comply with statutory procedures and guidance in relation to school re-organisation
- To support Carmarthenshire's Welsh in Education Strategic Plan launched on 25 June 2018 in accordance with WG Strategic Plans.

**Relevant scrutiny committee to be consulted:** No

**Cabinet Decision Required:** Yes - 28/02/2022

**Council Decision Required:** Yes - 09/03/2022

**Cabinet Member Portfolio Holder:** Cllr. Glynog Davies (Education & Children)

**Directorate:**

Education & Children

**Name of Head of Service:**

Simon Davies

**Report Author:**

Sara Griffiths

**Designations:**

Head of Access to Education

Modernisation Team  
Manager



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# EXECUTIVE SUMMARY COUNCIL 9<sup>th</sup> March 2022

## MODERNISING EDUCATION PROGRAMME

### PROPOSAL TO CHANGE THE NATURE OF PROVISION AT YSGOL Y FELIN

#### Background

On 25<sup>th</sup> June 2018 in accordance with WG Strategic Plans the Local Authority launched **Carmarthenshire's Welsh in Education Strategic Plan** and its vision for a bilingual Carmarthenshire. To achieve this, the authority will deliver significant growth in Welsh medium education and training to increase the number of children and young people who become fluent in both Welsh and English and have the ability to use their languages confidently with their families, in their communities and in the workplace.

With this in mind, the Local Authority has a responsibility to provide its communities with the best education and opportunities possible and believes that this can be achieved through set objectives. Carmarthenshire County Council are fully supportive of the aim that all pupils are able to speak, read and write in both Welsh and English fluently by the end of Key Stage 2 and will provide services that will ensure high quality learning opportunities for all Carmarthenshire's children, young people and adults, thereby enabling them to achieve their full potential as lifetime learners in the context of the unique bilingual nature of the County.

In order to support Carmarthenshire's Welsh in Education Strategic Plan and national policies in moving the county's schools along the Welsh language continuum, the consultation document (link provided) sets out proposals with regards to the change in nature of provision at **Ysgol Y Felin**.

#### The Proposal

- From 1 September 2022 the nature of Foundation Phase provision at Ysgol Y Felin will change to Welsh medium education with Dual Stream provision remaining from Key Stage 2 (KS2).

#### Statutory Process

In accordance with Executive Board's (now known as the Cabinet) instructions on the 8 February 2021 a formal consultation exercise was undertaken from 22 February 2021 and was due to end on the 4 April 2021. However, a decision was made by the Executive Board to extend the

Consultation Period until the 16 July 2021. The results of the consultation exercise are contained in the Consultation Report (link provided) and were presented to the Cabinet for consideration and determination on whether or not to publish a Statutory Notice.

On the 6<sup>th</sup> December 2021, approval was granted by the Cabinet for the publication of the Statutory Notice. The Statutory Notice (link provided) was published on 10th January 2022. The notice provided objectors with 28 days in which to forward their objections in writing to the Council which ended on the 6th February 2022.

- 4 objections were received for Ysgol Y Felin

The attached Objection Report summarises the objections received and the Local Authority's responses to these submissions.

The full suite of documents which include: Consultation Document, Consultation Report, the Statutory Notice and the Objection Report will be presented to the Cabinet and ultimately will be presented to the County Council for their determination.

This provides the Cabinet the opportunity to offer comment and a recommendation to the County Council whether or not to implement the proposal as laid out in the Statutory Notice.

Should the County Council agree to implement the proposal, the nature of Foundation Phase provision at Ysgol Y Felin will change to Welsh medium education with Dual Stream provision remaining from Key Stage 2 (KS2) from 1st September 2022.

### **Recommendation**


Being satisfied that there are no other related proposals; that the statutory proposal has been consulted upon and published in accordance with the School Organisation Code and contains all the relevant information and, having considered the consultation document and consultation report, the objections and any responses to the notice in the objection report, that the Cabinet recommend to the County Council the implementation of the proposal as laid out in the Statutory Notice.

**DETAILED REPORT ATTACHED?**

**YES: Objection Report**

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: 		Head of Access to Education				
Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

**1. Policy, Crime & Disorder and Equalities**  
 Developments are consistent with the Authority's Corporate Strategy and the Modernising Education Strategic Outline Programme and WESP 2018.

**2. Legal**  
 Appropriate consultation was initiated in accordance with the relevant statutory procedures.

**3. Finance**  
 Revenue implications will be catered for within the Local Management of Schools Fair Funding Scheme.

**4. ICT**  
 None.

**5. Risk Management Issues**  
 The proposal may impact on the demand for school places at the school and surrounding catchment area schools. The situation will be monitored as part of the school admission process and ongoing data forecasting and analysis through the Authority's Modernising Education Programme.

**6. Staffing Implications**  
 Staffing implications will be addressed in accordance with the County Council's Policy and Procedures.

**7. Physical Assets**  
 None.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: 

Head of Access to Education

1. **Scrutiny Committee** – The Scrutiny Committee were formally notified of the Statutory Notice period.
2. **Local Member(s)** – The local member was formally notified of the Statutory Notice period.
3. **Community / Town Council** – The relevant Town Council was formally notified of the Statutory Notice period.
4. **Relevant Partners** – All relevant partners were formally notified of the Statutory Notice period.
5. **Staff Side Representatives and other Organisations** – Staff side representatives and other organisation were formally notified of the Statutory Notice period.

<b>CABINET AWARE/CONSULTED YES</b>	<b>PORTFOLIO</b>	<b>HOLDER(S)</b>	<b>N/A</b>
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## Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

Title of Document	File Ref No. / Locations that the papers are available for public inspection
Stage 2 (Permission to Notice) – Cabinet	<a href="https://carmarthenshireintranet.moderngov.co.uk/ieListDocuments.aspx?CId=131&amp;MId=4555&amp;Ver=4">https://carmarthenshireintranet.moderngov.co.uk/ieListDocuments.aspx?CId=131&amp;MId=4555&amp;Ver=4</a>
Stage 1 (Permission to Consult) Exec Board	<a href="https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&amp;MId=4190&amp;Ver=4">https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&amp;MId=4190&amp;Ver=4</a>
Stage 1 (Permission to Consult) – ECS Scrutiny Committee Report	<a href="https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=153&amp;MId=4184&amp;Ver=4">https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=153&amp;MId=4184&amp;Ver=4</a>
Consultation Document / Consultation Report / Statutory Notice	<a href="https://www.carmarthenshire.gov.wales/media/1226179/consultation-document-ysgol-y-felin.pdf">https://www.carmarthenshire.gov.wales/media/1226179/consultation-document-ysgol-y-felin.pdf</a>
Carmarthenshire's Welsh in Education Strategic Plan	<a href="https://www.carmarthenshire.gov.wales/home/council-democracy/strategies-and-plans/welsh-in-education-strategic-plan/">https://www.carmarthenshire.gov.wales/home/council-democracy/strategies-and-plans/welsh-in-education-strategic-plan/</a>
MEP Biennial Review	<a href="http://www.carmarthenshire.gov.uk">www.carmarthenshire.gov.uk</a> - Executive Board 20 <sup>th</sup> June 2016
21 <sup>st</sup> Century Schools Website	<a href="http://www.21stcenturyschools.org">www.21stcenturyschools.org</a>

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# Proposal to change the nature of provision at Ysgol Y Felin

## Objection Report



[carmarthenshire.gov.uk](http://carmarthenshire.gov.uk)

Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



## **School Modernisation Section**

**Sara Griffiths**, Modernisation Team Manager

If you require this information in large print, Braille or on audiotape please contact the Department for Education & Children

**Email:** [DECMEP@carmarthenshire.gov.uk](mailto:DECMEP@carmarthenshire.gov.uk)

**Telephone:** 01267 246618

## Contents

Executive Summary .....	1
Summary of Objections received and Local Authority Responses .....	3

## **Executive Summary**

### **The Consultation Period**

On the 22<sup>nd</sup> February 2021 Carmarthenshire County Council published proposals to:

- Change the nature of provision in the Foundation Phase from dual stream to Welsh medium.

The consultation period commenced on the 22<sup>nd</sup> February 2021 in line with the publication of the proposal and closed on 16<sup>th</sup> July 2021, with a total of 40 responses received (excluding the responses received from Estyn and the pupils' consultation event) in response to the formal consultation.

Following the end of the consultation period, a Consultation Report was prepared summarising the observations received and the Local Authority's responses to these observations. The report was presented to the Cabinet for a decision on whether or not to publish a Statutory Notice. On the 6<sup>th</sup> December 2021 the Cabinet resolved to proceed to publish a Statutory Notice.

### **Publication of the Statutory Notice**

Following the Cabinet's approval, Carmarthenshire County Council published the proposal by way of a Statutory Notice on 10<sup>th</sup> January 2022 for 28 days until 6<sup>th</sup> February 2022.

The table below notes the objections received. It must be noted that of the 4 objections received, they were received prior to the end of the consultation period.

<b>Objections Received</b>	
Online survey	Total 4

### **Responses Received**

The responses received to the Statutory Notice are similar to the observations received during the consultation period.

## **Workshops**

Following the end of the Statutory Notice period on the 6<sup>th</sup> February 2022, a workshop was held to analyse the objections received.

## **The Objection Report**

The objection report summarises the submissions received in objection to the proposal and the Local Authority's responses to these submissions.

For completeness, these responses have also been included within this report and the themes for the objections received are as follows:

### **Concerns**

- Theme 1 - Status Quo is Successful
- Theme 2 – Coping with the Welsh Language
- Theme 3 - Transfer to English Medium Schools
- Theme 4 - Additional Learning Needs (ALN)
- Theme 5 - Parents won't be able to help support their child

## **Next Steps**

The objection report will be presented to the Cabinet and then ultimately to the County Council who will determine whether or not to implement the proposal.

## Summary of Objections received and Local Authority Responses

Point Number	Point Raised	Local Authority Response	Number of responses raising this point	% of responses raising this point
<b>Concerns Raised</b>				
1.	<p><b><u>Status Quo is Successful</u></b>                      Respondents noted that the current linguistic arrangements at the school are working well and there is no need for change.</p> <p>Respondents noted that the school should remain as dual stream as it gives the local community a choice in which language, they wish their children to be taught in and benefits the county as those who study through the medium of English are able to speak to more children who speak Welsh.</p>	<p>The Local Authority acknowledge that the school is performing well and is successful. This proposal seeks to improve even further the opportunity for children attending the school to secure continually improving outcomes. Carmarthenshire County Council has a statutory responsibility under Part 4 of the School Standards and Organisation (Wales) Act 2013 to prepare a Welsh in Education Strategic Plan (WESP) for its area with the explicit aim of improving planning of the provision of education through the medium of Welsh, from improving the standards of that education and of the teaching of Welsh.</p> <p>In April 2014 the County Council formally adopted a comprehensive strategy for the development of the Welsh language in Carmarthenshire, endorsing the</p>	2	50%

recommendations of a politically balanced group of elected members that had examined in depth the status of the Welsh language in the county in the wake of the 2011 census of the population. The strategy required action on 73 points, 21 of which applied to the education service.

The language strategy received cross-party support from elected members when it was adopted at a meeting of the full County Council. On 25<sup>th</sup> June 2018, the Local Authority launched Carmarthenshire's most recent Welsh in Education Strategic Plan. The WESP has been subject to public consultation during its preparation and subsequent review. Its contents have, therefore, been subject to a test of public opinion in line with statutory requirements. It has also been approved by the Welsh Government in accordance with the requirements of the Act.

The plan seeks to achieve the following outcomes relevant to the proposal:

- Outcome 1 - More seven year old children being taught through the medium of Welsh.
- Outcome 2 - More learners continuing to improve their language skills on transfer from primary to secondary school.

		<ul style="list-style-type: none"> <li>• Outcome 5 – More students who have higher language skills in Welsh.</li> <li>• Outcome 6 – Welsh medium provision for learner with additional learning needs (ALN); and</li> <li>• Outcome 7 – Workforce planning and continuing professional development.</li> </ul> <p>The proposal is adhering to the recommendations as set out in Carmarthenshire’s WESP.</p> <p>It is important to note that the WESP requires all primary schools in Carmarthenshire, including English medium schools, to move along the language continuum, progressively expanding the proportion of education that is delivered through the medium of Welsh, with a view to ensuring that in time all children leaving primary school are fully bilingual.</p> <p>The pace at which schools will be able to expand bilingualism and Welsh medium education will depend upon local circumstances but the expectation for progress applies to all schools. The school has been identified as having the potential to move quickly along the language continuum.</p>		
	<p><b><u>Coping with the Welsh Language</u></b> Respondent is concerned that not all children will be able to cope with learning</p>	<p>The school will continue to provide support for current pupils through the medium of which</p>	1	25%



	<p>through the medium of Welsh, especially pupils from non-Welsh backgrounds. In addition, there are concerns that non-Welsh speaking parents may find it hard to support and help their children with their schoolwork and homework should the school the proposal be implemented.</p>	<p>they currently receive their education. Should the proposal be implemented, sufficient support will be provided to all new pupils in accordance with the needs of each individual. It is also important to note that staff are required to differentiate the curriculum and make reasonable adjustments when required to meet the needs of every pupil. “Athrawon Bro” who provide support to the schools around the county will also be supporting the school. Welsh Language Immersion Centres will also be available for those pupils who may need extra input linguistically. The schools currently offer a range of support to pupils and parents from non-Welsh speaking families and are committed to increasing provision as necessary to meet the future needs of individual families.</p> <p>Several organisations who attended the formal drop-in session during the consultation period have also offered their help and support to the community with the development of the Welsh language.</p>		
3.	<p><b><u>Transfer to English Medium schools</u></b>  Respondents believe that it is unfair for pupils who desire/require an English medium education to have to transfer to another school outside of their catchment. In addition, it is felt that pupils who struggle</p>	<p>It is the Local Authority’s intention that all current pupils remain at the school and continue to receive their education through the current language arrangements. The proposals will not therefore, affect current pupils. The school will continue to provide sufficient</p>	2	50%

	<p>with the Welsh language will also have to transfer to another school.</p>	<p>support for all current pupils through the medium in which they currently receive their education so there is, consequently, no need for any child to be moved from the school. Similarly, it is the Local Authority's desire that in the future local children attend their local school. Sufficient support will be provided for all future pupils in accordance with each individual's needs.</p> <p>Please see <b>point 2 above</b> which refers to the help and support which is currently and will continue to be provided to all pupils and parents with regards to the Welsh language.</p> <p>Please see <b>point 4 below</b> which refers to pupils with additional learning needs, special educational needs and the help and support which is and will continue to be provided to these pupils.</p>		
4.	<p><b><u>Additional Learning Needs (ALN)</u></b> Respondent is concerned that children with special education needs, or additional learning needs may not be able to cope with learning through the medium of Welsh and may require English medium education. It is unfair to assume that all children with SEN/ALN will be able to learn through the medium of Welsh.</p>	<p>Carmarthenshire County Council's policy is that all its schools should be inclusive, with children with additional learning needs being educated in a mainstream setting alongside their peers wherever possible.</p> <p>For this proposal, the support provided to children currently in the schools with additional needs will continue through the medium in which they currently receive their education.</p>	1	25%

		<p>Should the proposal be implemented, all future pupils will receive support which is individually tailored to their needs.</p> <p>All pupils with additional learning needs have specific individual plans based on their circumstances and a tailored support programme is provided according to need.</p> <p>Generally, an additional learning need is not a barrier to learning two languages. It is important to assess and monitor progress in each or all the languages that a child is using or learning, including sign and visually supported communication systems required for some pupils, particularly as the stronger developed language can be used to support and build learning through a lesser developed language medium. Staff are required to differentiate the curriculum and make reasonable adjustments to the language of instruction and response to accommodate additional needs and ensure access to the curriculum and learning progress. At times it may be appropriate to target additional support in one language for a period to consolidate and accelerate learning, e.g., in literacy. There will be rare instances, however, where a child may be diagnosed with a condition that is not conducive to a fully bilingual education. In these circumstances a package of support is identified by professional practitioners and discussed with parents.</p>		
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Whilst the system is designed to meet the needs of learners through a universal and inclusive approach, for a small number of children with significant and complex additional needs this is not always possible and specialised provision offers a more appropriate learning setting.

To make sure that the needs of all learners are met the school's system in Carmarthenshire includes a range of provision for children with additional needs. A specialised school or unit offer education to children with the most profound or complex needs where a mainstream setting is either not suitable for the children's needs or where parents prefer an alternative setting. Selected secondary and primary schools across the county include specialised units for children with particular needs, such as autism, sensory impairment or speech and language delay. The Department for Education and Children provides specific additional support in schools wherever practicable so that as many children as possible remain in their local school. Whilst the Council's preference is to meet the needs of all children in a mainstream setting wherever possible, this is not always practicable. It is this Council's experience that the vast majority of pupils with a wide range of additional learning needs and abilities are successful in our schools irrespective of the

		<p>language of instruction, but the Council does acknowledge that there will be a very few children whose needs cannot be met other than through provision at a specialist unit.</p> <p><b>It should be noted that this proposal does not affect the current arrangements at the special Unit at Ysgol Y Felin.</b></p>		
5.	<p><b><u>Parents won't be able to help support their child</u></b>  Respondents are concerned that parents will no longer be able to play an active role in their child's education.</p>	<p>Welsh schools set homework instruction in Welsh and in English so there will be no problem in understanding what children are being asked to do at home. Work set will be appropriate to the pupil's age and ability level and therefore should be within reach. Developing increasingly as independent learners, parents may find that children are happy to progress without extra parental guidance as they get older.</p> <p>The school currently offers a range of support to pupils and parents from non-Welsh speaking families and are committed to increasing provision as necessary to meet the future needs of families.</p>	2	50%



# COUNCIL

## 9<sup>th</sup> March 2022

### MODERNISING EDUCATION PROGRAMME

#### PROPOSAL TO RECONFIGURE AND REMODEL BEHAVIOUR SUPPORT SERVICES AT YSGOL RHYDYGORS TO IMPORVE PROVISION FOR CHILDREN AND YOUNG PEOPLE

**Cabinet Recommendations:**

It is recommended that the Council:

1. Being satisfied that there are no other related proposals; that the statutory proposal has been consulted upon and published in accordance with the School Organisation Code and contains all the relevant information and having considered the consultation document and consultation report, and that no objections were received in response to the Statutory Notice, recommend to the County Council the implementation of the proposal as laid out in the Statutory Notice.

**Reasons:**

- To comply with statutory procedures and guidance in relation to school re-organisation.

**Relevant scrutiny committee to be consulted:** No

**Cabinet Decision Required:** Yes - 28/02/22

**Council Decision Required:** Yes - 09/03/22

**Cabinet Member Portfolio Holder:** Cllr. Glynog Davies (Education & Children)

**Directorate:**

Education & Children

**Name of Head of Service:**

Simon Davies

**Report Author:**

Sara Griffiths

**Designations:**

Head of Access to Education

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# EXECUTIVE SUMMARY COUNCIL 9<sup>th</sup> March 2022

## MODERNISING EDUCATION PROGRAMME

### PROPOSAL TO RECONFIGURE AND REMODEL BEHAVIOUR SUPPORT SERVICES AT YSGOL RHYDYGORS TO IMPORVE PROVISION FOR CHILDREN AND YOUNG PEOPLE

#### Background

Following a strategic review of the Local Authority's Behaviour Services, the LA aims to move from a silo focus on behaviour to a more universal approach to include pupil wellbeing and engagement. To achieve this the LA has developed a Four Phase Model of its behaviour services which includes providing behaviour and engagement support on four levels. Support ranges from intervention and support in mainstream schools to specialised respite or residential placements.

This proposal supports the realisation of the Four Phase Model. Currently, the Local Authority have a range of settings in which pupils with SEBD are supported. This includes Ysgol Rhydygors, Carmarthenshire Secondary Teaching and Learning Centre (Pupil Referral Unit for secondary pupils), Canolfan Bro Tywi (Pupil Referral Unit for primary pupils) and Canolfan y Gors (Pupil Referral Unit for secondary pupils with significant anxiety and/or emotional wellbeing and mental health issues requiring the support of CAMHS-Child and Adolescent Mental Health Services).

The vision of the four-phase model includes encouraging each of these settings to work together as one Specialist Behaviour and Wellbeing Support Service Team. One of the principal ways of achieving this is to create consistency in the type of provision offered at each of the settings and to create a system ensuring that links with mainstream schools.

At the current time, once a child is placed in Rhydygors, the historical evidence suggests that the young person remains there until they are 16 with no further mainstream experience.

The new Four Phase Model is developing behaviour support services to allow easier access to early intervention so that schools have direct access to a link Behaviour Support Service team member who will be trained in restorative approaches, trauma informed practices and have continuous professional development to support the needs of their cluster of schools. Members of the Behaviour Support Community team are supported by their line Manager, the Lead Officer for Behaviour Support Services and PRUs and an ECP with senior responsibility for behaviour to address any young people that they feel they need advice, support and guidance with so that any training will be approved to meet the needs of the young learners and the schools they attend.



As the Behaviour Support Community Team and PRUs will come under Phase 3 management there will be consistency in training programmes, ethos development , curriculum offer and the development of trauma informed practitioners in a trauma informed setting and psychological informed environments (PIE).

By having regular and link access to Behaviour Support Community Team staff we will have greater opportunity to work with our learners at an earlier stage for intervention and allow us through multi-agency meetings and possibly TAPPAS (Teams Around Pupils Parents and Settings), currently a pilot project in the local authority, we will be able to develop creative and innovative support packages at the earliest possible time to keep our learners in mainstream if this is the most appropriate setting.

There are always learners who have complex needs and require robust support packages outside of mainstream provision but our ethos supports inclusivity and developing needs led support and services. Within the Four Phase model when a child is recommended for a place in Phases 3 or 4 there should always be the opportunity for transition back to mainstream, or even access mainstream for subjects that they engage with positively and the learning of others is not negatively impacted, when the young person can regulate emotions and engage in their education in a positive and safe manner. This can be undertaken by continuous monitoring and assessment and with close, transparent and trusting relationships with our mainstream schools.

For the reasons of consistency, access to highly specialist support, access to a broad and balanced curriculum with a range of accreditation options and the offer of individual and bespoke education plans offered in the current PRUs through the 3-Tiered approach, there is a requirement to discontinue Ysgol Rhydygors as a special school and establish it as a Pupil Referral Unit. This proposal will initiate this change.

Whilst it is acknowledged that Ysgol Rhydygors has been providing education for pupils with social, emotional, and behavioural difficulties (SEBD) in the form of a special school for a number of years, it is recognised that an enhancement of the PRU model will more appropriately cater for the needs of society and its young people providing consistent opportunities across the county.

## The Proposal

1. In line with the School Organisation Code (2018) the Local Authority proposes to:  
**Discontinue Ysgol Rhydygors Special School as of the 31st August 2022**

All former Ysgol Rhydygors pupils will continue to receive their education on the site of the former Ysgol Rhydygors school. If approved, instead of receiving provision in a special school, pupils will be educated in a Pupil Referral Unit (PRU).

Whilst the proposal should be considered as a whole. This consultation document relates to Point 1 only. Points 2 and 3 noted below will be undertaken via separate procedures.

2. Should the above (Point 1) be approved, the Local Authority will establish a Pupil Referral Unit (PRU) on the site of the former Ysgol Rhydygors school as of the 1st September 2022.

3. Additionally, should Point 1 be approved, the Local Authority will establish a Children's Home/Respite Centre on the site of the former Ysgol Rhydygors school/Residential Unit as of the 1st September 2022.

All former Ysgol Rhydygors pupils who have an element of residential education as part of their SEN Statement will continue to receive this on the site of the former Ysgol Rhydygors school.

### **Statutory Process**

In accordance with Executive Board's (now known as the Cabinet) instructions on the 21 December 2020 a formal consultation exercise was undertaken from 11 January 2021 and was due to end on the 21 February 2021. However, a decision was made by the Executive Board to extend the Consultation Period until the 16 July 2021. The results of the consultation exercise are contained in the Consultation Report (link provided) and were presented to Cabinet for consideration and determination on whether or not to publish a Statutory Notice.

On the 6 December 2021 approval was granted by the Cabinet for the publication of the Statutory Notice. The Statutory Notice (link provided) was published on 10 January 2022. The notice provided objectors with 28 days in which to forward their objections in writing to the Council which ended on the 6 February 2022. No objections were received to the Statutory Notice therefore there is no Objection Report.

The full suite of documents which include: Consultation Document, Consultation Report and the Statutory Notice will be presented to the Cabinet and ultimately will be presented to the County Council for their determination.

This provides the Cabinet the opportunity to offer comment and a recommendation to the County Council whether or not to implement the proposal as laid out in the Statutory Notice.

Should the County Council agree to implement the proposal to discontinue Ysgol Rhydygors Special School this will be implemented as of the 31st August 2022.


### **Recommendation**

Being satisfied that there are no other related proposals; that the statutory proposal has been consulted upon and published in accordance with the School Organisation Code and contains all the relevant information and having considered the consultation document and consultation report, and that no objections were received in response to the Statutory Notice, recommend to the County Council the implementation of the proposal as laid out in the Statutory Notice.

<b>DETAILED REPORT ATTACHED?</b>	<b>NO</b>
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# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: 		Head of Access to Education				
Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

**1. Policy, Crime & Disorder and Equalities**  
 Developments are consistent with the Authority's Corporate Strategy and the Modernising Education Strategic Outline Programme.

**2. Legal**  
 Appropriate consultation was initiated in accordance with the relevant statutory procedures.

**3. Finance**  
 Revenue implications will be catered for within the Local Management of Schools Fair Funding Scheme.

**4. ICT**  
 None.

**5. Risk Management Issues**  
 If the proposal is not implemented the local authority will continue to provide inconsistent SEBD provision to pupils across the County.

**6. Staffing Implications**  
 Staffing implications will be addressed in accordance with the County Council's Policy and Procedures.

**7. Physical Assets**  
 The Ysgol Rhydygors site will continue to be used for Education purposes. If approved, it will be the location of the Pupil Referral Unit and Children's Home/Respite Centre.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: 

Head of Access to Education

1. **Scrutiny Committee** – The Scrutiny Committee were formally notified of the Statutory Notice period.
2. **Local Member(s)** – The local members were formally notified of the Statutory Notice period.
3. **Community / Town Council** – Were formally notified of the Statutory Notice period.
4. **Relevant Partners** – All relevant partners were formally notified of the Statutory Notice period.
5. **Staff Side Representatives and other Organisations** – Staff side representatives and other organisations were formally notified of the Statutory Notice period.

<b>CABINET PORTFOLIO HOLDER(S)</b>	N/A
<b>AWARE/CONSULTED</b>	
<b>YES</b>	

### Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Carmarthenshire's Welsh in Education Strategic Plan		<a href="https://www.carmarthenshire.gov.wales/home/council-democracy/strategies-and-plans/welsh-in-education-strategic-plan/">https://www.carmarthenshire.gov.wales/home/council-democracy/strategies-and-plans/welsh-in-education-strategic-plan/</a>
MEP Biennial Review		<a href="http://www.carmarthenshire.gov.uk">www.carmarthenshire.gov.uk</a> Executive Board 20 <sup>th</sup> June 2016
21 <sup>st</sup> Century Schools Website		<a href="http://www.21stcenturyschools.org">www.21stcenturyschools.org</a>
Consultation Document/ Consultation Report/ Statutory Notice		<a href="http://gov.wales">Ysgol Rhydygors (gov.wales)</a>
Stage 1 (Permission to Consult) – ECS Scrutiny Committee Report		<a href="http://gov.wales">Agenda for Education &amp; Children Scrutiny Committee on Monday, 23rd November, 2020, 10.00 am (gov.wales)</a>
Stage 1 (Permission to Consult) Exec Board		<a href="http://modern.gov.co.uk">Agenda for Cabinet on Monday, 21st December, 2020, 10.00 am - Carmarthenshire County Council (modern.gov.co.uk)</a>
Stage 2 (Permission to Notice) - Cabinet		<a href="http://gov.wales">Agenda for Cabinet on Monday, 6th December, 2021, 10.00 am (gov.wales)</a>

## COUNCIL 9<sup>th</sup> March 2022

### PENTRE AWEL

**Purpose:** To provide an update statement on Pentre Awel including the procurement of a contractor for Zone 1

#### **Cabinet Recommendations:**

1. To receive and note the report of the process undertaken to progress the first phase of the two-stage design and build contract to deliver Pentre Awel Zone 1.
2. To receive the maximum cost (£87.07m) for the construction provided by Bouygues UK and to delegate authority to the Director of Corporate Services and the Chief Executive to agree the final cost envelope and confirm affordability in consultation with the Leader of Council and Cabinet Member for Resources.
3. To note the progress in securing tenancy agreements and to delegate authority to the Director of Corporate Services to agree to progress to construction on achieving suitable assurance of rental income. To note the delivery of Innovation and Business Development and therefore the shell and core space being developed is in advance of final plans and therefore at risk.
4. To approve a policy setting out the principles to be adopted for inclusion of Third Sector organisations within Pentre Awel
5. To note the progress across other zones and associated discussions and impact beyond the immediate project boundaries.

#### **Reasons:**

- To provide assurance that a robust process has been followed to optimise the design of Zone 1 and that comprehensive tenant discussions have taken place at strategic and operational level to develop the required internal configurations.
- To ensure that the construction is affordable and that appropriate delegation can be used to avoid any delay in commencing the build process.
- To provide assurance that there is significant commitment from tenant to take accommodation within Zone 1 and confirm overall project affordability.
- To ensure that Pentre Awel benefits from provided by the Third Sector and therefore their importance in achieving project objectives.
- To appraise Members of additional areas of progress to provide evidence that the wider benefits of the overall project can be achieved.

Relevant scrutiny committee to be consulted N/A

Cabinet Decision Required **Yes**

Council Decision Required **Yes**

CABINET MEMBER PORTFOLIO HOLDER:-

Cllr. Emlyn Dole, Leader of the Council with responsibility for Economic Development

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Directorate: Chief Executive

Designations:

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Report Author: Sharon Burford

Project Manager

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**EXECUTIVE SUMMARY**  
**Pentre Awel**  
**UPDATE REPORT**

## BRIEF SUMMARY OF PURPOSE OF REPORT.

### 1. Background

Pentre Awel will feature a unique combination of academic, public, business and health facilities to create significant opportunities for employment, education skills and training, direct health and leisure provision. In addition, a network of integrated care and rehabilitation facilities will be provided at Pentre Awel with the aim of improving independence and providing a meaningful testbed for the private sector to pilot assisted living / life sciences technologies.

The following illustrated the zones and outlines the key elements of each area.



### 1.1 Projected Outputs

Through integration of the core elements of Pentre Awel the aim is to provide a unique ecosystem for business, education and research and clinical delivery whilst facilitating improved population health through prevention and health promotion. There will be a focus on education to address skills shortages and on initiatives to improve the unemployment and educational achievements in the area.

Specifically:

- Regeneration in an area of significant need
  - Projected to create 1,800 total jobs across whole project
  - Research based business development and growth
- Education Skills and Training
  - Skills development programmes, many to run alongside clinical delivery
  - Address key recruitment and retention challenges
  - Promote careers opportunities and STEM subject engagement through schools
- Improved health and care in community – care closer to home



- Quantifiable improvement in health outcomes
- Long terms projected reduction in GP demand, reduced chronic condition hospital admittance and readmission
- Community Benefits
  - Targeted support for residents in accessing work.
    - Minimum of 52 weeks of recruitment and training per £1m of spend on construction.
    - Engagement to promote entry level courses and building credits to promote employment. Programmes will facilitate access and affordability.
    - Health promotion and self-management initiatives – including social prescribing and work through schools.
  - Targets defined for sourcing through local suppliers
  - Community groups actively participating in Village facilities
  - Reduction in the number of young people in the adjacent Community First area, within the NEET category

## 1.2 Reporting

As a key strategic project, member engagement and scrutiny has been sought during the development of Pentre Awel. During 2020, key milestones were conveyed to members at Executive Board (21<sup>st</sup> September) and Full Council (14<sup>th</sup> October), including:

- Unanimous approval of the final **City Deal Business Case** and agreement to formally present it to the Swansea Bay City Region Joint Committee for approval to submit to Welsh Government and UK Government.
- Approval of, and agreement to, sign **Memoranda of Understanding** with all identified academic partners; and
- Endorsement of the **RIBA Stage 3** detailed design development work and outputs

During 2021, Pentre Awel transitioned from strategic planning to implementation and delivery, taking a number of important strides towards a start on site:

- An interim update was provided to Members of the Executive Board in May 2021 to ensure there was oversight of the decision to place the **tender for the construction of Zone 1** – one of the largest ever published by the Authority
- A report was presented to Members of the Cabinet September 2021 to updating Members on key procurement exercises, including the **appointment of a contractor** to design and build Zone 1 and procurement of **consultants to design Zone 3**. This was presented alongside updates to the projected outcomes for Pentre Awel and wider impact

This report will provide a further update on the project delivery covering:

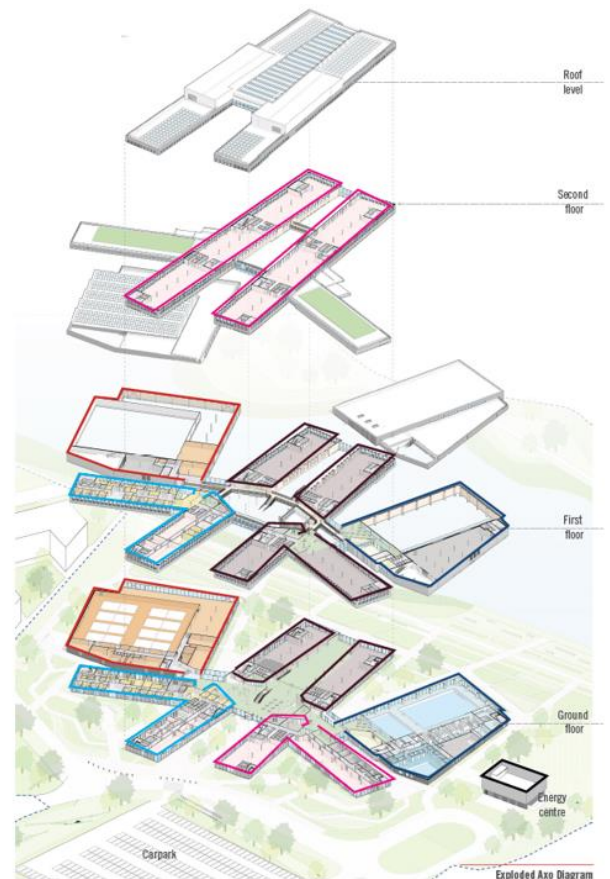
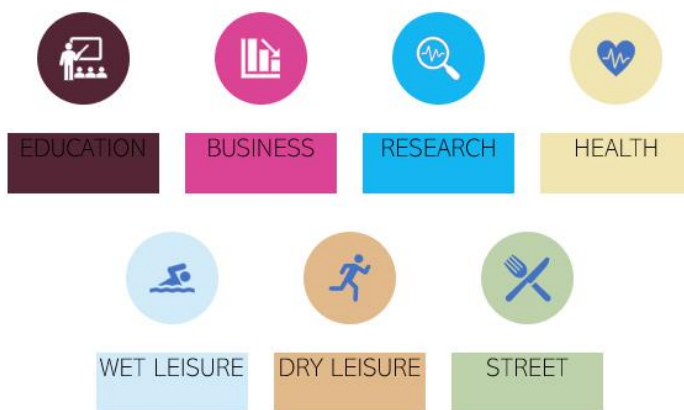
- The progress of the design of Zone 1 and the maximum cost of the construction.
- The progress on securing tenants for Zone 1
- Progress in design development Zone 3
- Associated progress including Schools networking and Third Sector policy.

## 2. Design Development and maximum cost – Zone 1

Zone 1 will create five distinct buildings linked with a “street” space, comprising a wet sports facility and health building with education facilities, clinical delivery centre, and a well-being skills centre. Additionally, primary infrastructure is provided including a separate energy centre, road & car parking areas, cycle ways as well as extensive landscaped public spaces for recreational walkways. The design profile of Zone 1 at RIBA Stage 3 is illustrated below:



## Zone 1 Design Profile



Following a comprehensive internal and external approvals process, the City Deal Business Case was formally approved by UK and Welsh Governments in March 2021. Accordingly, funding agreements were drafted and approved in order to secure £40m of capital investment over 15 years. Together with the commitment from prospective education, health and research tenants in the form of Memoranda of Understanding, the Authority was able to proceed with a procurement exercise to deliver Zone 1. This was taken to Members of the Executive Board in May.

The resultant **procurement strategy** advocated a two-stage, design and build tender in order to realise the Council’s four key procurement drivers for the Project:

1. **Programme** – to deliver the Zone 1 building in alignment with the commencement of the 2023/24 academic term
2. **Control of design** – to deliver a high-quality and robust building

3. **Cost certainty** – to deliver the project within budget. A two-stage approach promotes collaboration between the Client and Contractor to identify and manage risks, further develop the design and achieve best value.
4. **Community benefits** – to improve the health, social, environmental and economic wellbeing of local communities

Bouygues UK were appointed by the Authority in October 2021 as the construction contractor and formally entered into a Pre-Construction Services Contract (PCSA). During the pre-construction period, CCC, external project and cost managers Gleeds, Bouygues UK and its design team have been working collaboratively to:

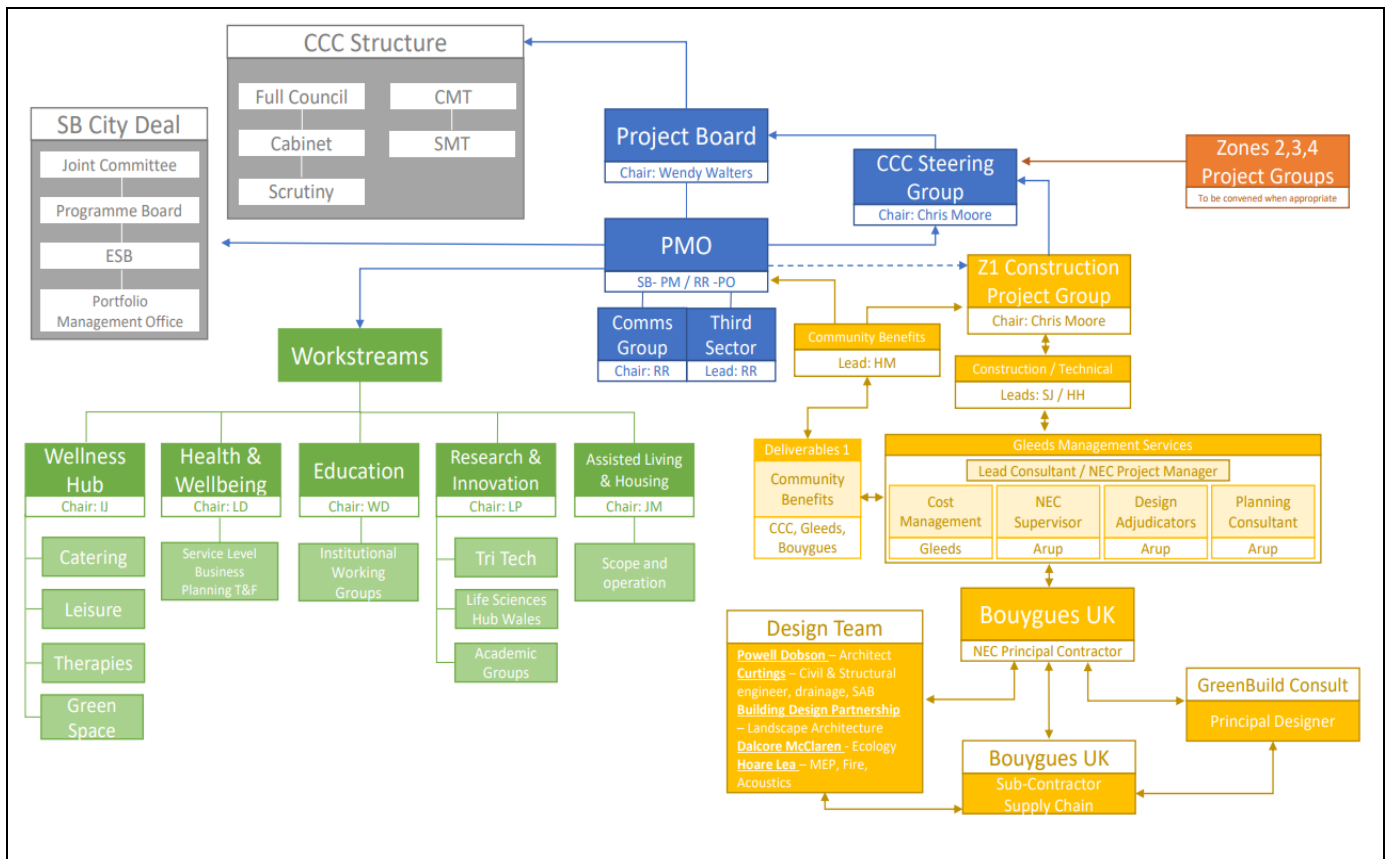
- Review RIBA Stage 3 designs with tenants, with a particular focus on the Clinical Delivery Centre, Clinical Research Centre and wet/dry leisure design.
- Undertake RIBA Stage 4 design
- Review planning conditions with a view to discharging the ‘pre-commencement’ planning conditions prior to breaking ground on-site. A Wintering Birds Survey is being undertaken onsite to update the available ecological information
- Prepare a Reserve Matters Application. There will be a Non-Material Amendment to the redline boundary plan approved at outline planning stage in order to reflect the revised Zone 1 (Phase 1) development area.
- Agree a programme, identify/assess risks and work toward greater cost certainty. Bouygues have been working to a ‘Not to Exceed Price’, which forms the basis of this report

To optimise the pre-construction period, a revised project governance structure was operationalised. A Construction Board, chaired by Director of Corporate Services as SRO has been established to oversee the design and build process and meets monthly. Construction and Technical leads have been appointed to manage the Gleeds/Contractors contract and ensure that the design and build process is optimised. Their designation within the overall structure is shown in the Governance plan shown over.

A Community Benefits work group has been established with Stakeholder Membership to ensure that we maximise the impact of Pentre Awel and ensure that the contractor delivers on the benefits set out in their tender. The Membership covers Economic Regeneration, Policy and Welsh Language, Educations Skills and Training, Third Sector and Procurement.

Bouygues UK design team comprises: Powell Dobson Architects, Curtings (Civil & Structural Engineering), Hoare Lea (MEP, Fire & Acoustics Engineering), Green Build Ltd (Principal Designer & BREEAM advisor), Building Design Partnership (Landscape Architecture) and Dalcour MacLaren (Ecology).

The revised governance structure is set out below and has been approved by Project Board.



The first phase of the contract, the detailed design and cost certainly is now nearing completion and sufficient details have been developed to enable the contractor to issue a maximum price for the construction of Zone 1.

This price is currently being firmed up at £87.07m

In achieving a cost profile, the tenants have reviewed their Stage 3 designs and the internal configuration adapted where required.

### Recommendation 1

Members are asked to receive and note the report of the process undertaken to progress the first phase of the two-stage design and build contract to deliver Pentre Awel Zone 1.

### Recommendation 2

To receive the maximum cost (£87.07m) for the construction provided by Bouygues UK and to delegate authority to the Director of Corporate Services and the Chief Executive to agree the final cost envelope and confirm affordability in consultation with the Leader of Council and Cabinet Member for Resources.

### 3. Progress in securing tenants

The Authority has entered into negotiations on Head of Terms with the main tenants for Zone one. Each agreement includes details of the floorspace required and the service level

agreements in respect of the service charges. The charge rate has been modelled to ensure the affordability and sustainability of the build. A rental valuation has been confirmed by the District Valuer and along with a service charge included within the Head of Terms, under which the tenant will contribute to all costs associated with the running and maintenance of the occupied areas as well as contributing to the costs of the common areas on an apportioned floor area basis. The service charge will include heating of demised area and electricity if not separately metered and any other additional services for demised area that are agreed - e.g. cleaning.

All Tenancy agreements are at Heads of Terms stage and will progress to lease agreements before the commitment to build is given.

### **3.1 Hywel Dda University Health Board**

#### ***3.1.1 Clinical Delivery***

The clinical services to be delivery at Pentre Awel will support a strategic shift to community-based care and delivering care closer to home. A Health and Wellbeing strategy was developed through a multidisciplinary work stream, this detailed the services to be delivered in Pentre Awel and the associated infrastructure required.

The strategy was revisited considering covid learning through a multidisciplinary workshop in June 2021 with subsequent service by service discussions. The final plans have been approved by the Health Board Executive Team in September.

#### ***3.1.2 Hywel Dda Clinical Research/Tritech Institute***

A research partnership exists between Hywel Dda University Health Board and UWTSD. This work is currently being developed in an interim premises in Bynea but will be relocated to Pentre Awel and will include clinical trials and a significant clinical engineering development with private sector support.

#### **Governance**

Following extensive consultation with Clinical Teams the plans for Hywel Dda involvement in Pentre Awel have been taken through Board, Strategic Development and Operational Delivery Committee and to the Executive Team for sign off.

### **3.2 Cardiff University**

Cardiff University and the Authority have entered into a partnership arrangement to develop plans for innovation and business at Pentre Awel along with delivery of academic courses.

#### **Governance**

Working group established. The Pro Vice Chancellor is the lead for the work at Pentre Awel through the College of Biomedical and Life Science.

### **3.3 University of Wales Trinity St David (UWTSD)**

UWTSD plan three key elements, digital innovation, a facility focussed on health and care training linked with Coleg Sir Gar and a third element comprising business development linked to advanced manufacturing and medical innovation.

#### **Governance**

Working group established, Senior Management Team involved at all stages of service development.

### **3.3 Swansea University**

Swansea University plan to develop a new 'spoke' of the Health and Wellbeing Academy at the Pentre Awel. The 'hub' would be retained in the existing facility on the Singleton Campus.

The Health and Wellbeing Academy at Pentre Awel will comprise Inter-professional clinical learning space, supported by learning technologies. The digital infrastructure will enable distance learning and delivery of education and assessment across all the university, HWA hub and spokes.

#### **Governance**

Working group established, Senior Management Team involved at all stages.

### **Recommendation 3**

To note the progress in securing tenancy agreements and to delegate authority to the Director of Corporate Services to agree to progress to construction on achieving suitable assurance of rental income. To note the delivery of Innovation and Business Development and therefore the shell and core space being developed is in advance of final plans and therefore at risk.

## **4. General update**

### **4.1 Progress on the design development of - Zone 3**

Zone 3 comprises 144 units of assisted living alongside an Expansion Business Centre of up to 10,000m<sup>2</sup>.

A needs analysis and affordability exercise has been undertaken to develop the assisted living specification for Zone 3. A mix of one and two bedded accommodation of a mix of tenures, has been identified.

A tender was placed via the Welsh Procurement Alliance (WPA) framework to procure multi-disciplinary consultants to take forward the design development of Zone 3 to RIBA Stage 3. The contract was awarded to AHR architects, the key factor that differentiated their submission

was their vision and suggestions for innovation in design meeting the project objectives of future proofed design focused on maintaining independence.

The design development will be completed by September 22.

## 4.2 Finance

Following an approach to the financial markets to secure further funding for Pentre Awel, two bids have now been received. These are currently under review to ensure that the optimal financial arrangements can be achieved for the Authority.

Further discussions have been held with the UK investment Bank and with the Department for International Trade. The overall viability of the Zone 1 development will be modelled and agreed prior to the agreement of the final cost envelope and start of construction.

The current funding position to meet the Guaranteed Maximum Price is as follows:

<b>Guaranteed Maximum Price</b>	<b>£87,070,00</b>
<b>Funding:</b>	
City Deal	-39,400,000
CC Capital Programme	-19,070,000
Trust Fund	-1,000,000
JV (CC & CCC)	-7,000,000
<i>(Some receipts TBC)</i>	
CC Reserves/DRF	-2,000,000
External Private Finance	-18,600,000
<b>Funding Total</b>	<b>£87,070,00</b>

## 4.3 Third Sector Policy

A policy is proposed to cover third sector organisations wishing to locate within Pentre Awel. A Third Sector organisation must through submission of a business case demonstrate how they will contribute to the objectives of Pentre Awel and demonstrate that they have financial sustainability.

A maximum figure for square meterage occupied by third sector has been set at 200sqm which is 10% of the shared space available within Zone 1, this in turn equates to 1% of the overall zone 1 build. Maintaining this level will enable an overall stable financial position to be maintained for the development but will ensure that the Third Sector can be accommodated and recognised for their contribution to meeting the overall project aim and outputs.

An organisation wishing to locate at Pentre Awel will need to match its proposed service delivery against the two core framework documents which underly the project, namely the 5 life Stages and the Health Impact Assessment. The greater the match against the life stages and

the strong recommendations of the Health Impact Assessment will enable a greater reduction in rent to be applied. An organisation may with sufficient alignment be able to qualify for a maximum of a 90% reduction in rent but must in all instances pay the full service charge applicable to all tenants.

**Recommendation 4**

To approve a policy setting out the principles to be adopted for inclusion of Third Sector organisations within Pentre Awel

**4.4 Wider County Impact**

Wider engagement has been held regarding the role of Pentre Awel in the Carmarthenshire Local Innovation Strategy.

The proposal is that the work in Pentre Awel be expanded to link into the developing community health bases being planned by Hywel Dda University Health Board. These links will enable the development of a 'Hub and Spoke model' for remote clinical consultations, research, education and training and business development. This will enable the establishment of a larger catchment area enhancing opportunities for innovation and product development and give larger population base for clinical trials

**4.5 Welsh Language**

Discussions have been held regarding equity of Welsh and English in Pentre Awel. An action plan is in development recognising the potential impact and opportunities due to the wide scope of Pentre Awel. The work planning will align with the Welsh Government 'More Than Just Words' Action Plan. Planning will include recognition of the importance for embedding language choice in areas such as emerging assisted living technologies and support for delivery of remote healthcare. Work is ongoing with Cardiff University and with University of Wales Trinity St David covering areas such as school engagement and the development of a link with Aberystwyth University to provide Nurse training in Welsh.

**Recommendation 5**

To note the progress across other zones and associated discussions and impact beyond the immediate project boundaries.

<b>DETAILED REPORT ATTACHED?</b>	<b>No</b>
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## IMPLICATIONS

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

**Signed: Chris Moore Director of Corporate Services**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

**1. Policy, Crime & Disorder and Equalities**

- The project will be compliant with policy and will meet all governance criteria agreed as part of the Swansea Bay City Deal programme.
- Crime and disorder are key considerations of the project and the site aims to achieve the ‘Secure by Design’ standard.
- A Health Impact Assessment has been undertaken in conjunction with Public Health Wales to reduce health inequalities. Process has been seen as an exemplar.
- The Full Business Case outlines strategic alignment across all partners, relevant Regional and National Strategic Policies and Plans.
- Pentre Awel aligns with the Wellbeing of Future Generations (Wales) Act 2015, with the Project Management Office using the 5 ways of working. The project will make a demonstrable contribution to the 7 National Goals.
- All public sector partners operating onsite will be expected to comply with the Welsh Language Standards. Private companies will be encouraged to use the Welsh Language and offered practical support to foster take-up.
- Work undertaken between the Authority and Health partners to ensure highest standards of accessibility. This is essential due to the inclusion of a hydrotherapy pool and delivery of therapeutic services delivered within a community environment. Wider accessibility criteria will be met to promote use of facilities across all abilities.
- Discussions on design have been held with the Disabilities Forum and assurance given.
- To facilitate accessibility, it is proposed to include 10% disabled parking spaces and two Changing Places facilities.

## **2. Legal**

Memoranda of Understanding have been signed with health and skills, training and business development partners.

These are not legally binding documents and will be superseded by Heads of Terms which are currently in development.

A decision-making structure has been agreed for each of the main tenants. Each tenant has identified a lead at executive level who is also a member of the overarching Pentre Awel Project Board. Work groups have been established within each tenant organisation to develop their remit and then identify the floorspace and infrastructure needs which will be incorporated into the Head of Terms. Tenants in turn are represented on the appropriate project Implementation Groups.

### 3. Finance

- Public, City Deal and institutional capital is required to deliver the whole of Pentre Awel:
  - Business case to draw down of £40m of City Deal money has been approved.
  - The City Deal funding provides an important catalyst for the wider project and subsequent benefits realisation programme.
  - Independent financial planning has been undertaken to secure institutional funding for this and subsequent phases of the project, including nursing home, assisted living, housing and hotel. An Information Memorandum was sent out to a pre-selected number of investors outlining the project together with financial information and business plans. The aim of the exercise being to obtain best value for the Authority and best long-term Investor partner for the project. Two Bids have now been received and are currently being assessed. Further discussion has been held with the UK Investment Bank and the Department of International Trade in relation to securing investment.
  - Running cost projections have been developed and these along with the cash flow requirements to meet the financial planning projections have been used to inform the lease terms with the tenants.
  - Funding for the County Council leisure centre elements of the project costs are included within the County Council Capital Programme 2022/23 – 2026/27.
  - The overall viability of the Zone 1 development will be modelled and agreed prior to the agreement of the final cost envelope and start of construction. The current funding position to meet the Guaranteed Maximum Price is set out as follows:

<b>Guaranteed Maximum Price</b>	<b>£87,070,00</b>
<b>Funding:</b>	
City Deal	-39,400,000
CC Capital Programme	-19,070,000
Trust Fund	-1,000,000
JV (CC & CCC)	-7,000,000
<i>(Some receipts TBC)</i>	
CC Reserves/DRF	-2,000,000
External Private Finance	-18,600,000
<b>Funding Total</b>	<b>£87,070,00</b>

#### **4. ICT**

- A key dependency in realising the benefits of interconnectivity will be the digital infrastructure created to facilitate and support partners and stakeholders, both now and in the future. Broadly, this will include:
  - Full fibre, multi tenancy connectivity to the site.
  - Full fibre, multi tenancy interconnectivity across/within the site.
  - Wireless network connectivity, indoor and outdoor across the park, multi tenancy.
  - 4G and 5G mobile coverage, including indoor solutions.
  - Internet of Things wireless networks.

Provision of this next generation Digital Infrastructure will provide Pentre Awel with future proofed network access for high speed connectivity to the internet, to private networks, data storage and cloud-based services within the facilities and remotely. The provision of first-class Digital Infrastructure at Pentre Awel will support and underpin the site in its entirety, significantly enhancing the success and its ability to deliver on the identified critical success factors.

#### **5. Risk Management Issues**

- Risk strategy and appropriate mitigation planning is maintained across all elements of the project work stream, procurement and planning.
- COVID-19 impact assessment undertaken to evaluate the impact of the outbreak. The project is resilient and able to capitalise on the opportunities, learning and new service delivery models developed through Covid.

#### **6. Physical Assets**

- New physical assets will be developed, the scope of which is set out within the outline planning application.
- RIBA stage 3 (detailed design phase 1 Street) formed the basis of the Zone One Tender.

#### **7. Staffing Implications**

- Provision of significant training opportunities to meet identified skills shortages in health and care professions, positive promotion of entry level opportunities for local people.
- No adverse impacts are expected on existing staffing.
- Enhanced training opportunities for staff both through leisure and care services.
- Possible recruitment of additional staff.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Chris Moore

Director of Corporate Services

## 1. Scrutiny Committee

City Deal Joint Scrutiny 15.02.2020

## 2. Local Member(s)

Leader, Cllr. Emlyn Dole, briefed at key project intervals

Local members individually briefed since 01.06.2020 - Cllr. Louvain Roberts, Cllr. John Prosser, Cllr. Deryk Cundy. Cllr. Jane Tremlett with the Disabilities Partnership.

## 3. Community / Town Council

Consulted through public engagement event 27/10/17.

Outline planning application submitted 15/03/18. Town council is a statutory consultee. All documents are accessible to the general public.

## 4. Relevant Partners

### Hywel Dda University Health Board

#### Lead contact:

Lee Davies - Executive Director of Strategic Development & Operational Planning

Leighton Phillips - Director for Research, Innovation and University Partnerships

Regular updates submitted to Strategic Development and Operational Delivery Group  
Presentations to Executive Team

## Academic Partners

#### Lead contacts:

Vice Chancellor, University of Wales Trinity St David

Pro-Vice Chancellor Cardiff University

Provost Swansea University

Vice Chancellor Coleg Sir Gar

Vice Chancellor Pembrokeshire College

Vice Chancellor Gower College

## 5. Staff Side Representatives and other Organisations

Full communications log maintained

Attendance at CERF

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Project Board papers</b>	<b>Stored on <u>CFP.</u></b>	

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## CABINET

Monday, 14 February 2022

**PRESENT:** Councillor E. Dole (Chair)

**Councillors:**

G. Davies, H.A.L. Evans, L.D. Evans, P.M. Hughes, P. Hughes-Griffiths, D.M. Jenkins and J. Tremlett

**Also in attendance:**

Councillor D.M. Cundy and J.S. Edmunds

**The following Officers were in attendance:**

J. Morgan, Director of Community Services  
C. Moore, Director of Corporate Services  
G. Morgans, Director of Education & Children's Services  
L.R. Jones, Head of Administration and Law  
P.R. Thomas, Assistant Chief Executive (People Management & Performance)  
N. Daniel, Head of ICT and Corporate Policy  
A. Williams, Head of Waste and Environmental Services  
J. Morgan, Head of Homes & Safer Communities  
R. Griffiths, Head of Place and Sustainability  
D. Hockenull, Marketing and Media Manager  
I.R. Llewelyn, Forward Planning Manager  
S. Rees, Simultaneous Translator  
L. Jenkins, Executive Board Support Officer  
J. Owens, Democratic Services Officer  
K. Evans, Assistant Democratic Services Officer  
K. Thomas, Democratic Services Officer **Error! No document variable supplied.**

**Virtual Meeting - 10.00 - 10.45 am**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A. Davies and W. Walters (Chief Executive)

**2. DECLARATIONS OF PERSONAL INTEREST**

Councillor	Minute Number	Nature of Interest
H.A.L. Evans	6 – Housing Regeneration and Development – Five Year Delivery Plan (2022-2025)	Sister is the Chief Executive of a Housing Association

**3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE CABINET HELD ON THE 31ST JANUARY 2022**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting of the Cabinet held on the 31<sup>st</sup> January, 2022 be signed as a correct record.

#### **4. QUESTIONS ON NOTICE BY MEMBERS**

The Chair advised that no questions on notice had been submitted by members.

#### **5. PUBLIC QUESTIONS ON NOTICE**

The Chair advised that no public questions had been received.

#### **6. HOUSING REGENERATION AND DEVELOPMENT - FIVE YEAR DELIVERY PLAN (2022 - 2027)**

(NOTE: Councillor H.A.L. Evans having earlier declared an interest in this item, re-declared that interest and left the meeting during its consideration)

The Cabinet considered the Housing Regeneration and Development Delivery Plan that set out the Authority's plans to support the delivery of over 2,000 additional homes across the County over the next five years. If adopted, the Plan would build on the success of the current affordable housing delivery plans, would support economic growth by investing over £300m into communities and directly support the actions in the Economic Recovery Plan, supporting business, people and places.

#### **UNANIMOUSLY RESOLVED TO RECOMMEND COUNCIL:-**

- 7.1 To confirm that the Housing Regeneration and Development Delivery Plan will support the delivery of over 2,000 homes for rent and sale in the County over the next five years, meeting housing need, stimulating economic recovery and growth and supporting the Council's Net Zero Carbon Principles;**
- 7.2 To agree that the authority acquire non-Council owned land and buildings identified in the Housing Regeneration and Development Delivery Plan, together with any other land and/or buildings that would add value to the Council's Housing and Regeneration priorities and aspirations be delegated to the Head of Regeneration in consultation with the Housing and Regeneration Strategic Team;**
- 7.3 To agree that the Plan would play a key role in increasing the supply of social rented homes in our communities, including homes suitable for:**
  - General needs households;**
  - Specialist supported accommodation for people with complex needs and;**
  - Easily adapted flexible accommodation for older people.**
- 7.4 To confirm that mixed tenure developments, consisting of homes for social rent, low-cost home ownership and open market sale will be supported through this delivery plan, creating balanced, strong resilient communities;**
- 7.5 To agree that the Plan would include providing new flexible, innovative, mixed tenure housing solutions that meet the needs of an aging population;**
- 7.6 To agree that the Plan would support the delivery of the**

**Council's strategic regeneration sites by providing more homes for rent and sale, including:**

- **Town Centre Regeneration;**
- **Rural towns and villages;**
- **Pentre Awel Life Science Village and;**
- **Tyisha.**

**7.7 To confirm that the homes supported through the plan would be delivered using a range of delivery vehicles that offer flexibility, scale and place;**

**7.8 To agree that the county-wide delivery of homes in the plan would follow the affordable housing action areas, building up wards in the County into distinctive areas which link geographically and culturally.**

## **7. LOCAL ENVIRONMENT QUALITY MANAGEMENT PLAN 2022 - 2026.**

The Cabinet considered a report on the Local Environment Quality (LEQ) Management Plan 2022-2026, including the action plan, detailing the direction of the Council's litter management within the County for the next four years. It demonstrated how litter management would be undertaken, thereby contributing to the Council's Corporate Strategy, with particular emphasis on Wellbeing Objective 10 – Healthy and Safe Environment; look after the environment now and in the future.

**UNANIMOUSLY RESOLVED that the Local Environment Quality Management Plan 2022-2026 for Carmarthenshire, including the LEQ Action Plan, be approved.**

## **8. DIGITAL SCHOOLS & DIGITAL TECHNOLOGY STRATEGIES 2022-2025**

The Cabinet considered the revised and updated Digital Schools Strategy and the Digital Technology Strategy 2022-2025. The strategies detailed the Council's strategic priorities to underpin the delivery of digital learning over the next 3 years, along with the direction of the digital technologies that would be adapted by the Council to underpin all digital services and achieve its vision of being a 'Digitally Enabled Carmarthenshire'.

**UNANIMOUSLY RESOLVED that the Digital Schools and Digital Technology Strategies 2022-2025 be approved.**

## **9. REVISED CARMARTHESHIRE LOCAL DEVELOPMENT PLAN NEXT STEPS AND REVISED DELIVERY AGREEMENT**

The Cabinet considered an update report on the progress of the Revised Local development Plan (LDP) and, notably, the impact of a series of factors, issues and guidance on the progress and/or future Plan content. In detailing those areas, the report proposed a series of next steps and sought endorsement of the recommendations to prepare a further Revised Deposit LDP to address and mitigate the implications arising from the identified issues and to ensure it was procedurally compliant and 'sound' thus enabling its adoption.

The Cabinet referred to Natural Resources Wales guidance on the environmental impact of phosphates in watercourses for the 9 riverine Special Areas of Conservation in Wales, and the significant issues that raised on the delivery of development and the progress of LDP's affected by the phosphate guidance and prevented the consultation and the Plan making any further development. The Cabinet welcomed the establishment of the Afon Tywi Nutrient Management Board to address the issue of phosphates and to prepare a Nutrient Management Plan.

Reference was also made to the Council's net zero carbon plan by 2030 and noted the Council had taken the lead in developing a draft carbon calculator to be used across Wales

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL:**

- 9.1 To provide delegated authority to officers to amend the Revised Delivery Agreement timetable and agree its content with the Welsh Government;**
  - 9.2 To consider the content of the report and endorse the need to prepare a consolidated second Deposit Revised LDP and associated documents;**
  - 9.3 To grant the Director of Environment in conjunction with the Cabinet Member for Planning delegated authority to establish the Afon Tywi Nutrient Management Board (NMB), develop its terms of reference and prepare a Nutrient Management Plan;**
  - 9.4 In conjunction with other key public bodies, to join the membership board for the Afon Teifi, Afon Cleddau and River Wye NMB's**
- 10. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

The Chair advised that there were no items of urgent business.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
DATE

## CABINET

Monday, 21 February 2022

**PRESENT:** Councillor E. Dole (Chair)

**Councillors:**

C.A. Davies, G. Davies, H.A.L. Evans, L.D. Evans, P.M. Hughes, P. Hughes-Griffiths, D.M. Jenkins and J. Tremlett

**Also in attendance:**

Councillors D.M. Cundy and J.S. Edmunds

**The following Officers were in attendance:**

W. Walters, Chief Executive

C. Moore, Director of Corporate Services

P.R. Thomas, Assistant Chief Executive (People Management & Performance)

G. Morgans, Director of Education & Children's Services

J. Morgan, Head of Homes & Safer Communities

L.R. Jones, Head of Administration and Law

A. Williams, Head of Waste and Environmental Services

N. Daniel, Head of ICT and Corporate Policy

D. Hockenull, Marketing and Media Manager

S. Rees, Simultaneous Translator

L. Jenkins, Cabinet Support Officer

K. Thomas, Democratic Services Officer

M. Withey, Member Support Officer

E. Bryer, Democratic Services Officer

**Virtual Meeting - 10.00 am - 11.18 am**

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

The Leader of the Council referred to the severe adverse weather experienced across Carmarthenshire recently with wind and heavy rainfall causing damage to homes, businesses and highways. He commented on the plans put in place by the Council, and partner agencies, in anticipation of the disruption and praised all council and agency staff for their efforts in responding to the situation. Numerous incidences of damage were reported including road closures, building damage and reductions in services. Leisure centres, libraries, museums, country parks, and theatres were closed, but the majority had reopened.

On behalf of the Cabinet, the Leader thanked officers and contractors who had worked around the clock to clear roads, restore power, and support the vulnerable members of the community.

## 2. DECLARATIONS OF PERSONAL INTEREST

Councillor / Officer	Minute Number	Nature of Interest
Cllr C.A Davies	6 – Five Year Capital Programme (Council Fund) - 2022/23 To 2026/27.	The Tywi Valley Cycle Path passes through their farm land.
Cllr H.A.L Evans	7 – Housing Revenue Account Budget 2022/23 to 2024/25 Revenue and Capital and Housing Rent Setting for 2022/23. 8 – Housing Revenue Account Business Plan 2022-25 - Carmarthenshire Housing Investment Programme.	Sister is the Chief Executive of a Housing Association.
Cllr. L.D Evans	10 - Model Teachers' Pay Policy 2021/22.	Daughter is a teacher.
Cllr. P. Hughes Griffiths	10 - Model Teachers' Pay Policy 2021/22.	Daughter is a teacher.
Noelwyn Daniel	10 - Model Teachers' Pay Policy 2021/22.	Sister-in-law is a teacher.

## 3. QUESTIONS ON NOTICE BY MEMBERS

The Chair advised that no questions on notice had been submitted by members.

## 4. PUBLIC QUESTIONS ON NOTICE

The Chair advised that no public questions had been received.

## 5. REVENUE BUDGET STRATEGY 2022/23 TO 2024/25

The Cabinet considered a report providing the latest proposals for the Revenue Budget Strategy for 2022/23 and the following two financial years.

The report summarised the latest budgetary position and provided an update on the budget validation, spending pressures, the Welsh Government final settlement and the responses received to the budget consultation.

The Cabinet Member for Resources outlined a number of factors influencing the budget, including the fact the final settlement from Welsh Government would not be received until the 1st March 2022. Whilst having regard to the late announcement of the final settlement, he advised that key components of the budget assumptions and allocations had been reviewed and had provided some increased headroom to enable the authority to revisit some of the original budget proposals.

The Cabinet Member for Resources advised that full details of the provisional settlement, included within the report, detailed that Local Government funding on

an all-Wales basis had increased by an average of 9.4% on the 2021/22 settlement, with Carmarthenshire's allocation being 9.2% (£311.597m).

Although that settlement had enabled the authority to allocate funding in its budget for a significant amount of inflationary and unavoidable pressures, it still required savings to be made.

The initial draft budget plans had included a contingency sum of £3.5m in respect of ongoing costs and lost commercial revenues. This sum was retained in the final budget and it was stressed that this remained the largest risk to the budgets going forward.

The Cabinet Member referred to the final settlement from Welsh Government, due to be announced on the 1st March 2022, and advised that the report sought authority for the Director of Corporate Services in liaison with the Leader, Chief Executive and the Cabinet Member for Resources to make any necessary adjustments to the Budget Strategy prior to County Council on the 2nd March 2022. It was noted that the Director of Corporate Services had however, made some adjustments to some of the other figures within the report, as part of the normal routine as clearer information had become available, with current total validation adding some £16.2m to the budget.

The Cabinet Member for resources advised that the budget maintained the pay assumption of 4% allowance for next year for both NJC as well as teaching staff, and this remained the most significant validation included within the assumptions. This was in line with general expectations and acknowledged that inflation was escalating well above 5%.

It was noted that changes to some of the key assumptions such as energy price increases, and the release of last years economic development capital contribution provided scope to make some changes with the following highlighted:

- An additional £50k to fund additional capacity in the public rights of way section,
- £190k additional funding for school meal costs following a recent notification of supplier price increases.

The Cabinet Member for Resources reminded the Cabinet that based on the provisional budget settlement, there was some scope to make changes to the strategy, and it had previously agreed to reduce the Council tax increase for 2022/23 to 2.50%, thereby providing a sum of £1,795k to respond to the budget consultation. He therefore proposed the following savings:-

- removal of the proposed £15k reduction to 3rd sector grants,
- removal of the £95k staffing reduction to ICT,
- halt the plans introducing charges to additional car parks.

The Cabinet Member advised that having proposed the above changes, sufficient funding was available to cap the council tax increase to 2.50% for 2022/23. Those proposals, if adopted, would present a fair and balanced budget to the Council.

**UNANIMOUSLY RESOLVED THAT IT BE RECOMMENDED TO COUNCIL:-**

**5.1 That the Budget Strategy for 2022/23, be approved;**

- 5.2 That the Band D Council Tax for 2022/23 be set at £1,396.04 (an increase of 2.50% for 2022/23);
- 5.3 The removal of specific savings proposals as identified in paragraph 3.2.5 of the report and detailed above;
- 5.4 That the budget amendments as summarised in paragraph 4.1.4 of the report taking into account the range of responses received during the consultation process and the additional pressures as identified in the report be approved;
- 5.5 That the provisional Medium Term Financial Plan be approved as a basis for future years financial planning;
- 5.6 That the Director of Corporate Services, in consultation with the Chief Executive, Leader and Cabinet Member for Resources, be delegated authority to make any amendment necessary as a consequence of the Welsh Government final settlement due on the 1<sup>st</sup> March 2022.

## 6. FIVE YEAR CAPITAL PROGRAMME (COUNCIL FUND) - 2022/23 TO 2026/27

[NOTE: Councillor C.A. Davies had earlier declared an interest in this item.]

The Cabinet considered a report which brought together the latest proposals for the Five-Year Capital Programme (Council Fund) 2022/23 to 2026/2027 taking into account the consultation exercise undertaken and the revenue implications arising from the capital programme.

The new programme would see £275m of investment over five years. The programme would be supported by funding from Welsh Government, the UK Government, and the council's own resources. The Cabinet Member for Resources advised that the programme included two new transformational projects. The first, a £19.6m hub at the heart of Carmarthen Town Centre and the second being a £19m investment to complete the Tywi Valley Path between Carmarthen and Llandeilo. As part of the project, £366k would be available to upgrade parking provision. £16m of additional funding would be made available for Zone 1 of the Pentre Awel development in Llanelli, bringing the total investment on the project to £87m.

Cabinet was advised that in addition to the above there was continued support for the following:

- £2.5m for Disability Facilities Grants
- £250k to improve Road Safety
- £600k for ongoing Highway Refurbishment
- £400k for Public Lighting
- £3m for Capital Maintenance for investment in property estate.

The creation of a new annual award of £250k starting in 2022/23 for highway drainage infrastructure would help make the highway network more resilient to future weather events and reduce flood risks. 2026/27 also saw the proposed continuation of the £66k annual allocation to Rights of Ways and Byways.

The Cabinet Member for Resources advised that further investments would be made across the programme:



- Education would see funds made available to complete the replacement bus bays at Ysgol Dyffryn Taf, and the introduction of a £500k annual award for general education works.
- Communities would be provided with a Disability Facilities Grants with an uplifted 2025/26 investment by £500k to £2.5m per annum, bringing the total investment over the 5 years to £10.5m. Within the leisure portfolio an uplift of £1m in funding was proposed for the upgrade of the 3G pitch at Amman Valley Leisure Centre bringing the total funding available for the project to £2m.
- In Environment, £150k across 2022/23 and 2023/24 to match fund flood management and flood mitigation works was planned. £4.7m for the replacement of refuse and recycling vehicles, together with an additional £1m from reserves as the Authority's match funding contribution to the Waste Strategy which would see the rollout of kerbside sorting for recycling collections.

Cabinet was advised that to mitigate for the lack of Welsh Government support specifically for investment in highways the programme included £2.4m of new money funded from the council's reserves. This would be in addition to the £600k in the annual rolling programme. The Cabinet Member for Resources confirmed that £1.3m of unhypothecated general capital funding that had been made available to the Authority late in the current financial year 2021-22 had also been earmarked for highway improvements. Taken together this was the biggest single investment of £4.3m in local highway infrastructure by the Council in recent years.

An estimated award of £1.34m funding from Welsh Government from 2023/24 onwards was anticipated to fund decarbonisation projects and therefore included in the programme. However, given that this funding would not be available until the second year of the programme it was proposed to provide £500k from council reserves in 2022/23 to kickstart decarbonisation measures across the built estate.

£2.7m allocated for Information Communication Technology (ICT) across the programme would be maintained, including annual funding of £200k to support digital transformational projects across council services.

As part of this year's settlement Welsh Government provided indicative general capital funding figures up to 2024/25. Funding for years four and five of the programme was based on an assumed level of support equivalent to that received in 2024/25 going forward. It was noted that Welsh Government funding for 2022/23 was £1.8m less than that received in 2021/22 which was unexpected. Given the significant investments in years 1 and 2 of the programme and the reduced capital settlement from Welsh Government it was proposed to make use of unsupported borrowing, short-term, to prevent what would otherwise be a shortfall in funding at the start of the programme. This would be repaid in years 3, 4 and 5 of the programme.

The Cabinet Member advised that Appendix A to the report detailed the full programme, which was fully funded for the five years.

Cabinet noted that Appendix C was the council's Capital Strategy document, which was required by the prudential code of capital finance. This document set out the long-term context in which capital expenditure and investment decisions

were made and gave due consideration to both risk and reward and the impact on achievement of priority outcomes.

#### **UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT:-**

- 6.1 The Five-Year Capital Programme and its funding detailed in Appendix A to the report with 2022/23 being a hard budget and 2023/24 to 2026/27 soft/indicative budgets be approved;**
- 6.2 The programme be reviewed, as usual, if anticipated external or County Council funding did not materialise;**
- 6.3 The Capital Strategy, as detailed in Appendix C be approved;**
- 6.4 The Director of Corporate Services, in consultation with the Chief Executive, Leader and Cabinet Member for Resources be delegated authority to make any adjustments necessary as a consequence of the Welsh Governments final settlement due on the 1<sup>st</sup> March 2022.**

#### **7. HOUSING REVENUE ACCOUNT BUDGET 2022/23 TO 2024/25 REVENUE AND CAPITAL AND HOUSING RENT SETTING FOR 2022/23**

[NOTE: Councillor H.A.L. Evans having earlier declared an interest in this item left the meeting during its consideration]

The Cabinet considered a report that brought together the latest proposals for the Revenue and Capital Budgets for the Housing Revenue Account 2022/23 to 2024/25. It was noted the report had been considered, and endorsed, by the Community Scrutiny Committee at its meeting held on the 31<sup>st</sup> January 2022 as part of the budget consultation process.

The report had been prepared reflecting the latest proposals contained in the Housing Revenue Account (HRA) Business Plan, being the primary financial planning tool for delivering the Carmarthenshire Homes Standard *Plus* (CHS+) for the future. It was noted the proposed investment within the current business plan had delivered the CHS by 2015 (to those homes where tenants had agreed to have the work undertaken) provided investment to maintain the CHS+ and continued investment for the Housing Regeneration and Development Delivery Plan.

The Cabinet Member for Resources advised that capital investment in the region of £231m had delivered the Carmarthenshire Home Standard for tenants and more recently, up to the end of this financial year a further £83m had been spent on maintaining the CHS+ home standard for properties and tenants. Over the next 3 years a further £64m was expected to be spent in maintaining and upgrading the housing stock.

The budget also provided funding of some £56m over the next 3 years to maintain the CHS+ and £56m to support the Affordable Homes Programme.

The Cabinet was reminded that since 2015 the Authority had been required to adopt the Welsh Government Policy for Social Housing Rent Harmonisation, meaning that the proposed rent increase was prescribed by Welsh Government guidance and provided an equitable distribution of the rents for the social sector tenants. While that policy ended in 2018/19, and an interim policy applied for

2019/20 the Welsh Government had subsequently developed a new policy for implementation in 2020/21 to apply for a period of 5 years from 2020/21 and contained some additional/amended requirements, as detailed within the report. The main elements of that policy allowed Local Authorities to uplift the total rent envelope by the Consumer Price Index (CPI) +1% for each of the five years to 2024/25. It also allowed for the level of rent for individual tenants to rise by up to an additional £2 over and above CPI +1% for rent harmonisation, on condition that total rental income collected by the social landlord increased by no more than CPI +1%.

The Cabinet was advised that setting the rent within the current Government policy, recognised the need to set the rent at an affordable level for tenants, delivering on the aspirations and trying to ensure the previous commitment to tenants of implementing the harmonisation policy and establishing a fairer rent level for all tenants was a fine balance to achieve.

In responding to all the priorities and balancing the business plan, the rent increase at an overall increase of 2.9%, would produce an average rent of £94.26 for tenants.

Included within the overall rent increase envelope it was proposed that the Authority continues with the rent progression set at a maximum of £1 for properties below target rent.

This would produce an increase on the average housing rent of £2.66 per week, which is below the Welsh Government maximum increase level and would produce a rent level which would be one of the lowest rent levels set across the eleven housing stock retaining Welsh Authorities.

#### **UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL:**

- 7.1 To increase the average housing rent as per the Welsh Government's Social Housing Rents Policy:-**
- a) Properties at target rents to increase by 2.74%**
  - b) Properties where rent was below target rent, rent to increase by 2.74% plus a maximum progression of £1.00**
  - c) Those rents above target rent be frozen until such time as they met the target**
  - d) This will produce an increase on the average housing rent of 2.9% or £2.66 per week**

**Thereby producing a sustainable Business Plan, maintain CHS+, resource our Housing Regeneration and Development Delivery Plan and was supported by the Housing and Regeneration Strategic Team.**

- 7.2 To implement a maximum progression of £1.00 for rents below target, until target rents were achieved;**
- 7.3 To maintain garage rents at £9.00 per week and garage bases at £2.25 per week;**
- 7.4 To apply the service charge policy to ensure tenants who received the benefit from specific services paid for those services;**
- 7.5 To increase charges for using the Council's sewerage**

- treatment works in line with the rent increases;
- 7.6 To approve the Housing Revenue Account Budget for 2022/23 (with 2023/24 and 2024/25 being soft budgets) as set out in Appendix A to the report;
- 7.7 To approve the proposed Capital Programme and applicable funding for 2022/23 and the indicative spends for 2023/24 to 2024/25, as set out in Appendix B to the report.

**8. HOUSING REVENUE ACCOUNT BUSINESS PLAN 2022-25 - CARMARTHENSHIRE HOUSING INVESTMENT PROGRAMME**

[NOTE: Councillor H.A.L. Evans having earlier declared an interest in this item left the meeting during its consideration]

The Cabinet considered the Housing Revenue Account Business Plan 2022-25 - Carmarthenshire Housing Investment Programme the purpose of which was to:

- Explain the vision and detail of the housing investment programme over the next three years, including housing stock improvement plans, the new build programme, plans to become net zero carbon and what this meant for tenants.
- To confirm the income received from tenants and other funding sources afforded a capital programme of £120m over the next three years to:
  - Improve and maintain the existing stock
  - Support the delivery of over 2,000 new homes in communities
  - Support the Councils Net Zero Carbon Principles, creating energy efficient homes, minimising carbon emissions and promoting affordable warmth for tenants
  - Help stimulate economic growth and recovery following the Covid 19 pandemic
  - Help build strong sustainable communities – places where people are proud to call home
- To confirm the financial profile, based on current assumptions, for the delivery of housing investment programme and Council new build over the next three years
- Produce a business plan for the annual application to Welsh Government for Major Repairs Allowance (MRA) grant for 2022/23, equating to £6.2m.

The Cabinet Member for Housing advised the report was divided into the following five key themes aimed at driving the business forward for the next three years:-

1. Theme 1 – Supporting Tenants and Residents;
2. Theme 2 – Investing in Homes and Surrounding Areas;
3. Theme 3 – Providing More Homes
4. Theme 4 – Decarbonisation of Housing Stock
5. Theme 5 – The Local Economy, Community Benefits & Procurement

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT:-**

- 8.1 The vision of the housing investment programmes over the next three years be confirmed;
- 8.2 The 2022/23 Business Plan be submitted to the Welsh Government;

- 8.3 The contribution the Plan makes to the Housing Regeneration and Development Delivery Plan in supporting the delivery of over 2000 homes be noted.**
- 8.4 The principles behind moving towards net carbon homes and developing a Decarbonisation and Affordable Warmth Strategy to support that be noted;**
- 8.5 The importance of the investment included in the plan and its role in stimulating the local economy and recovery from the Covid 19 pandemic be noted.**

## **9. TREASURY MANAGEMENT POLICY AND STRATEGY 2022-23**

The Cabinet was reminded that as part of the requirements of the revised CIPFA Code of Practice on Treasury Management, the Council had agreed to maintain a Treasury Management Policy detailing the policies and objectives of the Authority's treasury management activities and to also approve a Treasury Management Strategy annually before the start of the financial year to which it related. In addition, under the Local Government Act 2003, the Council was required to approve the Treasury Management Indicators for the coming year.

In accordance with the above requirements, the Cabinet considered the Council's Treasury Management Policy and Strategy for the 2022-23 financial year prior to its formal submission to the Council for final adoption.

### **UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT:-**

- 9.1 The Treasury Management Policy and Strategy for 2022-23 and the recommendations contained therein be approved.**
- 9.2 The Treasury Management Indicators, Prudential Indicators, Minimum Revenue Provision Statement, the Investment Strategy and recommendations therein be approved.**

## **10. MODEL TEACHERS' PAY POLICY 2021/22**

[NOTE: Councillors L.D. Evans and P. Hughes Griffiths having earlier declared an interest in this item left the meeting during its consideration. Noelwyn Daniel also declared an interest and left the meeting]

The Cabinet considered the Model Teachers' Pay Policy which had been updated to reflect September 2021 pay award as detailed in the School Teachers' Pay and Conditions (Wales) Document 2019.

The Cabinet was reminded that all schools were required to adopt a pay policy that set out the basis on which it determined Teachers' pay and the date by which it would determine the Teachers' annual pay review and also establish procedures for addressing Teachers' grievances in relation to their pay. This School Teachers Pay and Conditions (STPCD) document is updated each year which could lead to amendments in the Model Pay Policy offered to schools. The revised model Pay Policy had been updated to reflect September 2021 pay award as detailed in the School Teachers Pay and Conditions (Wales) Document 2021; and to clarify the position of the five-point Main Pay scale, and the relationship between performance and pay progression across all pay scales. The Policy also took into account of the impact of the extra bank holiday to celebrate the Queen's Platinum

Jubilee in 2022, on the 2021/22 academic year, which meant that Teachers must be available to work for 194 days / 1258.5 hours instead of the usual 195 days / 1265 hours of directed time.

**UNANIMOUSLY RESOLVED to endorse the Model Teacher's Pay Policy 2021/22 prior to circulation to Schools for formal adoption by their Governing Bodies.**

11. **ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

The Chair advised that there were no items of urgent business.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
DATE

## CABINET

Monday, 28 February 2022

**PRESENT:** Councillor E. Dole (Chair);

**Councillors:**

C.A. Davies, G. Davies, H.A.L. Evans, L.D. Evans, P.M. Hughes, P. Hughes-Griffiths, D.M. Jenkins and J. Tremlett;

**Also in attendance:**

Councillor D.M. Cundy and J.S. Edmunds;

**The following Officers were in attendance:**

W. Walters, Chief Executive;  
 C. Moore, Director of Corporate Services;  
 J. Morgan, Director of Community Services;  
 G. Morgans, Director of Education & Children's Services;  
 N. Daniel, Head of ICT and Corporate Policy;  
 S. Davies, Head of Access to Education;  
 R. Griffiths, Head of Place and Sustainability;  
 L.R. Jones, Head of Administration and Law;  
 J. Morgan, Head of Homes & Safer Communities;  
 P.R. Thomas, Assistant Chief Executive (People Management & Performance);  
 A. Williams, Head of Waste and Environmental Services;  
 H. Morgan, Economic Development Manager;  
 S. Burford, Project Manager;  
 D. Hockenhull, Marketing and Media; Manager;  
 L. Morris, Senior Press Officer;  
 E. Jones, Licensing Lead;  
 S. Rees, Simultaneous Translator;  
 M. Evans Thomas, Principal Democratic Services Officer;  
 J. Corner, Technical Officer;  
 L. Jenkins, Cabinet Support Officer;  
 E. Bryer, Democratic Services Officer;  
 M.S. Davies, Democratic Services Officer.

**Virtual Meeting: 10.00 am - 11.35 am**

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF PERSONAL INTEREST**

Councillor	Minute Number	Nature of Interest
C.A. Davies	11 – Carmarthenshire Economic Recovery and Delivery Plan Progress Update	Cycle path runs through the farm that is run with her husband;
Officer	Minute Number	Nature of Interest
W. Walters - Chief Executive	13 - Review of Election Fees payable at the County Council and Town/Community Council Elections;	Returning Officer;

C. Moore - Director of Corporate Services	13 - Review of Election Fees payable at the County Council and Town/Community Council Elections;	May be employed by the Returning Officer to support the elections;
N. Daniel - Head of ICT	13 - Review of Election Fees payable at the County Council and Town/Community Council Elections;	Deputy Returning Officer.

**3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE CABINET HELD ON THE 14TH FEBRUARY 2022.**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting of the Cabinet held on the 14<sup>th</sup> February, 2022 be signed as a correct record.

**4. QUESTIONS ON NOTICE BY MEMBERS**

The Chair advised that no questions on notice had been submitted by members.

**5. PUBLIC QUESTIONS ON NOTICE**

The Chair advised that no public questions had been received.

**6. CARMARTHENSHIRE COUNTY COUNCIL ENVIRONMENT ACT FORWARD PLAN 2020 - 2023**

In accordance with the Environment (Wales) Act 2016 the Cabinet considered the proposed Carmarthenshire County Council Environment Act Forward Plan 2020 – 2023. It was a statutory requirement that every three years the Council prepared and reported on the delivery of its Environment Act duty to maintain and enhance biodiversity and promote ecosystem resilience. The Bio-diversity Team was thanked for its work.

**UNANIMOUSLY RESOLVED**

**6.1 to endorse the Carmarthenshire County Council Environment Act Forward Plan 2020 – 2023;**

**6.2 to endorse the actions set out in the Forward Plan and commit to their delivery across the relevant CCC services.**

**7. REVIEW OF GAMBLING POLICY**

The Cabinet considered a proposed revised Gambling Policy document which reflected the results of the consultation and review process and complied with relevant legislation and guidance. The Council's Licensing Committee had considered the report and unanimously resolved to recommend to Cabinet its approval.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL to approve the amended Gambling Policy.**

**8. MODERNISING EDUCATION PROGRAMME PROPOSAL TO CHANGE THE NATURE OF PROVISION AT YSGOL Y FELIN**

Further to minute 9 of the Cabinet meeting held on the 6<sup>th</sup> December 2021 consideration was given to an Objection Report which summarised the objections received, and the Local Authority's responses thereto, to the Statutory Notice to



change the nature of Foundation Phase provision at Ysgol Y Felin to Welsh medium education from 1st September 2022.

Being satisfied that there were no other related proposals; that the statutory proposal had been consulted upon and published in accordance with the School Organisation Code and contained all the relevant information and, having considered the consultation document and consultation report, the objections and any responses to the notice in the objection report, it was

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL the implementation of the proposal to change the nature of Foundation Phase provision at Ysgol Y Felin to Welsh medium education from 1st September 2022 as laid out in the Statutory Notice.**

**9. MODERNISING EDUCATION PROGRAMME PROPOSAL TO CHANGE THE AGE RANGE OF YSGOL SWISS VALLEY FROM 4-11 TO 3-11**

Further to minute 8 of the Cabinet meeting held on the 6<sup>th</sup> December 2021 it was reported that no objections had been received to the Statutory Notice to change the age range of Swiss Valley Primary School from 4-11 to 3-11.

Being satisfied that there were no other related proposals; that the statutory proposal had been consulted upon and published in accordance with the School Organisation Code and contained all the relevant information and having considered the consultation document and consultation report, and that no objections had been received in response to the Statutory Notice, it was

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL the implementation of the proposal to change the age range of Swiss Valley Primary School from 4-11 to 3-11 from 1st September 2022 as laid out in the Statutory Notice.**

**10. MODERNISING EDUCATION PROGRAMME PROPOSAL TO RECONFIGURE AND REMODEL BEHAVIOUR SUPPORT SERVICES AT YSGOL RHYDYGORS TO IMPROVE PROVISION FOR CHILDREN AND YOUNG PEOPLE**

Further to minute 10 of the Cabinet meeting held on the 6<sup>th</sup> December 2021 it was reported that no objections had been received to the Statutory Notice to reconfigure and remodel Behaviour Support Services at Ysgol Rhydygors to improve provision for children and Young People.

Being satisfied that there were no other related proposals; that the statutory proposal had been consulted upon and published in accordance with the School Organisation Code and contained all the relevant information and having considered the consultation document and consultation report, and that no objections had been received in response to the Statutory Notice, it was

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL the implementation of the proposal to reconfigure and remodel Behaviour Support Services at Ysgol Rhydygors to improve provision for children and Young People.**

**11. CARMARTHENSHIRE ECONOMIC RECOVERY AND DELIVERY PLAN  
PROGRESS UPDATE**

[NOTE: Councillor C. A. Davies reiterated her earlier declaration of interest.]

In accordance with Minute 8 of the Executive Board [now Cabinet] meeting held on the 21<sup>st</sup> June 2021 the Cabinet considered a report, and received a presentation, detailing progress in relation to meeting the key outcomes of the Carmarthenshire Economic Recovery and Delivery Plan.

It was noted that current indicators suggested that the economic outlook for Carmarthenshire was not as stark as had been previously envisaged when the Economic Recovery Plan was being developed. There was confidence, however, supported by activity to date and proposed, that the overall ambitious outcomes of the Plan were achievable. All opportunities to draw down additional external, including UK and Welsh Government, funding would be explored to add value to activity already planned or being undertaken to ensure that economic growth opportunities were maximised.

**UNANIMOUSLY RESOLVED to note the report.**

**12. REDEVELOPMENT OF FORMER PROVISIONS MARKET LLANDEILO (THE  
OLD MARKET HALL)**

The Cabinet considered a report detailing proposed revised car parking provision associated with the redevelopment of the former provisions market, Llandeilo (the old market hall), as it had not been possible to acquire adjoining land, and the escalation of the project' costs due to unforeseen circumstances. A request had been submitted to Welsh Government for an additional £300k grant funding towards the project. Verbal approval for this increase in grant had been provided and written confirmation was awaited which would see the Building for the Future's contribution increasing to £1,700,000 from £1,400,000. The Council's contribution as per the current Capital programme allocation remained at £2,462,600 to support a total estimated project cost of £4,162,600

It was anticipated that the scheme would be completed and available for occupation by November 2022.

**UNANIMOUSLY RESOLVED**

**12.1 to note that the purchase of the land for the car park will no longer be taking place due it not having been possible to agree terms with the landowner;**

**12.2 to note that an additional £300,000 has been requested and verbally agreed by Welsh Government's Building for the Future programme for the scheme.**

**13. REVIEW OF ELECTION FEES PAYABLE AT THE COUNTY COUNCIL AND  
TOWN/COMMUNITY COUNCIL ELECTIONS**

(NOTE: Wendy Walters and Noelwyn Daniel, having earlier declared interests in this item re-declared those interests and left the meeting during its consideration. Chris Moore reiterated his earlier declaration of interest but remained in the meeting.)

The Cabinet considered a report on the fees payable to the Returning Officer in respect of the forthcoming local elections.

#### **UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL**

**13.1 that the fees payable to the Returning Officer, which is inclusive of payments to those undertaking the role of Deputy Returning Officers and other key personnel involved in the planning and oversight of the County Council and Town / Community Councils, be as follows:**

- a) £170.00 per contested election;**
- b) £56.61 per uncontested election;**

**13.2. that the Chief Executive, as the Council's Returning Officer, be authorised to:**

- a) make arrangements for the employment of persons to assist with the Local Elections;**
- b) determine the level of fees and payments to those employed on Election duties, subject to the total amount payable being within the available resources set to cover the cost of these elections;**

**13.3 to note that there will be full cost recovery for any costs incurred for Town/Community Council elections.**

#### **14. PENTRE AWEL**

The Cabinet considered a report which provided an update statement on Pentre Awel including the procurement of a contractor for Zone 1. The report detailed

- progress of the design of Zone 1 and the maximum cost of the construction;
- progress on securing tenants for Zone 1;
- progress in design development Zone 3;
- associated progress including Schools networking and Third Sector policy.

#### **UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL**

**14.1 that the report of the process undertaken to progress the first phase of the two-stage design and build contract to deliver Pentre Awel Zone 1 be noted;**

**14.2 to receive the maximum cost (£87.07m) for the construction provided by Bouygues UK and to delegate authority to the Director of Corporate Services and the Chief Executive to agree the final cost envelope and confirm affordability in consultation with the Leader of Council and Cabinet Member for Resources;**

**14.3 to note the progress in securing tenancy agreements and to delegate authority to the Director of Corporate Services to agree to progress to construction on achieving suitable assurance of rental income and to note that the delivery of Innovation and Business Development and therefore the shell and core space being developed is in advance of final plans and therefore at risk;**

**14.4 to approve the policy setting out the principles to be adopted for inclusion of Third Sector organisations within Pentre Awel;**

**14.5 to note the progress across other zones and associated discussions and impact beyond the immediate project boundaries.**

- 15. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972**

The Chair advised that there were no items of urgent business.

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**CHAIR**

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**DATE**