

# Agenda



## Democratic Services Committee

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Date: Thursday, 24 November 2016

Time: 9.30 am

Venue: Committee Room 1 - Civic Centre

To: Councillors C Ferris (Chair), T Bond, M Evans, C Evans, M Linton, D Mayer, A Morris, J Mudd, K Thomas and T Watkins

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Item	Wards Affected
1	<u>Welsh Agenda</u> (Pages 3 - 4)
2	<u>Apologies for Absence</u>
3	<u>Declarations of Interest</u>
4	<u>Minutes of the Previous Meeting</u> (Pages 5 - 8) Minutes of the meeting of 21 July 2016
5	<u>Independent Remuneration Panel Draft Report</u> (Pages 9 - 100)
6	<u>Date of Next Meeting</u> 16 February 2017 at 9.30am

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# Agenda



## Pwyllgor Gwasanaethau Democrataidd

Dyddiad: 24 Tachwedd 2016

Amser: 9.30 y.b.

Lleoliad: Ystafell Bwyllgor 1 - Y Ganolfan Ddinesig

At: Cyngorwyr : C Ferris (Cadeirydd), T Bond, C Evans, M Evans, M Linton, D Mayer, A Morris, J Mudd, K Thomas & T Watkins

Eitem	Wardiau Dan Sylw
1 <u>Ymddiheuriadau</u>	
2 <u>Datganiadau Diddordeb</u>	
3 <u>Cofnodion</u>	Pob Ward
4 <u>Adroddiad Drafft Panel Cydnabyddiaeth Ariannol Annibynnol</u>	Pob Ward
5 <u>Dyddiad y Cyfarfod Nesaf</u>	Pob Ward

Cysylltwch â: Joy Howells, Swyddog Gwasanaethau Democrataidd

E-bost: [Joy.howells@newport.gov.uk](mailto:Joy.howells@newport.gov.uk)  
Dyddiad Cyhoeddi: 13/07/16

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# Minutes



## Democratic Services Committee

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Date: 21 July 2016

Time: 9.30 am

Present: Councillor C Ferris (Chair), Councillors C Evans, M Evans, D Mayer, K Thomas and T Watkins

In Attendance: G Price (Head of Law & Regulation), R Jefferies (Head of Democratic Services) and J Howells (Democratic Services Support Officer)

Apologies: Councillors T Bond & J Mudd and W Godfrey

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1 **Welsh Agenda/Cym**

2 **Apologies for Absence**

Noted above.

3 **Declarations of Interest**

None.

4 **Minutes of the Previous Meeting**

The minutes of the meeting held on 18 February 2016 were confirmed as a true record.

The Head of Democratic Services confirmed that all agreed actions had been carried out.

5 **Annual Report by the Head of Democratic Services**

One of the duties of the Democratic Services Committee is to consider whether the Head of Democratic Services has sufficient staff and resources to discharge the statutory functions of democratic services.

The Head of Democratic Services outlined the contents of his annual report and the resources and staff available to him. He concluded that in addition to all statutory obligations continuing to be met staff were also carrying out work outside of these obligations. Acknowledging the financial challenges currently faced by the council he agreed that the provision by the authority of staff, accommodation and other resources by the council is adequate to discharge democratic services functions as they currently exist. However he did point out that whilst statutory requirements were being met the department could not afford to lose more staff and pointed out potential pressures which could arise from:

- Any changes in the demands and needs of elected members and external factors
- Any changes in statutory requirements or local decisions in relation to scrutiny (such as recent changes in relation to Scrutiny of PSB's)
- Increased day-to-day demands

- Changes in legislative requirements
- The 2017 Local Government elections
- Any future requirements for remote access
- Any demand for meetings at other locations
- Member development
- Any increase in requirements relating to broadcasting

He added that should there be any changes in statutory requirements, or the needs of members, this would need to be kept under review and would be the subject of a report to this committee

The report prompted a discussion as there appeared to be no forward planning to fill vacancies before staff left the Authority. The Head of Law & Regulation revealed that the Authority's Human Resources policy did not allow for succession planning. He did confirm that the imminent loss of staff had been identified as a major risk in the work programme for Democratic Services. The Committee made reference to the recent decision by the Cabinet Member for Finance & Resources on the creation of an apprenticeship scheme for 2016/17. The Head of Law & Regulation did however believe that a 12 month apprenticeship could only work in certain areas and would not lend itself to this particular department.

A discussion ensued highlighting the following:

- The lack of cover during staff holidays or sickness
- Insufficient scrutiny personnel should more than one major issue arise at the same time.

The Head of Law & Regulation confirmed that employing an extra body for holiday cover or sickness could not be justified unless statutory requirements were not being met. He did however acknowledge that scrutiny would find it difficult to handle more than one major issue if it was of the same scale as the recent gypsy and traveller review.

In conclusion the Committee agreed with the Head of Democratic Services that the individuals working in this area clearly provide value for money and each works hard to ensure that elected members' needs are met. Currently the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist.

### **Agreed**

- I. To accept and endorse the Annual Report by the Head of Democratic Services
- II. To ask the relevant Cabinet Member to review HR policies with a view to encouraging succession planning within the authority

## **6 Annual Report of the Democratic Services Committee**

The Local Government Measure requires each local authority to establish a Democratic Services Committee. The Committee is required to provide an annual report to Council.

This report proposes the content of the Democratic Services Committee's annual report for 2015-2016 setting out the work of the committee over the past year.

At its inception the City Council agreed to widen the role of the Democratic Services Committee to include the consideration of any proposed amendments to the council's constitution for recommendation to the executive where appropriate and to the Council.

It is the responsibility of the Committee to review the provision of staff, accommodation and other resources made available to the Head of Democratic Services to ensure these are adequate for the responsibilities of the post.

In the past year the committee had undertaken a range of activities, including:

- The Independent Remuneration Panel Report 2016-17
- Draft Local Government Bill
- Induction for New Members in 2017
- Review of the Constitution

The Head of Democratic Services acknowledged the non-party political stance taken by members of the committee which had encouraged interesting discussions on the topics presented to it. He also mentioned that Members' skills in reviewing the issues presented to them have been enhanced through experience and will continue in the coming year through further experience and, hopefully, development opportunities.

### **Agreed**

To agree the content of the Committee's annual report for submission to the Council as required by the Local Government Measure. The report would also be available on-line for the public to view.

## **7 Scheme of Delegation**

At its previous meetings, the Committee has been informed that the Corporate Assessment contains a proposed action that states: "Reviewing and updating the Council's constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence"

With this in mind the Committee agreed to review various aspects of the Constitution, one of which would be the Scheme of Delegation.

The Scheme of Delegation aims at making it clear where the distinction lies between the decision making responsibilities of elected members and Chief Officers within the Council.

In May 2016, the new Leader of the Council determined that she would implement some changes to the portfolios of the Cabinet.

The Scheme of delegation to officers has been amended incrementally in the past to take account of changes to the officer team and to any new responsibilities that have fallen to the Council owing to changes in legislation, policies or other factors.

The review of the Constitution overseen by the Democratic Service Committee includes a more holistic review of the scheme. This work is well underway and discussions have been held with all Chief Officers as to how the scheme should now look. However, a complication has arisen that will not allow this work to be completed as early as hoped in that the Council is going to be asked in the early autumn to consider a review of the Chief Officer structure.

Whilst most of the work has now been done, it seems appropriate to wait for the review of the structure to be completed and agreed by the Council before the new Scheme of delegation is finalised. The existing scheme is available on the Council's website.

In answer to queries raised it was confirmed that any reviews of the structure would need to go before full Council and Council could either approve or ask that the new suggested structure be looked at further.

**Agreed**

The Committee noted the progress of the updating of the Scheme of Delegation and agreed that an amended version be brought back to the Committee following any structural review.

**8 Date of Next Meeting**

24 November 2016 at 9.30am



# Report

## Democratic Services Committee

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### Part 1

Date: 24 November 2016

Item No: 5

**Subject** Independent Remuneration Panel Draft Report

**Purpose** To consider making comments on the proposals within the IRP report

**Author** Chief Democratic Services Officer

**Ward** No Wards / All members affected

**Summary** Members of the Democratic Services Committee will be aware that the Independent Remuneration Panel for Wales (IRPW) is the body tasked with setting the remuneration levels for Councils in Wales. Each year, they publish a Draft Annual Report which is circulated for comment

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 ("the Measure"), the Panel's draft Annual Report, including proposals which would have effect for the municipal year 2017-2018 has now been published on its website.

Consultation ends on 28 November 2016. The final IRPW report will be published in February 2017.

The full IRPW Draft Annual Report may be viewed at  
<http://gov.wales/docs/ds/jlg/publications/161003-irp-draft-report-en.pdf>

In summary the Remuneration panel proposes the following changes:

- **Basic Salaries** – a 'very modest increase of 0.75% to the basic salary' for councillors. This is the first increase for 3 years and 'follows the slight easing of restraint in the pay of public sector employees'. It represents a £100 increase in the Basic salary for councillors (to £13,400)
- **Senior Salaries** – No increase is proposed for senior salaries
- **Sickness Absence for Senior Salary Holders** – this is proposed in response to feedback from members and authorities. The approach will operate in a similar way to the current 'family absence' provisions. This proposal was broadly welcomed by WLGA members during the meeting. Our Committee's view was that the current arrangements relating to dispensation for absence beyond 6 months worked adequately without such provision.
- **Care Allowances** – The IRP has been concerned for a number of years about the low take up of this allowance.

The IRP is proposing to rename 'Care Allowances' as 'Reimbursement of costs of care' to try to separate it from being perceived as part of an individual councillors' salary or allowances.

The IRP also proposes changing the way such payments are published by allowing councils to either:

- Publish the details of the amounts reimbursed to named members; or
- The total amount reimbursed by the authority during the year but not attributed to any named member.

The Panel is asking for the Committee's responses to the proposals. The final report will be presented in due course and will be presented to Council as a determinant of the allowances to be paid.

As to timing, given the elections next May, the IRP's determinations (once finalised) will come into force as follows:

- Basic salary holders - 5 May 2017, (subject to the member having signed the declaration of acceptance of office)
- Senior salary holders - following the first annual meeting of the new council. This means that the senior salary will be paid immediately that members are appointed to the position by Council and not backdated.

A table is set out below to assist discussions on a potential response

**Proposal**    **To consider a proposed response**

**Action by**    Head of Democratic Services

**Timetable**    In line with the deadline

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Head of Finance
- Head of People & Business Change

## Background

The report deals a set of potential determinations as follows. The column headed "Comments for discussion" is included to aid the Committees consideration of the proposals only.

Number	Proposed determination	Comments for discussion
Determination 1	Basic Salary in 2017/18 for elected members of principal councils shall be £13,400.	This is a rise of £100. The Committee has normally not commented on amounts allocated with the view this is a matter for the Panel. However Committee members may wish to comment on the principle of the proposed increase or members could determine to make no comment.
Determination 2	The Panel has determined that senior salary levels in 2017/18 for members of principal councils shall be as set out in the table immediately below	<p>The Authority remains concerned at the two levels of payments for Cabinet Members and Committee Chairs created in February 2016 as expressed in response to the consultation on the IRP report last year.</p> <p>In general, as Senior Salaries include the Basic Salary element, they have all raised by £100 in line with determination 1. There has been no further change to Senior Salaries.</p> <p>Suggest no further comment needed</p>

In general terms the changes are as follows

	2016-2017	2017-2018	Comments
Basic Salary	£13,300	£13,400	Increase by £100 per annum or 0.75%
No of eligible Senior salaries for Newport	18		No change
Leader ( In Newport)	£48,000	£48,100	No change other than the increase in basic salary
Deputy Leader ( In Newport)	£33,300	£33,400	No change other than the increase in basic salary
Cabinet members in Newport	4 at £29,000 Remainder at £26,100	£29,100 or £26,200 to be determined by Council	No change other than the increase in basic salary  Currently all Cabinet members receive the full allowance of £29,000.
Committee Chairs	Level 1 Chairs £22,000 or  Level 2 Chairs: £20,000	Level 1 Chairs £22,100 or Level 2 Chairs: £20,100 To be determined by Council	No change other than the increase in basic salary  Currently all Chairs receive the Level 1 payment
Leader of the Opposition	£22,000	£22,100	No change other than the increase in basic salary

Determination 3	The Panel has determined that (where paid) Civic Salaries at the following levels are payable (Table 3 of the IRPW Report) and will be applied by principal Councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.	<p>The Council maintains discretion on whether and what amount to pay the Mayor and Deputy. The Committee has previously recommended and Council has in the past determined to pay the Mayor and Deputy at level 2 of the IRP's table of responsibility levels. The Committee may wish to recommend to Council that the position remains unchanged.</p> <p>As Civic Salaries include the Basic Salary element, they have all been raised by £100 in line with determination 1.</p> <p>There has been no further change to Civic Salaries. The Committee may wish to make no comment to the Panel but a recommendation to the Council.</p>
Determination 4	The Panel has determined that, where appointed and if remunerated, a Presiding Member must be paid a Band 3 Level 1 Senior Salary. This post will count towards the cap.	This does not apply in Newport – No comment is suggested
Determination 5	The Panel has determined that the post of deputy presiding member will not be remunerated.	This does not apply in Newport – No comment is suggested
Determination 6	The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.	<p>This operates within Newport and members of the Committee are provided with an annual report by the Head of Democratic Services.</p> <p>This effectively represents no change and members may wish to agree with this determination</p>
Determination 7	<p>The Panel has determined that such support should be without cost to the individual member.</p> <p>Deductions must not be made from members' salaries by the respective authority as a contribution toward the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.</p>	<p>This operates within Newport</p> <p>This effectively represents no change and members may wish to agree with this determination</p>
Determination 8	The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.	<p>Further clarification should be sought from the IRPW regarding this determination.</p> <p>On the face of it, it provides an opportunity for the Council to apply to provide a salary to be applied to a post it considers worthy of a senior salary.</p>

		However, it seems to imply that subject to IRPW approval, Authority's would be allowed to exceed their Senior Salary Cap of 18 but would not be able to exceed 50% of the membership. The basic idea seems worthy of support, subject to clarification
Determinations 9, 10, 11, 12, 13, 14 , 15 and 16	These proposed determinations relate to payments to Chairs and Deputy Chairs of Joint Overview and Scrutiny Committees; Sub Committees and Task and Finish Groups of Joint Committees. No changes are proposed from existing arrangements	This represents no change – members may wish to agree these determinations
Determination 17	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.	This represents no change – members may wish to agree this determination
Determinations 18, 19, 20, 21 22 and 23	These proposed determinations relate to arrangements for payments relating to family absence	The Committee debated and made its view known on the whole issue of family absence last year. The view was that the existing 6-month rule is adequate. That said, the proposals in the draft report represent no change from the current position and members may wish to make no further comment other than to note
Determinations 24 to 37	Determinations 24 to 30 relate to the National Parks Authorities and Determinations 31 to 37 relate to the Fire and Rescue Service	No comments are offered on these proposals as they do not relate to the Council
Determination 38	Principal Councils, NPAs and FRAs must pay the following fees to Co-opted Members (who have voting rights) <ul style="list-style-type: none"> <li>• Chairs of Standards and Audit Committees £256 (4 hours and over) : £128 (up to 4 hours)</li> <li>• Ordinary members of Standards Committee who also Chair Standards Committees for Community/Town Councils £226 daily fee (4 hours and over) : £113 (up to 4 hours)</li> <li>• Ordinary members of Standards Committees; Education Scrutiny Committee, Crime and Disorder Scrutiny Committee and Audit Committee £198 (4 hours and over) : £99 (up to 4 hours)</li> </ul>	No change is proposed. Members may wish to agree these proposals
Determination 39	Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.	Effectively this means no change to existing arrangements is proposed. Members may wish to agree these proposals

Determination 40	Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).	Effectively this means no change to existing arrangements is proposed. Members may wish to agree these proposals
Determination 41	The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.	The Council has determined the Monitoring Officer as the appropriate officer. Effectively this means no change to existing arrangements is proposed. Members may wish to agree these proposals
Determination 42	Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.	No Change is proposed. Members may wish to agree these proposals
Determination 43	All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.	<p>The IRP is proposing to rename 'Care Allowances' as 'Reimbursement of costs of care' to try to separate it from being perceived as part of an individual councillors' salary or allowances.</p> <p>The IRP also proposes changing the way such payments are published by allowing councils to either:</p> <ul style="list-style-type: none"> <li>• Publish the details of the amounts reimbursed to named members; or</li> <li>• The total amount reimbursed by the authority during the year but not attributed to any named member.</li> </ul> <p>The Committee may wish to welcome these proposals and perhaps support the view that the Council should publish the total amount reimbursed by the authority during the year but not attributed to any named member.</p>
Determinations 44 - 51	Determinations 44 - 51 relate to Community / Town Councils.	No comments offered

## Financial Summary

There is no financial cost to making a response. The IRPW determination to increase Basic Salary by £100 per Councillor will add £5,000 per annum. This will need to be accommodated within existing budget resources.

## Risks

Should the Council not provide a response to the draft report, clearly the ability to comment and influence the final decisions will be lost. The opportunity to ask for clarity or guidance will also be lost.

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

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

## **Options Available**

1. To respond based on the suggested response set out in the report
2. To amend the suggested response after consideration of the report
3. Not to respond after consideration of the report.

## **Preferred Option and Why**

1. Members would wish to consider the proposals set out in this report and may wish to amend the proposed response.
2. Members may conclude not to respond

The preferred option is option 1 as should we make no response the ability to comment and influence the final decisions will be lost. The opportunity to ask for clarity or guidance will also be lost.

## **Comments of Chief Financial Officer**

There is no financial cost to making a response but the proposals in the report would clearly impact on the budget for salaries paid to the elected members, depending on decisions taken by the Council

## **Comments of Monitoring Officer**

There are no specific legal issues arising from the Report. The IRP has statutory power under Section 147 of the Local Government (Wales) Measure 2011 to set Members Allowances. They have invited comments on their draft proposals for 17/18, with the revised basic salaries taking effect on 5<sup>th</sup> May (subject to Members signing their declarations of acceptance of office) and the senior salaries being payable from the date of appointment at the AGM. Democratic Services Committee (DSC) have previously expressed the opinion that it would not be appropriate to comment on the amounts of basic and senior salaries being proposed by the IRP and have taken the view that all salaries should be prescribed by the IRP and not left to the discretion of individual councils. However, the existing scheme does give an element of local discretion and these draft proposals would extend that principle even further.

Comments are invited on the recommendation to increase the basic salary by £100 to reflect the fact that salary levels have not kept pace with average earnings. However, the IRP recognises that the allowances have to be "affordable" in accordance with the Measure.

Despite the concerns expressed by DSC and the fact that no Welsh Councils pay differential salary levels to Cabinet Members, the IRP proposes to continue with two-tier level of payment, according to responsibility. However, all Cabinet Members in Newport continue to be paid at level 1.

They also propose to continue with the two-tier system of salaries for Chairs of Committee. The Council would, again, have a discretion as to whether to pay these senior salaries to Committee Chairs and, if so, at what level.

The only two additional provisions relate to sickness absence and care costs. The proposal for senior salaries to be paid for up to 26 weeks in the event of extended sickness absence, and for an additional allowance to be paid to any substitute during this period, is equivalent to the existing family absence provision. In practice, the 6 months disqualification rule and internal cover arrangements may well render this unnecessary. Currently, care allowances are paid as part of the member's salary and the payment is identified in the annual statement of allowances. The IRP feel that this publicity may have

discouraged eligible councillors from claiming the payment and, therefore, are recommending that it should be paid as a separate reimbursement of care costs rather than as part of a member's salary. They are seeking comments on whether the rules on publication should be relaxed to anonymise these payments and not identify the individual members concerned. DSC may wish to endorse this approach if the intention is to encourage more members to claim their entitlement, without their personal circumstances being made public.

### **Staffing Implications: Comments of Head of People and Business Change**

The response appears reasonable as the Committee has consistently resisted comments on their own pay levels. The Committee has already responded to the differing levels of payments and the potential inconsistencies. The report has no specific issues in relation to HR issues or to equalities issues as the appointment to posts attracting senior salaries is a political decision by the Council. There are no specific issues in the response in relation to the Wellbeing of Future Generations Act, although those appointed to Cabinet posts in particular will need to consider the principles of the Act as part of the decision making process.

### **Comments of Cabinet Member**

No cabinet member is responsible for payments to elected members

### **Local issues**

There are no local issues arising from the report as it affects all members of the Council.

### **Scrutiny Committees**

The consideration of the proposals in this report fall to the Democratic Services Committee

### **Equalities Impact Assessment**

No Equalities Impact Assessment was undertaken as the report is suggesting a response to proposed determinations that would affect elected members only

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

No part of this report impacts directly on Children and young people.

### **Consultation**

Please use this section to include any comments received from wider consultation – including consultation with all elected members- this section, together with any responses:

### **Background Papers**

Draft Independent Remuneration report

Dated: 16 November 2016





Leaders and Chief Executives of County and County Borough Councils  
Chairs and Chief Executives of National Park Authorities  
Chairs and Clerks of Fire and Rescue Authorities  
Chair and Chief Executive of One Voice Wales  
Leader and Chief Executive of Welsh Local Government Association  
Head of Democratic/Members Services of County and County  
Borough Councils, National Park Authorities and Fire and Rescue Authorities  
Community & Town Councils

3 October 2016

Dear Colleague

### **DRAFT ANNUAL REPORT FOR 2017/18**

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011, I am writing to inform you that the Panel's draft Annual Report setting out the determinations which would have effect for the municipal year 2017/18, has now been published on its website. A copy has also been sent to the Minister for Finance and Local Government.

An electronic copy of the draft Annual Report will be available from 3 October 2016 for a period of consultation and any representations or comments that you may wish to make about this report should be received no later than 28 November 2016. Representations or comments received after this date may not be considered.

This year the Panel has made a very modest increase of 0.75% to the basic salary for elected members with consequential increases for National Park Authorities and Fire and Rescue Authorities. This increase is the first for 3 years and follows the slight easing of restraint in the pay of public sector employees.

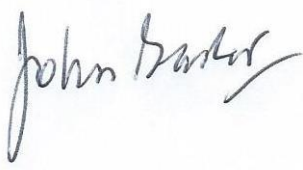
The Panel is also proposing to introduce arrangements to recognise the implications of long term sickness of senior salary holders and has made changes to provide more flexibility for authorities without undermining the principle of prescribing payments which still has continuing support.

Please send your representations and any comments no later than 28 November to:

Post: IRP Secretariat  
Welsh Government  
First Floor, North Wing, M05  
Cathays Park  
Cardiff. CF10 3NQ

Email: [IRPMailbox@wales.gsi.gov.uk](mailto:IRPMailbox@wales.gsi.gov.uk)

Yours faithfully

A handwritten signature in black ink, appearing to read 'John Bader', is centered within a light gray rectangular box.

John Bader  
Chairman  
Independent Remuneration Panel for Wales



# Independent Remuneration Panel for Wales

## Annual Report

DRAFT

February 2017

## **Foreword**

There have been some changes to the membership of the Panel this year. The 2016 Report was the last produced under the leadership of Richard Penn as Chair. I and other members are most grateful for the guidance he gave to the Panel during his tenure of office. We have 3 new members – Julie May who was appointed from 1 January, Sarah (Saz) Willey and Roger Symonds, both appointed from 1 June. The full membership is set out below.

We have made some adjustments to the format of the Report which we hope will make the content clearer and more concise.

Specific changes to our determinations include a very modest increase to the basic salary for elected members with consequential increases for National Park Authorities and Fire and Rescue Authorities. This increase of 0.75% is the first for 3 years and follows the slight easing of restraint in the pay of public sector employees.

We are proposing to introduce arrangements to recognise the implications of long term sickness of senior salary holders. We have also made changes to provide more flexibility for authorities without undermining the principle of prescribing payments which still has continuing support.

The Local Government (Wales) Act 2015 widened the remit of the Panel to give consideration to proposed changes to the salaries of chief officers of principal councils, effectively an extension of our role in respect of the heads of paid service of councils and Fire and Rescue Authorities. We have made recommendations on several submissions during the year; these can be found in Section 11 of the Report.

The Panel welcomes responses to this Draft Report by the end of November, all of which will be considered prior to producing the final Report for implementation in the spring 2017.

I would thank my colleague Panel members and also our diligent and committed secretariat for the significant input into our work during the year.

John Bader  
Chair

## **Panel Membership**

John Bader – Chair  
Gregory Owens - Vice Chair  
Stephen Mulholland  
Julie May  
Saz Willey  
Roger Symonds

Detailed information about the members can be found on the website:  
<http://gov.wales/irpwsb/home/?lang=en>

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## Introduction



**This is the ninth Annual Report of the Independent Remuneration Panel for Wales (the Panel), and the sixth published under the requirements of the Local Government (Wales) Measure 2011.**

1. As with the Panel's previous Annual Reports its determinations on member remuneration are underpinned by a set of principles set out in Section 1 of this Annual Report.
2. The Panel remains firmly of the view that maintaining the democratic values of local governance cannot be cost-free. Members of local authorities (including co-opted and appointed members) are there to represent the interests of local people, undertake the governance of local communities, and secure value-for-money public services for local tax-payers through effective scrutiny. These are significant and considerable tasks for members of relevant authorities within the Panel's remit. Publicly funded remuneration is made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.
3. The Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting Section 143A. This requires that any principal council or fire and rescue authority that intends to change the salary of its Head of Paid Service must consult the Panel unless the change is in keeping with changes applied to other officers. Section 143A also enables the Panel to take a view on anything in the Pay Policy Statement of an authority that relates to the salary of the Head of Paid Service (normally the Chief Executive or Chief Fire Officer). The Local Government (Wales) Act 2015 extended this responsibility, on a temporary basis to Chief Officers of principal authorities. The Panel's approach to its use of these powers is set out in Section 15 of this Report and accords with the guidance issued to the Panel by the Welsh Government.
4. In addition the Act provides that the Panel be given powers to determine remuneration for members of shadow authorities and newly forming principal councils. At the time of drafting the Welsh Government has yet to publish proposals for the future structure of local government in Wales.
5. In determining the level of payments to members of local councils, the Panel has sought to meet its principle of '*acceptability*' by ensuring that these are not '*so great as to require a significant diversion of resources from key council priorities*'. But Section 142(8) of the Measure is more explicit on '*affordability*' when it states that "*when setting an amount<sup>1</sup> ...the Panel must take into account what it considers will be the likely financial impact of doing so on*

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<sup>1</sup> <http://www.legislation.gov.uk/mwa/2011/4/contents/enacted>.

*relevant authorities*". Meeting the requirement of the Measure in regard to affordability has been a challenge for the Panel, not least because of public interest in the payments made to members. The Panel acknowledges that the issue of affordability – in relation both to relevant authorities' service budgets and to the electorate's disposable incomes – is likely to exert a powerful impact on the public perception of any increases to members' payments.

6. As a charge on the public purse, payments to members for their time, worth and responsibility must be, and must be seen to be, fair and affordable. The Panel's determinations in its 2009 Report aligned payments to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). The basic salary was set at three-fifths of the All Wales Median Salary and senior salaries were set at multiples of this annual median salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.
7. Because of the financial constraints on the public sector and local authorities specifically it has not been possible to maintain the link with average Welsh earnings. On the original basis of 3/5ths of the average the basic annual salary would be in excess of £14,700. The Panel has been mindful of the financial constraint which is the reason that the basic salary of elected members of principal councils has not been increased since 2013. In reaching this decision account was taken of the freeze in salaries to the staff of councils. There has been a modest relaxation more recently and small increases have been allowed.
8. In view of these factors, the Panel has decided that it is appropriate to provide for a very modest uplift to the basic annual salary of £100. equivalent to approximately 0.75%. No increase is proposed for senior salaries but these post holders will receive the uplift in the basic salary element.
9. The Annual Report 2016 introduced two levels of salary for members of councils' executives and committee chairs of principal authorities, Fire and Rescue Authorities (FRAs) and National Park Authorities (NPAs). This was to provide flexibility to enable authorities to reflect, in their schedules of remuneration, variations in the level of responsibility of portfolios and chairs. The Panel has examined the schedules for 2016/17 and has established that no principal council has introduced differential payments within cabinets or to chairs of committees.

For members of executives:

- 20 councils have paid at level 1
- 2 councils have paid at level 2

For committee chairs:

- 20 councils have paid at level 1
- 2 councils have paid at level 2



As this has only been in place for one year the Panel is retaining this facility for flexibility to reflect variations in the levels of responsibility in the remuneration applied to specific senior posts.

10. Since the Welsh Government introduced regulations relating to Family Absence of elected members of principal councils, the Panel has incorporated remuneration issues related to such absences in its framework. We have received comments that the same arrangements do not apply to absences caused by long term sickness. We have recognised this and have included in this Report proposals to allow principal councils, NPAs and FRAs to make arrangements to cover cases of long term sickness absence of senior salary holders.
11. The Panel is still concerned about the variation and inconsistency of support provided to members to enable them to discharge their functions effectively. We have repeatedly determined that such support should be provided without cost to the individual elected member, and that the cost of support must be appropriate, reasonable and publicly declared. Deductions must not be made from members' salaries by the authority as a contribution towards those support costs which the authority considers necessary for the effectiveness and/or efficiency of members. However, we are aware that this has not been fully implemented by some authorities. It is intended to undertake a detailed analysis of the Schedules for 2016/17 and the publication information from the previous year and take up any matters of non-compliance individually.
12. The Panel expects that the support provided should include taking account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable. Members of Democratic Service Committees and Heads of Democratic Services indicated at our meetings with them that it would be beneficial for authorities to be proactive in sharing information and establishing benchmarks for levels of provision and good practice in how authorities support the work of elected members. We are unaware whether there has been progress in implementing this proposal.
13. The Panel notes that members have not always utilised the support that has been provided through the Panel's remuneration framework, particularly in respect of the care allowance. Some members are reluctant to claim all that they are entitled to claim in support of their work, particularly the care allowance, because of concerns about the adverse publicity this can attract. Democratic Services Committees should take steps to encourage and facilitate eligible members in claiming these allowances.
14. Care Allowances were available to elected members of principal councils several years prior to the Panel's formation. We have extended the provision to all relevant authorities. There has been very limited take up across all of the organisations within the remit of the Panel. We believe that the major factor for this poor take up is concerns about adverse publicity on individual

members. So we have decided to allow optional approaches to the publication of costs of care. We have also decided to use the term “reimbursement of costs of care” to replace care allowance, as a result of discussion with the WLGA leadership.

15. The Panel reiterates the need for all involved to encourage individual members to access all the available support, including for care, which now includes its provision for members who themselves require personal support and assistance.
16. The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. To take this a step further the Panel has produced a leaflet for prospective candidates on the remuneration of members of councils. We are aware and pleased that several principal councils have added this leaflet to their websites.
17. Section 153 of the Measure empowers the Panel to monitor relevant authorities' compliance with its requirements. Although there has been significant reduction in non-compliance within most authorities, Panel members will continue to engage with representatives of Democratic Services Committees and officers to discuss ways to improve the consistency and ease of access to this information in the future.
18. However, there are still major issues to be addressed with community and town councils which the Panel will be raising with individual councils and their representative organisations.
19. Since assuming the additional responsibility in respect of changes to the salaries of chief officers of principal councils the Panel has dealt with several submissions. The Panel's decisions are attached at Section 11.

## **Implementation of Determinations**

Elections for principal councils and community and town councils will take place on 4 May 2017. The effective dates for the implementation of the determinations contained in this Report are:

- For principal councils:
  - Basic salary holders - 5 May 2017, (subject to the member having signed the declaration of acceptance)
  - Senior salary holders - following the first annual meeting of the new council.
- For National Park Authorities –With effect from 1 April 2017
- For Fire and Rescue Authorities – With effect from the Annual Meeting of the Authority
- For community and town councils - 5 May 2017 (subject to the member having signed the declaration of acceptance)

# **1. The Panel's Framework: Principles of Members' Remuneration**

## **Upholding trust and confidence**

- 1.1 Citizens rightly expect that all those who choose to serve in local authorities uphold the public trust by embracing the values and ethics implicit in such public service. These principles underpin the contribution that the work of the Panel and its Framework make towards upholding public trust and confidence.

## **Simplicity**

- 1.2 The Framework is clear and understandable. This is essential for the Panel to be able to communicate its determinations effectively to all those who are affected by, or who have an interest in, its work.

## **Remuneration**

- 1.3 The Framework provides for payment to members of local authorities who carry a responsibility for serving their communities.. The level of remuneration should not act as a barrier to taking up or continuing in post. There should be no requirement that resources necessary to enable the discharge of duties are funded from the salary. The Framework provides additional recompense for those who are given greater levels of responsibility.

## **Diversity**

- 1.4 Democracy is strengthened when the membership of local authorities adequately reflects the demographic and cultural make-up of the communities such authorities serve. The Panel will always take in to account the contribution its framework can make in encouraging the participation of those who are significantly under-represented at local authority level.

## **Accountability**

- 1.5 Taxpayers and citizens have the right to receive value for money from public funds committed to the remuneration of those who are elected, appointed or co-opted to serve in the public interest. The Panel expects all principal councils to make information readily and appropriately available about the activities and remuneration of their members.

## **Fairness**

- 1.6 The framework will be capable of being applied consistently to members of all local authorities within the Panel's remit as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable.

## **Quality**

- 1.7 The Panel recognises that the complex mix of governance, scrutiny and regulatory duties incumbent upon members requires them to engage with a process of continuous quality improvement. The Panel expects members to undertake such training and personal development opportunities as are required to properly discharge the duties for which they are remunerated.

## **Transparency**

- 1.8 Transparency of members' remuneration is in the public interest. Some members receive additional levels of remuneration by virtue of being elected or appointed to more than one public body. The framework serves to ensure that knowledge of all members' remuneration is made easily available to the public.

## **Remuneration of Officers**

- 1.9 The Panel applies these principles of fairness, accountability and transparency in all its determinations in relation to remuneration of members of all the authorities that fall within its remit. The same principles also apply when the Panel is required to make recommendations in relation to the remuneration of the paid officers of these authorities.

## 2. Annual Report Summary Page

Type of Payment	Type of Authority			
	Principal Councils	National Park Authorities	Fire and Rescue Authorities	Community and Town Councils
Basic Salary	page 12	page 26	page 30	N/A <sup>2</sup>
Senior Roles	page 12	page 26	page 30	page 40
Committee Chairs	page 14	page 26	page 30	N/A
Opposition Groups	page 15	N/A	N/A	N/A
Civic Heads and Deputies	page 16	N/A	N/A	page 41
Presiding Members	page 18	N/A	N/A	N/A
Mileage	page 38	page 38	page 38	page 41
Other Travel Costs	page 38	page 38	page 38	page 41
Subsistence Costs	page 39	page 39	page 39	page 42
Costs of Care	page 35	page 35	page 35	page 43
Family Absence	page 24	page 24	page 24	N/A
Sickness Absence	page 36	N/A	N/A	N/A
Joint Overview and Scrutiny Committees	page 22	N/A	N/A	N/A
Pension	page 23	N/A	N/A	N/A
Co-Optees	page 33	page 33	page 33	N/A
Specific or Additional Allowances	page 20	page 27	page 31	N/A
Payments to Community and Town Councillors	N/A	N/A	N/A	page 40
Financial Loss Allowance	N/A	N/A	N/A	page 42
Statement of Payments	page 78	page 78	page 78	Page 78
Schedule of Remuneration	Page 76	Page 76	Page 76	Page 76
Salaries of Chief Executives and Chief Officers	Page 45	N/A	N/A	N/A

<sup>2</sup> Not Applicable

### **3. Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries**

#### **Basic salary for elected members of principal councils**

- 3.1 Although public sector funding continues to be constrained, the Panel considers that a modest increase in the basic salary is justified and has determined there shall be an increase of £100 (which equates to 0.75%) from spring 2017 to the basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of all elected members.

**Determination 1: Basic salary in 2017/18 for elected members of principal councils shall be £13,400.**

#### **Note to Determination 1:**

The Panel originally determined (IRP Annual Report December, 2009) that the payment of basic salary would be aligned to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). Given the pressures on public expenditure it was not possible for this alignment to be maintained. If this alignment had continued the basic salary would currently be in the region of £14,700.

#### **Senior salaries for elected members of principal councils**

- 3.2 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2017/18 the maximum number of senior salaries payable within each council will not be altered and will be as set out in Table 1.

**Table 1:** Maximum numbers of council membership eligible for payment of a senior salary

<b>Council</b>	<b>Number of councillors</b>	<b>Number of senior salaries</b>
<b>Group A</b> (populations over 200,000)		
Cardiff	75	19
Rhondda Cynon Taf	75	19
Swansea	72	19
<b>Group B</b> (populations of 100,000 to 200,000)		
Bridgend	54	18
Caerphilly	73	18
Carmarthenshire	74	18
Conwy	59	18
Flintshire	70	18
Gwynedd	75	18
Neath Port Talbot	64	18
Newport	50	18
Pembrokeshire	60	18
Powys	73	18
Vale of Glamorgan	47	18
Wrexham	52	18
<b>Group C</b> (populations of up to 100,000)		
Blaenau Gwent	42	17
Ceredigion	42	17
Denbighshire	47	17
Isle of Anglesey	30	15
Merthyr Tydfil	33	16
Monmouthshire	43	17
Torfaen	44	17

### **Payments to members of the Executive, Chairs of committees and the Leader of the Opposition**

3.3 The Panel has revisited its previous decisions in respect of the senior salaries paid to these post holders.

(i) The Executive:

The visits to all principal councils by the Panel in 2009 produced the general conclusion that Executive members should be considered as working the equivalent of full time (up to 40 hours per week) but not necessarily nine to five. However, we have stressed that in reaching this decision there was recognition that with a potential of nearly 200 Executive members (excluding Leaders) there would be a variety of arrangements and that some portfolio holders would have



greater responsibility and workloads than others. But this was dependent on the specific organisational arrangements of the cabinets of each authority.

We have now given further consideration to this issue following more recent visits as well as views expressed to us as to the appropriateness of paying cabinet members the same salary irrespective of the responsibility of the portfolio held. Although many councils operate with a cabinet of 10, the statutory maximum, others choose to have smaller cabinets and therefore the range of individual portfolios is much greater. We have concluded that this should be reflected in the remuneration framework. It is not the role of the Panel to determine the structure of cabinets of local authorities so the new determinations provide flexibility for each council to decide the appropriate range of portfolios to meet local needs, recognising that there is an inevitable variation on the level of responsibility and workload.

Executive members may be paid at either of the two senior salary levels below:

Level 1 -

Group A - £32,100

Group B - £29,100

Group C - £26,100

Level 2 -

Group A - £28,900

Group B - £26,200

Group C - £23,500

It will be a matter for individual authorities to decide the implementation of the determinations within their specific cabinet structures.

(ii) Chairs of Committees

The Panel continues to take the view that the responsibility and function of chairing a committee is not generally influenced by population of the authority. However, there is recognition that the specific responsibility and workload of some chairs is greater than others, and this has been a topic of ongoing dialogue and debate. We consider that this should be reflected in the remuneration framework.

The Panel is therefore introducing two levels of remuneration for chairs of committees:

Level 1 chairs will be paid a salary of £22,100

Level 2 chairs will be paid a salary of £20,100

It is a matter for individual authorities to determine at which level a chair is paid to reflect the appropriate responsibility attached to the specific post

## The Senior Salary Bands

**Determination 2: The Panel has determined that senior salary levels in 2017/18 for members of principal councils shall be as set out in table 2.**

**Table 2:** Basic salary and senior salaries payable to members of principal councils

<b>Basic salary (payable to all elected members) £13,400</b>			
	<b>Group A</b> (Cardiff, Rhondda Cynon Taf, Swansea)	<b>Group B</b> (Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham)	<b>Group C</b> (Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey)
<b>Senior salaries (inclusive of basic salary)</b>			
<b>Band 1</b> Leader Deputy leader	£53,100 £37,100	£48,100 £33,600	£43,100 £30,100
<b>Band 2</b> Executive members Level 1 Executive members Level 2	£32,100 £28,900	£29,100 £26,200	£26,100 £23,500
<b>Band 3</b> Committee chairs (if remunerated):	Level 1 Level 2	£22,100 £20,100	
<b>Band 4</b> Leader of largest opposition group <sup>3</sup>		£22,100	
<b>Band 5</b> Leader of other political groups		£17,100	

**Table 2 notes:**

- a. The Panel considers that the leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability and that ‘size

<sup>3</sup> Leader of largest opposition group. See IRPW Regulations, Annex 2, Part 1(2) for a definition of “largest opposition group” and “other political group”.

of population' remains a major factor in influencing levels of responsibility and the use of the three population groups (A, B and C) has therefore been retained. For information: Group A Population 200,000 and above; Group B Population 100,001 to 199,999; Group C Population up to 100,000.

- b. No increase is proposed for senior salaries but post holders will receive the uplift in the basic salary paid to all councillors.
- c. Committee chairs will be paid at Band 3, either Level 1 or 2 (for decision by the authority); although an individual authority may determine not to pay particular chairs.
- d. The Panel is aware of the importance placed by the Welsh Government on the value of the scrutiny function for local democracy and has noted that in total there are currently 89 chairs of scrutiny who receive senior salaries. The Panel believes that this is a clear recognition of the importance of this function.
- e. The stipulation that an opposition group leader or any other group leader must represent at least 10% of the council membership before qualifying for a senior salary remains unchanged.
- f. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- g. The Panel has determined that, if remunerated, a Band 5 senior salary must be paid to leaders of other political groups.

See IRPW Regulations, Annex 2, Part 1(2) for a definition of "*largest opposition group*" and "*other political group*".

### **Payments to Civic Heads and Deputies (Civic Salaries)**

- 3.4 The Panel maintains the view that it is appropriate for authorities to set remuneration levels which reflect activity and responsibility of civic heads and deputies rather than the local population. The Panel is aware but surprised that many councils have set the salaries for their civic heads and deputies to accord with the population groups rather than necessarily reflecting the specific responsibilities attached to the roles. For the removal of doubt, the three established groups of principal councils calculated by population are not required to be applied in relation to payments to civic heads and deputies.
- 3.5 The Panel has set three possible levels of civic salary - higher, mid and lower. Each authority must decide which level (if any) is to be paid for each of these roles according to local factors. For example, the civic head of a small council may be paid at the highest rate, whilst the civic head of a large council may be paid at the lowest rate, rates of payment to deputy civic heads may be similarly varied. This also allows for civic heads and their deputies in the same authority

to be paid at different levels.

- 3.6 A council may decide not to apply any civic salary to the posts of civic head and/or deputy civic head.

**Determination 3: The Panel has determined that (where paid) civic salaries at the following levels are payable (Table 3) and will be applied by principal councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.**

**Table 3:** Civic salaries (where paid) shall be payable as follows to members of principal councils

<b>Remuneration of civic heads and deputy civic heads</b> <i>(inclusive of basic salaries)</i>		
Responsibility Level	Civic heads	Deputy civic heads
Level 1	£24,100	£18,100
Level 2	£21,600	£16,100
Level 3	£19,100	£14,100

**Table 3 notes:**

- a. The posts of civic head and deputy civic head are not included in the cap (with the exception of Isle of Anglesey and Merthyr Tydfil Councils).
  - b. The Panel's requirement that members should not have to pay for the cost of the support (see determination 7) that is needed to carry out their duties applies also in respect of civic heads. The Panel recognises the range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing. The Panel does not consider it appropriate for councils to expect or require that contributions towards any such provision should be met from the net senior salaries paid to civic heads.
- 3.7. Civic roles are senior posts within councils which are distinct from political or executive leadership. In addition to chairing major meetings the civic head is the authority's 'first citizen' and 'ambassador', representing the council to a wide variety of institutions and organisations, and this requires the post holder to exemplify and promote good citizenship.
- 3.8. Deputy civic heads are often 'civic heads in waiting' for the following year, 'learning the ropes' by participating in a separate schedule of events as well as deputising for the civic head.
- 3.9. The intention of the civic allowance as defined by sections 22(5) and 24(4) of the Local Government Act 1972 remains to allow a council to pay a chair and

vice-chair of a council a salary which it thinks fit for the purposes of meeting the expenses of those offices.

- 3.10. In many instances civic heads receive secretarial support and are provided with transport for official duties and can access a separate hospitality budget which is managed and controlled by council officers.
- 3.11 The level of support given, the personal financial outlay and the level of activity during the year of office varies considerably between authorities and the size of authority does not necessarily relate to the commitment required , or given by, civic heads.
- 3.12 All principal councils have a number of community councils within their areas and many also include town councils. Where a community council has a particularly active civic head this may have some impact on the workload of the principal council's civic head.
- 3.13 The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint a presiding member whose role it will be to chair meetings of the whole council. Where appointed, there would be a consequential reduction in the responsibilities of the respective civic head.

### **Payments to Presiding Members**

**Determination 4: The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Level 1 senior salary. This post will count towards the cap.**

**Determination 5: The Panel has determined that the post of deputy presiding member will not be remunerated.**

### **Key factors underpinning the Panel's determinations:**

- 3.14 The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance for the time equivalent of three days a week. Any time commitment beyond three days is an unpaid public service contribution.
- 3.15 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the authority's proper officer to forego all or any element of the payment.

The following must be applied:

- a) An elected member must not be remunerated for more than one senior post within his or her authority (but see section 4 on JOSCs).
- b) An elected member must not be paid a senior salary and a civic salary.
- c) All senior and civic salaries are paid inclusive of basic salary.
- d) If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.
- e) Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed.

### **Supporting the work of local authority elected members**

- 3.16 The Panel has continued its programme of meetings with Chairs and members of Democratic Service Committees and Heads of Democratic Services. These meetings have provided valuable opportunities for members and officers to discuss the variations that occur and to share and understand the benefits gained by properly supporting the ability of members to discharge their basic duties effectively. Heads of Democratic Services have suggested that it would be beneficial for authorities to be pro-active in sharing information and establishing benchmarks for levels of provision and good practice in how authorities support the work of elected members. The Panel shares this view.
- 3.17 The Panel expects that the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable.
- 3.18 The Panel considers it is necessary for each elected member to have ready use of telephone and e-mail services, and to have electronic access to appropriate information via an internet connection. This comprises the necessary provision for a member to be in proper contact with council services and to maintain contact with those they represent. Many councils in Wales are committed to 'paperless working' and without electronic access a member would be significantly limited in his or her ability to discharge their duties. As stated above, it is the responsibility of each council through its Democratic Services Committee to provide support based on an assessment of the needs of its members. When members' additional needs or matters of disability apply, or there are specific training requirements indicated, each

authority will need to assess any particular requirements of individual members. It would not be appropriate for facilities required by members only to be available within council offices within office hours.

**Determination 6: The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.**

**Determination 7: The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.**

## **Specific or additional senior salaries**

- 3.19 The Panel has allowed for greater flexibility through the provision for authorities to apply for specific or additional senior salaries that do not fall within the current remuneration framework, or which could not be accommodated within the maximum number of senior salaries relating to the authority.

**Determination 8: The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

- 3.20 Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:
- a. The total number of senior salaries cannot exceed fifty percent<sup>4</sup> of the membership.
  - b. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.

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<sup>4</sup> Local Government (Wales) Measure 2011 Section 142 (5) The proportion fixed by the Panel in accordance with subsection (4) may not exceed fifty percent unless the consent of the Welsh Ministers has been obtained.

- c. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
- d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

**The Panel's determinations on Travel and Subsistence, Reimbursement of costs of care and Family Absence are now set out in separate sections of this Annual Report.**



## 4. Joint Overview and Scrutiny Committees (JOSC)

- 4.1. The Panel has set out the arrangements for the remuneration of chairs of Joint Overview and Scrutiny Committees and Sub-committees. The payments align with those of chairs of committees of principal councils set out in Section 3 (Level 2).

The following determinations apply:

**Determination 9: The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 Level 2 senior salary that remunerates a committee chair of a principal authority (£6,700).**

**Determination 10: In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £3,350.**

**Determination 11: The chair of a sub committee of a JOSC is eligible for a salary of £1,675.**

**Determination 12: In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £837.**

**Determination 13: Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.**

**Determination 14: Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).**

**Determination 15: A deputy chair of a JOSC or sub committee is not eligible for payment.**

**Determination 16: Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.**

- 4.2. The remuneration of chairs of JOSCs (or a sub-committee of JOSCs) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is paid, it must be at the level set out in section 4 of this report.

## **5. Pension Provision for Elected Members of Principal Councils**

- 5.1 The Local Government (Wales) Measure 2011 provides a power to the Panel to make determinations on pension entitlement for elected members of principal councils.

**Determination 17: The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.**

## 6. Entitlement to Family Absence

This section applies to members of principal authorities.

- 6.1 The Regulations relating to Family Absence for elected members of principal councils were approved by the National Assembly for Wales in November 2013.
- 6.2 The Panel considered the implications for the remuneration of such members who are given absence under the terms of the Welsh Government Regulations and the Panel's determinations are set out below.

**Determination 18: An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.**

**Determination 19: When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.**

**Determination 20: It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.**

**Determination 21: If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.**

**Determination 22: When a Council agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.**

**Determination 23: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.**

## 7. Payments to Members of National Park Authorities

### Structure of National Park Authorities

- 7.1 The 3 National Parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia were formed to protect spectacular landscapes and provide recreation opportunities for the public. The Environment Act 1995 led to the creation of the 3 corresponding National Park Authorities (NPAs). In managing the National Park, the Authority has 3 main purposes:
- to protect the natural beauty of the Park;
  - to help visitors enjoy and understand it; and
  - to foster the wellbeing of local people.
- 7.2 National Park Authorities have a committee of Members who are either elected members nominated by the Principal Councils within the National Park area or are members appointed by the Welsh Government through the Public Appointments Process. Welsh Government appointed and council nominated members are treated equally in relation to remuneration.
- 7.3 The structure of the Members' Committee at each of the 3 national parks is set out in Table 4.

**Table 4: Membership of Welsh National Park Authorities**

National Park Authority	Total Membership	Principal Council Members	Welsh Government appointed Members
<b>Brecon Beacons</b>	24	16: Blaenau Gwent County Borough Council – 1 Carmarthenshire County Council – 2 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 2 Powys County Council – 8 Rhondda Cynon Taf County Borough Council - 1 Torfaen County Borough Council - 1	8
<b>Pembrokeshire Coast</b>	18	12: Pembrokeshire County Council - 12	6
<b>Snowdonia</b>	18	12: Conwy County Borough Council – 3 Gwynedd County Borough Council – 9	6

- 7.4 In addition, Standards Committees of NPAs have Independent Co-opted members whose remuneration is included in the framework as set out in Section 9.

- 7.5 In considering remuneration of members of NPAs, the Panel has based its determinations on the following key points:
- NPAs manage their work via formal authority meetings, committees and task and finish groups. Each has a Development/Management/Planning Committee and other committees include Performance and Resources and Audit and Scrutiny. Ordinary NPA members are members of at least one committee as well as being involved in site visits and inspection panels.
  - There is an expectation that members will participate in training and development.
  - The chair of an NPA has a leadership and influencing role in the authority, a representational role similar in some respects to that of a civic head and a high level of accountability. The chair is not only the leader of the authority but is also the public face of the particular national park and is the link with the Minister and AMs with whom they have regular meetings. The role requires a high level of commitment and time.

### **Basic and senior salaries**

- 7.6 The Panel has previously determined that the role of ordinary members of an NPA should be aligned to the basic salary of a member of a principal council, and that the time commitment required is a notional 42 days per year. This remains the basis of the Panel's determinations.
- 7.7 Although public sector funding continues to be constrained the Panel considers that a modest increase in the basic salary is justified and has determined there shall be an increase of £100 (which equates to 0.75%) from 1 April 2017 in the level of basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of members.
- 7.8 Therefore, there is a corresponding increase of £25 on the basic salary for members of NPAs from 1 April 2017.
- 7.9 The Panel has also previously determined that the remuneration of an NPA chair should be aligned to that part of a Band 3 Level 1 senior salary received by a committee chair of a principal council.
- 7.10 In 2014, the Panel provided local flexibility so that an NPA can decide at which of two levels the roles of deputy chair and up to 2 other committee chairs can be remunerated. An NPA may choose to pay its deputy chair and/or committee chairs a salary of either £7,325 or £6,025, commensurate with the significant and sustained duties to be discharged in a particular role.
- 7.11 During 2016, the Panel met with members and officers of the 3 NPAs. Feedback was received during the Panel's visits about the importance of

members' attendance at meetings and the impact non-attendance can have. The Panel is minded to consider this further during 2016/17.

### **Additional Senior Salaries**

- 7.12 Feedback was also received during the Panel's visits to NPAs that its determination that up to two NPA Committee Chairs could receive a senior salary could be restrictive in the NPAs discharging their governance requirements.
- 7.13 The Panel allows principal councils greater flexibility to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework. The Panel is extending this provision to NPAs as reflected in the following principles:
- a. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
  - b. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
  - c. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

7.14 The Panel has made the following determinations:

**Determination 24: The basic salary for NPA ordinary members should be £3,625**

**Determination 25: The senior salary of the chair of an NPA should be £12,325**

**Determination 26: An NPA senior salary can be paid to a Deputy Chair, and up to two committee chairs where there is significant and sustained responsibility. This can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility: £6,025 or £7,325**

**Determination 27: The Panel has determined to include a provision for NPAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

**Determination 28: Members must not receive more than one NPA senior salary.**

**Determination 29: An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility**

**Determination 30: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.**

**The Panel's determinations on Travel and Subsistence, Reimbursements of Costs of Care and Family Absence are now set out in separate sections of this Annual Report.**

## 8. Payments to Members of Welsh Fire and Rescue Authorities

### Structure of Fire and Rescue Authorities

- 8.1 The 3 Fire and Rescue Services in Wales: Mid and West Wales, North Wales and South Wales and Fire and Rescue Authorities (FRAs) were formed as part of Local Government re-organisation in 1996.
- 8.2 FRAs comprise of elected Members who are nominated by the Principal Councils within the Fire and Rescue Service area.
- 8.3 The structure of the each of the 3 FRAs is set out in Table 5

**Table 5: Membership of Fire and Rescue Authorities**

Name of Fire and Rescue Authority	Number of Local Authority Members
Mid and West Wales	25: Carmarthenshire County Council – 5 Ceredigion County Council – 2 Neath Port Talbot County Borough Council – 4 Pembrokeshire County Council – 3 Powys County Council – 4 Swansea City and County Council - 7
North Wales	28: Conwy County Borough Council – 5 Denbighshire County Council – 4 Flintshire County Council – 6 Gwynedd Council – 5 Isle of Anglesey County Council – 3 Wrexham County Borough Council – 5
South Wales	24: Bridgend County Borough Council – 2 Blaenau Gwent County Borough Council – 1 Caerphilly County Borough Council – 3 Cardiff City Council – 5 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 2 Newport City Council - 2 Rhondda Cynon Taf County Borough Council - 4 Torfaen County Borough Council – 2 Vale of Glamorgan Council -2

- 8.4 In addition, Standards Committees of FRAs have independent co-opted members whose remuneration is included in the framework as set out in Section 9.



8.5 In considering remuneration of members of FRAs, the Panel has based its determinations on the following key points:

- The chair has a leadership and influencing role in the authority, and a high level of accountability especially when controversial issues relating to the emergency service arise. In addition to fire authority meetings, all FRAs have committees that include in different combinations: audit, performance management, scrutiny, human resources, resource management as well as task and finish groups and disciplinary panels. As well as attending formal meetings of the authority and committees, members are encouraged to take on a community engagement role, including visiting fire stations.
- There is a strong training ethos in FRAs. Members are expected to participate in training and development. Induction programmes are available as well as specialist training for appeals and disciplinary hearings.
- Training sessions often follow on from authority meetings to make the training accessible.

### **Basic and Senior Salaries**

8.6 The Panel has previously determined that the remuneration of ordinary members of an FRA should be aligned to the basic salary of a member of a principal council and that the time commitment required is a notional 20 days per year. This remains the basis of the Panel's determinations.

8.7 Although public sector funding continues to be constrained the Panel considers that a modest increase in the basic annual salary of elected members is justified and has determined there shall be an increase of £100 (which equates to 0.75%) from the date of the authority's Annual General Meeting in the level of basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of members.

8.8 Therefore, there is a corresponding increase of £15 on the basic salary for members of FRAs from the date of the authority's Annual General Meeting.

8.9 The Panel determined that the remuneration of an FRA chair should be aligned to that part of a Band 3 Level 1 senior salary received by a committee chair of a principal council.

8.10 The Panel determined that the remuneration of an FRA deputy chair where there is significant and sustained senior responsibility will be aligned with the Band 5 senior salary.

8.11 The Panel has determined that up to two FRA committee chairs where there is significant and sustained responsibility can be remunerated.

- 8.12 During 2016, the Panel met with members and officers of the 3 FRAs. Feedback was received about the importance of members' attendance at meetings and the impact non-attendance can have. The Panel is minded to consider this further during 2016/17.

### **Additional Senior Salaries**

- 8.13 The Panel allows principal councils greater flexibility to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework. The Panel is extending this provision to FRAs as reflected in the following principles
- a. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
  - b. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
  - c. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.
- 8.14 The Panel has considered requests from FRAs to allow them to pay salaries to chairs of local pension boards established under the Firefighters' Pension Scheme (Wales) Regulations 2015. Those Regulations already give FRAs the power to decide how local pension boards are to work and to pay the chair and members if they wish. Therefore it is not appropriate for the Panel to make a determination empowering FRAs to pay salaries to local pension board chairs. The senior salaries in Determination 33 or 34 cannot be used for this role.
- 8.15 The Panel has made the following determinations:

**Determination 31: The basic salary for FRA ordinary members should be £1,715**

**Determination 32: The senior salary of the chair of an FRA should be £10,415.**

**Determination 33: An FRA senior salary can be paid to the deputy chair, and up to two chairs of committees where there is significant and sustained responsibility. This should be paid at £5,415.**

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**Determination 34: The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

**Determination 35: Members must not receive more than one FRA senior salary.**

**Determination 36: An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility**

**Determination 37: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.**

**The Panel's determinations on Travel and Subsistence, Reimbursement of Costs of Care and Family Absence are now set out in separate sections of this Annual Report.**

## 9. Payments to co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities<sup>5</sup>

- 9.1 The Panel has determined that a daily/half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights. The level of payments is equivalent to the current daily rates for chairs and members of the Welsh Government's Band 2 sponsored bodies. The Panel notes there has been no uplift in these payment levels across such bodies since 2010.
- 9.2 Principal councils, NPAs and FRAs can decide on the maximum number of days in any one year for which co-opted members may be paid.
- 9.3 The determinations are set out below:

**Determination 38: Principal councils, NPAs and FRAs must pay the following fees to co-opted members (Table 6) (who have voting rights).**

**Table 6:** Fees for co-opted members (with voting rights)

Chairs of standards, and audit committees	£256 (4 hours and over) £128 (up to 4 hours)
Ordinary members of standards committees who also chair standards committees for community and town councils	£226 daily fee (4 hours and over) £113 (up to 4 hours)
Ordinary members of standards committees; education scrutiny committee; crime and disorder scrutiny committee and audit committee	£198 (4 hours and over) £99 (up to 4 hours)

**Determination 39: Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.**

**Determination 40: Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).**

**Determination 41: The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.**

<sup>5</sup> This section does not apply to co-opted members of community and town councils.

**Determination 42: Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.**

**The Panel's determinations on Travel and Subsistence, Reimbursement of costs of care and Family Absence are now set out in separate sections of this Annual Report.**

## 10. Reimbursement of Costs of Care

- 10.1. This section applies to members of principal councils, National Park Authorities, Fire and Rescue Authorities and to co-opted members of these authorities. (Similar provision for Community and Town Councils is given in section 13 as there is a different approach to such members, principally that provision is permissive.)

**Determination 43: All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.**

- 10.2. The reimbursement of the costs of care is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer, or for a member to receive care support to enable that individual to carry out their role. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense and has reflected this in the options for publication as set out in Annex 4. However, the Panel urges authorities to promote this reimbursement and encourage greater take-up of this support to facilitate increased engagement amongst authority members.
- 10.3. Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

## **11. Sickness Absence for Senior Salary Holders**

- 11.1. The Family Absence Regulations (approved by the National Assembly in 2014) are very specific relating to entitlement and only available for elected members of principal councils. Absence for reasons of ill-health is not included.
- 11.2. Instances have been raised with the Panel of senior salary holders on long term sickness and the perceived unfairness in comparison with the arrangements for family absence. In consequence, councils are faced with the dilemma of:
- Operating without the individual member but still paying him/her the senior salary.
  - Replacing the member who therefore loses the senior salary (but retains the basic salary).
- 11.3. The Panel has considered this and is amending the Framework to provide specific arrangements for long term sickness as set out below:
- a) Long term sickness is defined as certified absences in excess of 4 weeks.
  - b) The maximum length of sickness absence within these proposals is 26 weeks or until the individual's term of office ends, whichever is sooner (but if reappointed any remaining balance of the 26 weeks will be included).
  - c) Within these parameters a senior salary holder on long term sickness can, if the authority decides continue to receive remuneration for the post held.
  - d) It is a decision of the authority whether to make a substitute appointment but the substitute will be eligible to be paid the senior salary appropriate to the post.
  - e) If the paid substitution results in the authority exceeding the maximum number of senior salaries payable for that authority as set out in the Annual Report, an addition will be allowed for the duration of the substitution. (However this would not apply to Merthyr Tydfil or the Isle of Anglesey councils if it would result in more than 50% of the membership receiving a senior salary. It would also not apply in respect of a council executive member if it would result in the cabinet exceeding 10 posts - the statutory maximum).
  - f) When an authority agrees a paid substitution the Panel must be informed within 14 days of the decision of the details including the specific post and the estimated length of the substitution. The authority's Schedule of Remuneration must be amended accordingly.
  - g) It does not apply to elected members of principal councils who are not senior post holders as they continue to receive basic salary for at least

six months irrespective of attendance and any extension beyond this timescale is a matter for the authority.

- 11.4. This arrangement applies to members of principal councils, National Park Authorities and Fire and Rescue Authorities who are senior salary holders but not co-opted members.



## **12. Reimbursement of Travel and Subsistence Costs when on Official Business**

- 12.1. This section applies to members of principal authorities, National Park Authorities, Fire and Rescue Authorities and to co-opted members of these authorities. (Similar provision for Community and Town Councils is contained in section 13 as there is a different approach to such members, principally that the provision is permissive.)
- 12.2. Members may claim reimbursement for travel and subsistence (meals and accommodation) costs where these have arisen as a result of undertaking official duties. Expenses reimbursed to members by their local authority are exempt from Income Tax and employee NICs.
- 12.3. The Panel is aware that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. As an alternative travel arrangements could be made directly by the authority in such circumstances.
- 12.4. The Panel has determined that there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at the current HM Revenue and Customs (HMRC) rates which are:

### **Reimbursement of mileage costs**

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles in a year by car
5p per mile	Per passenger carried on authority business
24p per mile	Motor cycles
20p per mile	Bicycles

- 12.5. Where a member who is on official business is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

### **Reimbursement of other travel costs**

- 12.6. All other claims for travel must only be reimbursed on production of receipts showing the actual cost and will be subject to any requirement or further limitation that an authority may determine. Members should always be mindful of choosing the most cost effective method of travel.

## Reimbursement of subsistence costs

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£200 per night	London
£95 per night	Elsewhere
£30 per night	Staying with friends and/or family

- 12.7. These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 12.8. All authorities must continue to reimburse subsistence expenses for their members up to the maximum rates set out above on the basis of receipted claims except for occasions when members stay with friends and/or family.
- 12.9. There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where it is reasonable and cost effective to reimburse overnight accommodation costs, instead of repeated daily mileage costs, then it is permissible to do so.
- 12.10. It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24 hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

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

- 13.1. The Panel has had responsibility for the remuneration of community and town councils since the Measure of 2011 and its first determinations for such members came into effect in the financial year 2013/2014. Subsequent Annual Reports have developed ideas for remuneration of community and town councillors, allowing flexibility to meet appropriate responsibilities.
- 13.2. The Panel recognises a wide variation in geography, scope and scale across 735 community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities.
- 13.3. Therefore determinations 44 to 51 are permissive powers, each of which requires a formal decision by each community or town council annually. A community or a town council can adopt any or all of the determinations but if it does make such a decision, it must apply to all its members.
- 13.4. An individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these allowances by giving notice in writing to the proper officer of the council.
- 13.5. In arriving at its determinations, the Panel has made considerable efforts to consult with the 735 community and town councils in Wales over the past four years with limited responses. The Panel has conducted surveys and consulted widely, inviting comment on its determinations. Panel members have researched community and town council websites and have met representatives and attended conferences of One Voice Wales in order to engage with members.

### Payments to Community and Town Councillors

- 13.6. In order to compensate members of community and town councils for expenses and costs involved in carrying out their duties, the Panel has determined that councils should be authorised to make a payment to each member.

**Determination 44: Community and town councils are authorised to make a payment to each of their members of a maximum amount of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

### Senior roles

- 13.7. The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, can involve

greater responsibility. It has therefore determined that councils should be authorised to pay up to three responsibility payments for specified roles.

**Determination 45: Community and town councils are authorised to make an annual payment not exceeding £500 each to up to 3 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses if that is made.**

### **Civic allowance**

13.8. Recognising that some mayors and chairs of community and town councils and their deputies are very active during their year of office, the Panel has determined that community and town councils should be authorised to pay an allowance for these roles.

13.9. In its previous annual reports the Panel determined no maximum levels of payment to mayors/chairs and their deputies. The Panel's research indicates that the majority of community and town councils make no or very modest payments to their civic leaders. However, the maximum payment made by any town council in Wales is £8,000. This is a considerable payment relative to that made to principal council civic leaders, with several other town councils paying a significant 4 figure sum. The Panel will therefore conduct further research and consultation over the next 12 months with the intention to set an appropriate limit for such payments in its 2018 annual report.

**Determination 46: Community and town councils are authorised to provide a civic allowance to the mayor/chair of the council at an amount that they deem appropriate to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made**

**Determination 47: Community and town councils are authorised to provide a civic allowance to the deputy mayor/deputy chair of the council at an amount that they deem appropriate to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made**

### **Reimbursement of travel costs**

13.10. The Panel recognises that there can be significant travel costs associated with the work of community and town council members, especially where the council area is geographically large and/or when engaging in duties outside this area. It has therefore made provision for travel costs to be met.

**Determination 48: Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties.<sup>6</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:**

- 45p per mile up to 10,000 miles in the year.
- 25p per mile over 10,000 miles.
- 5p per mile per passenger carried on authority business.
- 24p per mile for private motor cycles.
- 20p per mile for bicycles.

## **Reimbursement of subsistence**

**Determination 49: If a community or town council resolves that a particular duty requires an overnight stay, it may authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:**

- £28 per 24-hour period allowance for meals, including breakfast where not provided.
- £200 – London overnight.
- £95 – elsewhere overnight.
- £30 – staying with friends and/or family overnight.

## **Other Allowances / Payments**

13.11. Previously the Panel had determined that an Attendance Allowance could be paid to each of its members for attending approved duties outside the area of the council. Very few community or town councils made this payment and therefore this allowance has been removed. However, the Panel has retained the facility and increased the amount which councils may pay as compensation to their members where they suffer financial loss when attending approved duties.

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<sup>6</sup> Where a member who is on official business is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

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

- Up to £33.00 for each period not exceeding 4 hours:
- Up to £66.00 for each period exceeding 4 hours but not exceeding 24 hours.

### **Reimbursement of the costs of care**

13.12. In order to address issues of democratic participation and diversity, the Panel has decided to permit reimbursement of costs to members for the care of dependent children and others, or costs incurred relating to a personal assistance need, whilst attending meetings and other approved duties.

**Determination 51: Community and town councils are authorised to provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.**

### **Publicity requirements**

13.13. There is a requirement on community and town councils to publish details of all payments made to individual members in an annual Statement of Payments. This information must be published on council noticeboards and/or websites (with easy access) and provided to the Panel by email or by post no later than 30 September following the end of the year to which the payments relate. The Panel notes with concern that this requirement has not been complied with by many councils and draws attention to the requirements stipulated at Annex 4.

## 14. Compliance with Panel Requirements

### The Panel's remit under the Measure

- 14.1 Section 153 of the Measure empowers the Panel to require a relevant authority<sup>7</sup> to comply with the requirements imposed on it by an Annual Report of the Panel and further enables the Panel to monitor the compliance of relevant authorities with the Panel's determinations.
- 14.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting or a date specified within the Annual Report.

### Monitoring compliance

- 14.3 The Panel will monitor the compliance with the determinations in this Annual Report by relevant authorities against the following requirements:
- (i) A relevant authority must maintain an annual **Schedule of Member Remuneration** (IRPW Regulations 4 and 5). Guidance at Annex 3 sets out the content which must be included in the Schedule.
  - (ii) A relevant authority must make arrangements for the Schedule's publication within the authority area (IRPW Regulation 46) and send the Schedule to the Panel as soon as practicable and not later than 31 July in the year to which it applies. Annex 4 provides further details of the publicity requirements.
  - (iii) Any amendments to the Schedule made during the year must be conveyed to the Panel as soon as possible after the amendment is made.

**Note: The above requirements do not apply to community and town councils at this time. The following applies to all authorities.**

- (iv) A relevant authority must make arrangements for publication within the authority area of the total sum paid by it to each member and co-opted member in respect of salary (basic, senior and civic), allowances, fees and reimbursements in a Statement of Payments (in accordance with Annex 4 that sets out the content that must be included in the Publicity Requirements) as soon as practicable and no later than 30 September following the close of the year to which it relates. It must be submitted to the Panel no later than that date.

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<sup>7</sup> Interpretation of "Relevant Authority" provided in the Independent Remuneration Panel for Wales (IRPW) Regulations, Part 1, 'Interpretation'.

## **15. Salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities and Chief Officers of Principal Councils**

- 15.1 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 these authorities that relates to the salary of the head of paid service (normally the chief executive or chief fire officer). Section 39 of the Local Government (Wales) Act 2015 further amended the Measure extending this function to include Chief Officers of Principal Councils.
- 15.2 The Welsh Government has issued amended guidance to the Panel which can be found at <http://gov.wales/docs/ds/lgl/publications/localgov/160212-irp-guide-salaries-en-v2.pdf> .This sets the basis on which the Panel will carry out the function contained in the legislation.
- 15.3 In essence the functions of the Panel and the requirements on authorities established by the legislation and the subsequent guidance are:
- a) If a principal council intends to change the salary of the head of paid service or chief officer, or if a fire and rescue authority intends to change the salary of its head of paid service it must consult the Panel unless the change is in keeping with changes applied to other officers of that authority (whether the change is an increase or decrease). ‘Salary’ includes payments under a contract for services as well as payments of salary under an employment contract.
  - b) The authority must have regard to the recommendation(s) of the Panel when reaching its decision.
  - c) The Panel may seek any information that it considers necessary to reach a conclusion and produce a recommendation. The authority is obliged to provide the information sought by the Panel.
  - d) The Panel may publish any recommendation that it makes. It is the intention that, in the interests of transparency, it will normally do so.
  - e) The Panel's recommendation(s) could indicate:
    - approval of the authority's proposal
    - express concerns about the proposal
    - recommend variations to the proposal
- as long as these comply with any guidance issued by the Welsh Government.
- 15.4 The Panel also has a general power to review the Pay Policy Statements of authorities so far as they relate to the heads of paid service (and chief officers



until 2020).

- 15.5 It is important to note that the Panel will not decide the amount that an individual head of paid service will receive.
- 15.6 The Panel is very aware that this additional function is significantly different from its statutory responsibilities in relation to members' remuneration. However, it will ensure that it undertakes this role with clarity and openness, taking into account all the relevant factors in respect of specific individual cases. Authorities are encouraged to consult the Panel at an early stage in their decision making on such matters. This will enable the Panel to respond in a timely manner.
- 15.7 Appended to this section are the decisions of the Panel in respect of:
- The Chief Fire Officer of Mid and West Wales Fire and Rescue Authority
  - The Chief Officers restructuring in Denbighshire County Council
  - The Chief Officers restructuring in Monmouthshire County Council
  - A Chief Officer in Pembrokeshire County Council
  - Chief Officers in Newport City Council

### **Pay Policy Statements**

- 15.8 Paragraph 3.7 of the guidance to the Panel from the Welsh Government states that “The legislation does not restrict the Panel to a reactive role” It allows the Panel to use its power to make recommendations relating to provisions within local authorities Pay Policy Statements. The Panel has considered this in the context of its resources and has decided that these limit the time that could be applied to this open power. So it will examine changes from year to year of the salaries of Chief Executives and Chief Officers to ensure that these comply with the requirements of the legislation.

## The Chief Fire Officer of Mid and West Wales Fire and Rescue Authority



Mr D Daycock  
Clerk and Monitoring Officer  
Mid & West Wales Fire & Rescue Authority

[d.daycock@mawwfire.gov.uk](mailto:d.daycock@mawwfire.gov.uk)

23 November 2015

Dear Mr Daycock,

### **Proposed Salary of Head of Paid Service (Chief Fire Officer)**

The Independent Remuneration Panel for Wales (the Panel) has considered the salary proposed in the report to the Chief Officer Remuneration Committee which you submitted on the 2nd November, in accordance with Section 143A of the Local Government (Wales) Measure 2011. We note that the Committee is recommending approval to the Authority

The Panel met on the 18th November 2015; all members were present. We were grateful for the additional information provided to assist in our consideration. The guidance to the Panel from the Welsh Government in respect of its function under Section 143A states that the Panel could:

- a) Indicate approval of the proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

We have examined the content of the report and additional documentation provided. While we fully understand the desire to review the present system of payments made to the Chief Fire Officer and to create a simplified framework, we have decided to "Express concerns about the proposal".

We set out below the reasons for this decision.

You have advised that the existing remuneration of the Chief Fire Officer comprises four elements – Basic Salary; Earn Back (at 3% of basic salary, consolidated); Performance Related Pay (up to 3% of combined basic and Earn Back) and an

allowance for ICT. We have noted that “Earn Back” is rarely not paid which gives the impression that it is in effect part of the basic salary, particularly as it is consolidated. However, PRP is only paid for performance “genuinely beyond expectations”. The report is silent on the way such performance is assessed but given this definition it would be surprising if this was achieved on a regular basis.

The proposal to set the salary on the basis of a combination of population band 3 median and the median for jobs of a similar weight is not justified in the report but to the Panel seems to be a way of compensating for the discontinuance of the PRP element. Overall the result is a consolidated salary significantly higher than the current basic (even when Earn Back is included).

The Panel considers that such an increase in the basic salary is not justified and appears to be out of line with other public sector pay awards. Therefore we formally Express Concern and expect the authority to reconsider.

The legislation requires the authority to have regard to the views of the Panel but are not obliged to follow it. We would draw your attention specifically to paragraph 3.2 of the guidance.

The Panel has noted that the report also deals with the remuneration of other senior officers of the authority. At present our remit does not include officers below the Head of Paid Service and we make no comment on the proposals for these posts.

The Panel would normally publish its decision in exercising this function in the interests of transparency, however, in this instance this will be withheld until we are advised of the authority’s response.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Penn', followed by a small blue dot.

Richard Penn  
Chair

## The Chief Officers restructuring in Denbighshire County Council



Mohammed Mehmet  
Chief Executive  
Denbighshire County Council

CC  
Cllr Hugh Evans  
Catrin Roberts  
Sophie Vaughan

04 April 2016

Dear Mr Mehmet

### **Review of salaries of the senior leadership team**

The Independent Remuneration Panel for Wales (the Panel) has considered, in accordance with Section 143A of the Local Government (Wales) Measure 2011, the salary structure for the senior leadership team (SLT) in Denbighshire proposed as a result of the pay review conducted by its remuneration committee. The Panel notes that the committee is recommending approval to the full council.

The Panel was unable to consider the proposal at its meeting on 9th March as it required more specific and relevant information than had been provided. However, in order to consider this expeditiously, the Panel convened an extraordinary meeting on 30 March 2016 solely for this purpose. Four of its five members were present and therefore the meeting was quorate. We examined in advance the content of the "Senior Leadership Pay Review March 2016" report provided to the Panel for this meeting and the original documentation ordered chronologically, which had been provided earlier.

We understand the motivation for Denbighshire County Council to review its SLT pay structure given the length of time since it was last reviewed. We are aware that ad hoc changes have been made resulting in a significant reduction in the membership of the SLT and that has resulted in salaries being adjusted through market supplements and honoraria. We note Denbighshire's desire to produce a pay structure which reviews these and is fair, consistent and transparent and able to attract retain and motivate senior managers.

The guidance to the Panel from the Welsh Government in respect of its function under Section 143A states that the Panel could:

- a) Indicate approval of the proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

Having examined the information provided, the Panel's decision is to recommend a variation to the Council's proposal. This, together with the reasons for the recommendation is set out below.

The report provided to the Panel states that one of the remuneration committee's principles was for the pay structure to be within the median pay range comparable to the remuneration in other organisations. The report then gives data provided by Hay of the market median figure for corporate directors and for the two levels of head of service. There is also a comparison with the pay ranges of three neighbouring authorities.

The Panel noted that the data from Hay as presented in the report did not identify the sources that were used. The data therefore does not specify which organisations were used for comparison. The Council's remuneration committee could have been making comparisons with all England and Wales councils or a subset of that grouping e.g. all Welsh councils or all UK unitary councils.

The Panel noted that the reason given for the comparison with the neighbouring authorities was the current Welsh Government's preferred policy options for local government re-organisation in which Denbighshire is merged with either Conwy or Flintshire and Wrexham. The Panel considers, in carrying out its functions under section 143A, that possible future configurations of local authority areas cannot be an overriding factor in considering proposals referred to it. The comparison with neighbouring authorities is therefore not persuasive evidence to justify the change on this basis

The Panel therefore additionally considered information relating to the demographics and finances of all Welsh principal councils.

- The population of Denbighshire is 16th out of the 22 principal councils in Wales.
- The revenue budget of the Council is approximately £186 million. This is the 16th largest of the 22 councils.
- The salary ranges of chief officers of other Welsh authorities of a similar size and revenue budget

The Panel's recommendation therefore is:

- That the highest salary currently paid at the three proposed grades (SLT3 corporate director, SLT2 head of service and SLT1 head of service) should be the maximum in that grade;

- The officers who have salaries currently below the highest can be raised to that level through a series of increments, over a three year period. The increments should be structured so that no officer receives an increment of less than £1,000;
- Subject to point 2, the council has the discretion to set the minimum for the grade and the incremental steps to reach the maximum as indicated below.

<b>Independent Remuneration Panel of Wales Recommendation</b>		
<b>Senior Leadership Team – Denbighshire (excluding the Chief Executive)</b>		
SLT3 (Directors)	96,630	maximum of scale
	XX	mid point of scale *
	XX	start of scale *
SLT2 (Head of Service)	77,687	maximum of scale
	XX	mid point of scale *
	XX	start of scale *
SLT1 (Head of Service)	62,687	maximum of scale
	XX	mid point of scale *
	XX	start of scale *

\* For the Council to determine

The Panel consider that this structure fulfils the principles the remuneration committee worked within, particularly:

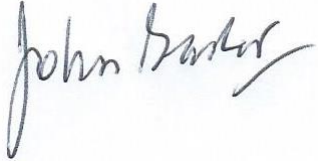
*There is sufficient opportunity for financial progression over 3 years  
No officer is being financially disadvantaged.*

In accordance with sections 143A (3B) and (4A) of the Local Government Measure 2011, the authority is required to have regard to the views of the Panel and the Panel is required to inform the Welsh Minister of its recommendation.

In accordance with section 143A (5A), the authority must notify the Panel and the Welsh Ministers of its response to this recommendation.

The Panel would normally publish its decision in exercising this function in the interests of transparency, however, in this instance this will be withheld until we are advised of the authority's response.

Yours sincerely,

A handwritten signature in blue ink that reads "John Bader". The signature is written in a cursive style with a long, sweeping underline.

John Bader  
Chair

## The Chief Officers restructuring in Monmouthshire County Council



Paul Matthews  
Chief Executive  
Monmouthshire County Council  
cc. Councillor Peter Fox, Leader Monmouthshire CC

26 May 2015

Dear Mr Matthews

### Senior Officer Leadership changes at Monmouthshire County Council

Your letter and accompanying documentation dated 5<sup>th</sup> May was considered by the Independent Remuneration Panel for Wales at the meeting on 25<sup>th</sup> May. All members of the Panel were present and therefore the meeting was quorate.

Panel members were appreciative of the documents provided including the additional information requested by the secretariat. It was noted that the proposed structure would produce significant ongoing savings.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposals as submitted.

Yours sincerely

John Bader

Chair



## Change to a Chief Officer Salary in Pembrokeshire County Council



Ceri Davies  
Head of Human Resources  
Pembrokeshire County Council

cc. Mark Woolgar, Human Resources Manager

22 August 2016

Dear Ceri,

### **Proposal to change the remuneration of a chief officer**

Your letter and accompanying documentation dated 8<sup>th</sup> August was considered by the Independent Remuneration Panel for Wales at the meeting on 17<sup>th</sup> August. All members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

Having examined the submission from your authority it is the decision of the Panel to approve the proposal as submitted.

Yours sincerely

John Bader

Chair

## Review of Chief Officer Pay in Newport City Council



Will Godfrey  
Chief Executive  
Newport City Council  
[Will.godfrey@newport.gov.uk](mailto:Will.godfrey@newport.gov.uk)

Eich cyf/ Your ref:

Ein cyf/Our ref: zA1263030

cc Rachael Davies  
HR Manager  
[RachaelA.Davies@newport.gov.uk](mailto:RachaelA.Davies@newport.gov.uk)

23 September 2016

Dear Will

### Review of senior pay at Newport City Council

Your review document and accompanying documentation was considered by the Independent Remuneration Panel for Wales at its meeting on 14th September. Five members of the Panel were present and therefore the meeting was quorate.

The Panel considered your proposal to amend the salary range of some of your heads of service. The Panel asked me to seek clarification on 2 issues:

1. The status of your second submission (headed Part 2) and whether this took precedence over the initial proposal.
2. To establish which salary range you were submitting as the range for HDSO2 in the submission was lower than in the additional information provided by your HR Manager following a request from me.

You confirmed that the original submission (Part 1) was the proposal that you were requesting the Panel to consider and that the correct salary range was that provided by your HR Manager.

Having examined the submission from your authority and received satisfactory clarification on the matters noted above it is the decision of the Panel to approve the proposal as submitted.

Regards

John Bader  
Chair, Independent Remuneration Panel for Wales.

## Annex 1: The Panel's Determinations for 2017/18

Principal Councils	
1.	Basic salary in 2017/18 for elected members of principal councils shall be £13,400.
2.	The Panel has determined that senior salary levels in 2017/18 for members of principal councils shall be as set out in table 2 (page 13).
3.	The Panel has determined that (where paid) civic salaries at the following levels are payable (Table 3, page 15) and will be applied by principal councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.
4.	The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Level 1 senior salary. This post will count towards the cap.
5.	The Panel has determined that the post of deputy presiding member will not be remunerated.
6.	The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.
7.	The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.
Specific or Additional Senior Salaries	
8.	The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.
Joint Overview and Scrutiny Committees	
9.	The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 Level 2 senior salary that remunerates a committee chair of a principal authority (£6,700).
10.	In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £3,350.

11.	The chair of a sub committee of a JOSC is eligible for a salary of £1,675.
12.	In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be £837.
13.	Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.
14.	Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).
15.	A deputy chair of a JOSC or sub committee is not eligible for payment.
16.	Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.
<b>Local Government Pension Scheme</b>	
17.	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
<b>Family Absence</b>	
18.	An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
19.	When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.
20.	It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
21.	If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
22.	When a Council agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
23.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.

<b>National Park Authorities</b>	
24.	The basic salary for NPA ordinary members should be £3,625
25.	The senior salary of the chair of an NPA should be £12,325
26.	An NPA senior salary can be paid to a Deputy Chair, and up to two committee chairs where there is significant and sustained responsibility. This can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility: £6,025 or £7,325
27.	The Panel has determined to include a provision for NPAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
28.	Members must not receive more than one NPA senior salary.
29.	An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility
30.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.
<b>Fire and Rescue Authorities</b>	
31.	The basic salary for FRA ordinary members should be £1,715
32.	The senior salary of the chair of an FRA should be £10,415.
33.	An FRA senior salary can be paid to the deputy chair, and up to two chairs of committees where there is significant and sustained responsibility. This should be paid at £5,415.
34.	The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
35.	Members must not receive more than one FRA senior salary.
36.	An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
37.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.
<b>Co-Opted Members</b>	
38.	Principal councils, NPAs and FRAs must pay the following fees to co-opted members (Table 6, page 31) (who have voting rights).
39.	Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the

	appropriate officer in advance of the meeting.
40.	Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
41.	The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
42.	Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
<b>Reimbursement of Costs of Care</b>	
43.	All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.
<b>Community and Town Councils</b>	
44.	Community and town councils are authorised to make a payment to each of their members of a maximum amount of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.
45.	Community and town councils are authorised to make an annual payment not exceeding £500 each to up to 3 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses if that is made.
46.	Community and town councils are authorised to provide a civic allowance to the mayor/chair of the council at an amount that they deem appropriate to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made.
47.	Community and town councils are authorised to provide a civic allowance to the deputy mayor/deputy chair of the council at an amount that they deem appropriate to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made.
48.	Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties. Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:

	<ul style="list-style-type: none"> <li>- 45p per mile up to 10,000 miles in the year.</li> <li>- 25p per mile over 10,000 miles.</li> <li>- 5p per mile per passenger carried on authority business.</li> <li>- 24p per mile for private motor cycles.</li> <li>- 20p per mile for bicycles.</li> </ul>
49.	<p>If a community or town council resolves that a particular duty requires an overnight stay, it may authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> <li>- £28 per 24-hour period allowance for meals, including breakfast where not provided.</li> <li>- £200 – London overnight</li> <li>- £95 – elsewhere overnight.</li> <li>- £30 – staying with friends and/or family overnight.</li> </ul>
50.	<p>Community and town councils are authorised to pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>- Up to £33.00 for each period not exceeding 4 hours:</li> <li>- Up to £66.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
51.	<p>Community and town councils are authorised to provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement shall only be made on production of receipts from the carer.</p>

## **Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations:**

- a) for the remuneration of members and co-opted members of relevant authorities**
- b) for functions relating to the salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities**
- c) Chief officers of Principal Councils**

### **Introduction**

Part 8 (sections 141 to 160) and schedules 2 and 3 of the Local Government (Wales) Measure 2011 (*the Measure*) set out the arrangements for the payments and pensions for members of relevant authorities and the functions and responsibilities of the Independent Remuneration Panel for Wales (the Panel).

Sections 62 to 67 of the Local Government (Democracy) (Wales) Act 2013 amends sections 142, 143, 144, 147, 148 and 151 of the Measure and confers additional powers on the Panel.

The powers contained in part 8 and schedules 2 and 3 of the Measure (as amended) have replaced the following Statutory Instruments:

- The Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 (No. 1895 (W.196)).
- The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (No. 2555 (W.227)).
- The Local Authorities (Allowances for Members) (Wales) Regulations 2007 (No.1086 (W.115)).

The Measure also has replaced the sections of the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000 relating to payments to councillors in Wales.

Allowances for members of community and town councils are set out in Part 5 of these Regulations. The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (No. 895(W.115)) were revoked from 1<sup>st</sup> April 2013.

## **Part 1**

### **General**

1. a. The short title of these Regulations is: “IRPW Regulations”.



- b. The IRPW Regulations came into force on 1 April 2012. The implementation date for each of the relevant authorities is set out in the Annual Report or Supplementary Report of the Panel.
- c. Authorities are required to produce a schedule of payments to members and co-opted members no later than the 31<sup>st</sup> July each year, for submission to the Panel and publication (see paragraph 46).

## Interpretation

### 2. In the IRPW Regulations:

- “The 1972 Act” means the Local Government Act 1972.
- “The 2000 Act” means the Local Government Act 2000.
- “The 2013 Act” means the Local Government (Democracy) (Wales) Act 2013.
- “Allowance” means the actual or maximum amount which may be reimbursed to members and co-opted members of a relevant authority for expenses necessarily incurred when carrying out the official business of the relevant authority.
- “Annual report” means a report produced by the Panel in accordance with section 145 of the Measure.
- “Approved duty” in relation to community and town councils has the meaning as set out in Part 5 of these Regulations.
- “Attendance Allowance” in relation to community or town councils has the meaning set out in Part 5 of these Regulations.
- “Authority” means a relevant authority in Wales as defined in Section 144(2) of the Measure, and includes a local authority (county or county borough council), a national park authority and a Welsh fire and rescue authority, a community or town council.
- “Basic Salary” has the same meaning as set out in paragraph 6 of these Regulations, and may be qualified as “LA Basic Salary” to refer to the basic salary of a member of a principal council; “NPA Basic Salary” to refer to the basic salary of a member of a national park authority; and “FRA Basic Salary” to refer to the basic salary of a member of a Welsh fire and rescue authority.
- “Chief Officer” of a principal authority has the meaning as defined in the Localism Act 2011
- “Civic Head” is the person elected by the council to carry out the functions of the chair of that council and is designated as mayor or chair.
- “Committee” includes a sub-committee.
- “Community or town council” means in relation to Part 8 of the Measure, a community council as defined in section 33 of the Local Government Act 1972 or a town council in accord with section 245B of the same Act.

- “Consultation draft” means the draft of an Annual or Supplementary report under Section 146 (7) or 147(8) of the Measure, representations on which must be taken into account by the Panel.
- “Constituent authority” – for national park authorities this is a local authority falling within the area of a national park authority; for Welsh fire and rescue authorities it is a local authority falling within the area of a fire and rescue authority.
- “Controlling group” means a political group in a local authority where any of its members form part of the executive.
- “Co-opted Member” has the meaning contained in section 144 (5) of the Measure, that is those with the right to vote on matters within the purview of the committee on which they serve.
- “Co-opted Member fee” has the same meaning as set out in paragraph 19 of these Regulations.
- “Costs of Care” has the same meaning as set out in paragraph 21 of these Regulations.
- “Democratic Services Committee” means the local authority committee established under section 11 of the Measure.
- “Deputy Civic Head” is a person elected by the council to deputise for the mayor or chair of that council.
- “Executive” means the executive of an authority in a form as specified in sections 11(2) to (5) of the 2000 Act, as amended by section 34 of the Measure.
- “Executive arrangements” has the meaning given by section 10(1) of the 2000 Act.
- “Family absence” as defined in Section 142 (2) (b) of the Measure has the meaning given to it by Part 2 of the Measure, and contained in the Regulations relating thereto.
- “Financial Loss Allowance in relation to community or town councils has the meaning as set out in Part 5 of the Regulations.
- “Fire and rescue authority” means an authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- “Head of paid service” means as designated under section 4(1) of the Local Government and Housing Act 1989.
- Joint Overview and Scrutiny Committee means a committee or sub committee set up by two or more principal councils under the Local Authority (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
- “Largest opposition group” means a political group other than a controlling group which has a greater number of members than any other political group in the authority.

- “Local authority” means a county or county borough council.
- “Member” means in respect of a local authority or a community or town council a person who has been elected to serve as a councillor for that authority; for a national park authority means a member appointed by a constituent authority and also a person appointed by Welsh Ministers; for Welsh fire and rescue authorities means a member appointed by a constituent authority.
- “National Park Authority” means a national park authority established under section 63 of the Environment Act 1995.
- “Official business” has the meaning contained in Section 142 (10) of the Measure in relation to the payment of allowances for care, travel and subsistence as reimbursement of expenses necessarily incurred by members and co-opted members of a relevant authority (excluding community and town councils) when:
  - a. Attending a meeting of the authority or any committee of the authority or any body to which the authority makes appointments or nominations or of any committee of such a body.
  - b. Attending a meeting of any association of authorities of which the authority is a member.
  - c. Attending a meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities.
  - d. Attending any training or development event approved by the authority or its executive.
  - e. A duty undertaken for the purpose of or in connection with the discharge of the functions of an executive within the meaning of Part 2 of the 2000 Act, as amended.
  - f. A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.
  - g. A duty undertaken in connection with the discharge of any function of the authority to inspect or authorise the inspection of premises.
  - h. A duty undertaken by members of principal councils in connection with constituency or ward responsibilities which arise from the discharge of local authority functions.
  - i. Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.
- “Other political group” means a political group other than a controlling group or the largest opposition group (if any) which comprises not less than ten per cent of the members of that authority.

- “Overview and Scrutiny Committee” means a committee of the authority which has the powers set out in sections 21(2) and (3) of the 2000 Act, as amended by Part 6 of the Measure.
- “Panel” means the Independent Remuneration Panel for Wales as set out in section 141(1) and schedule 2 of the Measure.
- “Pay policy statement” means a statement produced by a relevant authority under section 38 of the Localism Act 2011.
- “Presiding Member” means a member of a principal council who has been designated by that council to carry out functions in relation to the chairing of its meetings and proceedings.
- “Principal council” means a county or county borough council.
- “Proper officer” has the same meaning as in section 270(3) of the 1972 Act.
- “Public body” means a body as defined in section 67(b) of the 2013 Act.
- “Qualifying provision” means a provision that makes a variation to a previous decision of the Panel. (Section 65 (c) of the 2013 Act).
- “Qualifying relevant authority” is an authority within the meaning of section 63 of the 2013 Act, required to produce a pay policy statement.
- “Relevant authority” is set out in Section 144(2) of the Measure (as amended) and in section 64 of the 2013 Act and, for the purposes of these Regulations, includes a local authority/principal council, a community or town council, a national park authority and a Welsh fire and rescue authority.
- “Relevant matters” are as defined in Section 142(2) of the Measure.
- “Schedule” means a list setting out the authority’s decisions in respect of payments to be made during the year (as relating to that authority) to all members and co-opted members of that authority.
- “Senior Salary” has the same meaning as set out in paragraph 11 of these Regulations and may be qualified as “Local Authority/Principal council Senior Salary” to refer to the senior salary of a member of a principal council; “National Park Senior Salary” to refer to the senior salary of a member of a national park authority; or “Fire and Rescue authority Senior Salary” to refer to the senior salary of a member of a Fire and Rescue authority.
- “Sickness absence” means the arrangements as set out in the Annual Report.
- “Supplementary report” has the meaning contained in section 146(4 to 8) of the Measure.
- “Travelling and subsistence allowance” has the same meaning as set out in paragraph 25 of these Regulations.
- “Year” has the following meanings:

“financial year” – the period of twelve months ending 31 March;

“calendar year” – the period of twelve months ending 31 December;

“municipal year” – the year commencing on the date of the annual meeting of the local authority and ending the day before the annual meeting of the following year; for national park authorities and Welsh fire and rescue authorities it is the period of up to twelve months following the annual meeting of the authority.

## **Part 2: Schedule of member/co-opted member remuneration**

### **Commencement of term of office**

3. The term of office of:

- A member of a local authority or community or town council begins on the date which that member makes a declaration of acceptance of that office under section 83(1) of the 1972 Act.
- A councillor member of a national park authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of a Welsh Government appointed member begins on the date of that appointment. The term of office of the chair and deputy chair of the national park authority begins on the date of election by that authority to that office.
- A councillor member of a Welsh fire and rescue authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of the chair and deputy chair of the fire and rescue authority begins on the date of election by that authority to that office.
- A co-opted member of a relevant authority begins on the date of appointment by the relevant authority.

### **Schedule of member remuneration (the Schedule) (does not apply to community or town councils – see Part 5)**

4. An authority must produce annually, a schedule of payments it intends to make to its members and co-opted members. The amount of those payments must accord with the Panel’s determinations made for that year in its Annual or Supplementary Reports. The Schedule must be produced no later than four weeks following the annual meeting of the authority.

### **Amendment to the Schedule**

5. An authority may amend the Schedule at any time during the year (as relating to the authority) provided that such amendments accord with the Panel’s determinations for that year.

## **Basic salary**

6. An authority must provide for the payment of a basic salary, as determined by the Panel in its Annual or Supplementary Reports, to each of its members. The amount of the salary must be the same for each member. For principal councils only, this salary remains payable during a period of family absence.
7. A member may not receive more than one basic salary from a relevant authority, but a member of one relevant authority may receive a further basic salary by being appointed as a member of another relevant authority (except in the case as indicated in paragraph 16).
8. The amount of the basic salary will be set in accordance with Section 142(3) of the Measure and will be one of the following:
  - The amount the authority must pay to a member of the authority.
  - The maximum amount that the authority may pay to a member of the authority.
9. Where the term of office of a member begins or ends other than at the beginning or end of the year (as relating to the authority), the entitlement of that member is to such proportion of the basic salary as the number of days during which the member's term of office subsists during that year bears to the number of days in that year.
10. Where a member is suspended or partially suspended from being a member of an authority (Part 3 of the 2000 Act refers) the part of the basic salary payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

## **Senior salary**

11. Subject to paragraphs 12 to 18 an authority can make payments of a senior salary to members that it has given specific responsibilities. Such payments must accord with the Panel's determination for the year (as relating to the authority) that the payments are made and must be set out in the Schedule of that authority. For principal councils only, a senior salary will remain payable during the family absence of the office holder.
12. The Panel will prescribe in its Annual or Supplementary Reports the following:
  - The categories of members eligible for the payment of a senior salary which may not be the same for all authorities or categories of authorities.
  - The discretion available to authorities in relation to the payment of senior salaries which may not be the same for all authorities or categories of authorities.

13. The amount of the senior salaries payable will be in accordance with section 142(3) of the Measure and specify:
- The amount that a relevant authority must pay to a member of the authority.
  - The maximum amount that a relevant authority may pay to a member of the authority.
14. The Senior Salary will comprise an amalgam of the basic salary and an additional amount for the relevant specific responsibility determined by the Panel in its Annual or Supplementary Reports. This may not be the same for all authorities or categories of authorities.
15. The Panel in its Annual or Supplementary Reports will determine either the maximum proportion of its membership or the total number of members that an authority can pay as senior salaries. The percentage may not exceed fifty percent without the express approval of Welsh Ministers (Section 142(5) of the Measure). For principal councils only, the maximum proportion or number may be exceeded to include payment of a senior salary to an additional member who is appointed to provide temporary cover for the family absence of a senior salary office holder (subject to the 50% limit).
- 15(a). For principal councils, Fire and Rescue Authorities and National Park Authorities the maximum proportion or number may be exceeded to include the payment of a senior salary to an additional member who is appointed to provide temporary cover for the sickness absence of a senior salary holder as determined in the Annual Report or a Supplementary Report.
- 15(b). Payments to chairs of Joint Overview and Scrutiny Committees or Sub Committees are additional to the maximum proportion of its membership that an authority can pay as senior salaries subject to the overall maximum of fifty percent as contained in Section 142(5) of the Measure. The Panel will determine the amounts of such payments in an Annual or Supplementary Report.
16. An authority must not pay more than one senior salary to any member. A principal council member in receipt of a senior salary as leader or executive member of a local authority (determined as full-time by the Panel) may not receive a second salary as a member appointed to serve on a national park authority or a Welsh fire and rescue authority.
- 16(a). Paragraph 16 does not apply to payments made to a chair of a Joint Overview and Scrutiny Committee or Sub Committee who is in receipt of a senior salary for a role that is not classified as full time equivalent. It continues to apply to leaders or members of the executive.
17. Where a member does not have, throughout the year specific responsibilities that allow entitlement to a senior salary, that member's payment is to be such proportion of the salary as the number of days during which that member has such special responsibility bears to the number of days in that year.

18. Where a member is suspended or partially suspended from being a member of the authority (Part 3 of the 2000 Act refers) the authority must not make payments of the member's senior salary for the duration of the suspension (Section 155(1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the basic salary.

### **Co-opted member payment**

19. A relevant authority must provide for the payment of a fee to a co-opted member as determined by the Panel in its Annual or Supplementary Reports. In relation to this regulation 'co-opted member' means a member as determined in Section 144(5) of the Measure and set out in paragraph 2 of these Regulations.
20. Where a co-opted member is suspended or partially suspended from an authority (Part 3 of the 2000 Act refers) the authority must not make payment of a co-opted member fee for the duration of the suspension (Section 155(1) of the Measure).

### **Allowances**

#### **Costs of Care**

21. Authorities must provide for the payment to members and co-opted members of an authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual member as are necessarily incurred in carrying out official business as a member or co-opted member of that authority. Payments under this paragraph must not be made:
- In respect of any child over the age of fifteen years or dependant unless the member/co-opted member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of the duties of a member or co-opted member.
  - To more than one member/co-opted member of the authority in relation to the care of the same child or dependant.
  - Of more than one reimbursement for care to a member or co-opted member of the authority who is unable to demonstrate to the satisfaction of the authority that the member/co-opted member has to make separate arrangements for the care of different children or dependants.
22. The maximum amount of the cost of care payable by an authority is to be determined by the Panel in its Annual or Supplementary Reports.
23. Where a member/co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act



refers) the part of the reimbursement of the cost of care payable to that member/co-opted member in receipt of the responsibilities or duties from which that member/co-opted member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

24. An authority's Schedule must stipulate the maximum amount of the reimbursement of costs of care payable each month and its arrangements for making claims, taking full account of the Panel's determinations in this respect.

### **Travel and subsistence allowances**

25. Subject to paragraphs 26 and 27 below a member or co-opted member is entitled to receive payments from the authority by way of travelling and subsistence allowances at rates determined by the Panel in its Annual or Supplementary Reports. Such allowances are in respect of expenditure incurred by a member or co-opted member in the performance of the official business of the authority.

### **(Paragraphs 26 & 27 apply only to principal councils)**

26. Payment of a subsistence allowance to a local authority member for the performance of official business within the boundaries of a county or county borough where s/he is a member should only be made when the authority is satisfied that it can be justified on economic grounds. This does not apply in respect of co-opted members of a local authority who live outside that authority.
27. A local authority may make provision, subject to any limitations it thinks fit, for members to claim mileage expenses for official business in connection with constituency or ward responsibilities where they arise out of the discharge of the functions of the county or county borough.
28. Where a member or co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers), travelling and subsistence allowances payable to that member/co-opted member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

## **Part 3: Further provisions**

### **Pensions**

29. Under Section 143 of the Measure, the Panel may make determinations in respect of pension arrangements for local authority members in its Annual or Supplementary Reports. Such determinations may:

- Describe the description of members for whom a local authority will be required to pay a pension.
- Describe the relevant matters in respect of which a local authority will be required to pay a pension.
- Make different decisions for different principal councils.

### **Allowances to support the function of a local authority member**

30. A local authority must provide for the requirements of a member to undertake their role and responsibilities more effectively. The way in which this support should be provided is determined by the Panel in its Annual or Supplementary Reports.

### **Payment of expenses for official and courtesy visits**

31. The arrangements contained in Section 176 of the Local Government Act 1972 will continue to apply but no payment may be made to a person under that arrangement when a payment has been made to that person pursuant to any payment made under these Regulations.

### **Arrangements in relation to family absence**

32. Part 2 of the Measure sets out the rights of local authority members in relation to family absence. The Panel will set out its determinations and the administrative arrangements in relation to the payment of salaries and allowances by principal councils in this respect in its Annual or Supplementary Reports.

### **Sickness Absence**

- 32(a) Arrangements in respect of the long term sickness absence of senior salary holders of principal authorities, Fire and Rescue Authorities and National Park Authorities will be as set out in the Panel's Annual Report or Supplementary Report.

## **Part 4: Salaries, allowances or fees**

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

33. An authority must require that such part of a salary, allowance or fee be repaid where payment has already been made in respect of any period during which the member or co-opted member concerned:

- is suspended or partially suspended from that member's/co-opted member's duties or responsibilities in accordance with Part 3 of the 2000 Act or Regulations made under that Act.
- ceases to be a member or co-opted member of the authority.
- or in any way is not entitled to receive a salary, allowance or fee in respect of that period.

### **Forgoing salaries, allowances or fees**

34. Under Section 154 of the Measure, any member or co-opted member may by notice in writing to the proper officer of the authority elect to forgo any part of their entitlement to a salary, allowance or fee under the determination of the Panel for that particular year (as relating to the authority).

## **Part 5: Specific provisions relating to community and town councils ("the council")**

### **Interpretation**

35. For the purposes of this Part the term member means both an elected member and a co-opted member.

### **Allowances**

36. Allowances:
- a) The council can if it so determines make an annual payment to members in respect of costs incurred in carrying out the role of a member. The maximum amount payable will be set out in the Annual or Supplementary Report of the Panel.
  - b) The council can if it so determines make payments to members in respect of costs of travel for attending approved duties inside or outside the area of the council. The amounts claimable will be set out in the Annual or Supplementary Report of the Panel.
  - c) The council can if it so determines reimburse subsistence expenses to its members when attending approved duties inside or outside the area of the council. The arrangements for reimbursement will be set out in the Annual or Supplementary Report of the Panel.
  - d) The council can if it so determines pay compensation for Financial Loss to its members where such loss has occurred for attending approved duties outside the area of the council. The Allowances will be set out in the Annual or Supplementary Report of the Panel.
  - e) The council can if it so determines pay an allowance to the chair or mayor of the council for the purposes of undertaking the role of that office. The allowance will be set out in the Annual or Supplementary Report of the Panel

- g) The council can if it so determines pay a responsibility allowance to a number of its members as stipulated in the Annual Report of the Panel.
- h) The council if it so determines reimburse the costs of care to a member as stipulated in the Annual Report of the Panel.
37. A member may elect to forgo any part of an entitlement to an allowance under these Regulations by giving notice in writing to the proper officer of the council.
38. A member making a claim for compensation for Financial Loss must sign a statement that the member has not made and will not make any other claim in respect of the matter to which the claim relates.
39. “Approved Duty” under this Part means
- i. Attendance at a meeting of the council or of any committee or sub-committee of the council or of any other body to which the council makes appointments or nominations or of any committee or sub-committee of such a body.
  - ii. Attendance at any other meeting the holding of which is authorised by the council or a committee or sub-committee of the council, or a joint committee of the council and one or more councils, or a sub-committee of such a joint committee provided that at least two members of the council have been invited and where the council is divided into political groupings at least two such groups have been invited.
  - iii. Attendance at a meeting of any association of councils of which the council is a member.
  - iv. Attendance at any training or development event approved by the council.
  - v. Any other duty approved the council or duty of a class approved by the council for the discharge of its functions or any of its committees or sub-committees.

## **Part 6: Miscellaneous**

### **Arrangements for payments**

40. The Schedule of an authority must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of that authority. Such payments may be made at such times and at such intervals as determined by the authority.

### **Claims**

41. An authority must specify a time limit from the date on which an entitlement to travelling or subsistence allowance arises during which a claim for those allowances must be made by the person to whom they are payable. However,

this does not prevent an authority from making a payment where the allowance is not claimed within the period specified.

42. Any claim for payment of travelling or subsistence allowance in accordance with these Regulations (excluding claims for travel by private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses.

### **Avoidance of duplication**

43. A claim for a payment of travelling allowance or subsistence allowance must include, or be accompanied by, a statement signed by the member or co-opted member that the member/co-opted member has not made and will not make any other claim in respect of the matter to which the claim relates.

### **Records of salaries, allowances and fees**

44. An authority must keep a record of the payments made in accordance with these Regulations. Such record must:
- Specify the name of the recipient and the amount and nature of each payment.
  - Be available, at all reasonable times, for inspection (without charge) by any local government elector (within the meaning of section 270(1) of the 1972 Act) for the area of the authority.
  - Allow a person who is entitled to inspect the record to make a copy of any part of it upon payment of such reasonable fee as the authority may require.

### **Publicity requirements**

(The required content of publicity requirements is contained in an annex to the Annual Report)

45. An authority must, as soon as practicable after determining its Schedule of Remuneration for the year under these Regulations and any Report of the Panel and not later than 31 July of the year to which the Schedule refers, make arrangements for the Schedule's publication within the authority's area. **(This section does not apply to community and town councils).**
46. As soon as practicable and no later than 30 September following the end of a year an authority must make arrangements for the publication within the authority's area, the total sum paid by it to each member/co-opted member in respect of basic salary, senior salary, co-opted member fee, reimbursement of costs of care, travel and subsistence allowances. **(This section applies to all relevant authorities).**
47. In the same timescale and in the same manner, a local authority must make arrangements for the publication of any further remuneration received by a

member nominated or appointed to another relevant authority. **(This section applies only to principal councils).**

### **Publicising the reports of the Panel**

48. Under Section 146(7) (a) and (b) of the Measure, the Panel will send a consultation draft of its Annual Report or Supplementary Report to all relevant authorities for circulation to authority members and co-opted members, so that representations can be made by members/co-opted members to the Panel, normally in a period of eight weeks.
49. The Panel will determine in its Annual or Supplementary Reports the arrangements publicising its Reports in accordance with Section 151 and 152 of the Measure.

### **Monitoring compliance with the Panel's determinations**

50. Section 153 of the Measure determines that relevant authorities must comply with the requirements imposed by the Panel in its Annual Reports. It also empowers the Panel to monitor the payments made by relevant authorities and for it to require the provision of information that it specifies. The requirements under this section will be set out in the Annual Report of the Panel.

## **Annex 3: Schedule of member remuneration**

1. Principal councils, national park authorities (NPAs) and Welsh fire and rescue authorities (FRAs) (but not community and town councils) must maintain an annual Schedule of Member Remuneration (the 'Schedule') which is in accord with the Panel's determinations on member salary and co-opted member payments and which must contain the following information:

In respect of a principal council:

- a. Named members who are to receive only the basic salary and the amount to be paid.
- b. Named members who are to receive a Band 1 and Band 2 senior salary, the office and portfolio held and the amount to be paid.
- c. Named members who are to receive a Band 3, Band 4 and Band 5 senior salary, the office and portfolio held and the amount to be paid.
- d. Named members who are to receive a civic salary and the amount to be paid.
- e. Named members who are to receive the co-opted member fee and whether chair or ordinary member and the amount to be paid.
- f. Named members who are to receive a senior salary as a chair of a Joint Overview and Scrutiny Committee or Sub Committee and the amount to be paid.
- g. Named members in receipt of a specific or additional senior salary approved by the Panel and the amount to be paid.

In respect of National Park and Fire and Rescue Authorities:

- a. Named members who are to receive a basic salary and the amount to be paid.
  - b. Named member who is to receive a senior salary as a chair of the authority and the amount to be paid.
  - c. Named members who are to receive a senior salary as deputy chair of a committee and the amount to be paid.
  - d. Named members who are to receive the co-opted member fee and whether a chair or ordinary member and the amounts to be paid.
2. Amendments made to the Schedule during the municipal year must be communicated to the Panel as soon as it is practicable.
  3. Principal councils must confirm in their annual Schedule that the maximum limit of senior salaries set for the council has not been exceeded.

4. Principal councils, NPAs and FRAs must include a statement of allowable expenses and the duties for which they may be claimed for care, travel and subsistence in their annual Schedule which is in accord with the Panel's determinations.
5. The Schedule must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of the relevant authority (IRPW Regulation 35); arrangements for making claims for care, travel and subsistence expenses (IRPW Regulations 24 and 36-37); arrangements for the avoidance of duplication (IRPW Regulation 38) and arrangements for re-payment of salaries, allowances and fees (IRPW Regulation 33). This schedule must also include the duties for which members and co-opted members are able to claim travel, subsistence and reimbursement of care costs.
6. Principal councils must declare in the Schedule whether:
  - A statement of the basic responsibility of a councillor is in place.
  - Role descriptors of senior salary office holders are in place.
  - Records are kept of councillor attendance.
  - Annual reports are prepared by councillors, and published on the council website.
7. Principal councils, NPAs and FRAs must make arrangements for the publication of the Schedule of Member Remuneration as soon as practicable after its determination and no later than 31 July of the year to which it applies. This should be sent to the Panel no later than this date. The Schedule should be published in a manner that provides ready access for members of the public.
8. The Schedule must also be sent to the Panel Secretariat to be received by 31 July.



## **Annex 4: Publication of Remuneration – the Panel’s Requirements**

In accordance with Section 151 of the Measure the Panel requires that:

1. Relevant authorities must publish a Statement of Payments made to its members (including chairs of JOSCs or sub-committees of JOSCs). This information must be published in a form and location that is easily accessible to members of the public no later than 30 September following the end of the year to which the payments relate and in the same timescale also provided to the Panel. The following information must be provided:
  - a. The amount of basic salary, senior salary, civic salary and co-opted member fee paid to each named member/co-opted member of the relevant authority, including where the member had chosen to forego all or part of the salary, or fee for the municipal year in question. Where a senior salary has been paid, the title of the senior office held is to be provided.
  - b. The payments made by community and town councils to named members as:
    - Payments in respect of telephone usage, information technology, consumables etc.
    - Responsibility payments
    - Allowances made to a mayor/chair and deputy mayor/deputy chair
    - Compensation for Financial Loss
    - Costs incurred in respect of travel and subsistence
    - Reimbursement of the costs of care (see paragraph f below)
  - c. All, travel and subsistence expenses, reimbursement of the costs of care (see paragraph f below) and other payments received by each named member and co-opted member of the relevant authority, with each category identified separately.
  - d. The amount of any further payments received by any named member nominated to, or appointed by, another relevant authority or other public body as defined by Section 67 of the Local Government (Democracy) (Wales) Act 2013, namely:
    - a local health board
    - a police and crime panel
    - a relevant authority
    - a body designated as a public body in an order made by the Welsh Ministers.
  - e. Names of members who did not receive basic or senior salary because they were suspended for all or part of the annual period to which the Schedule applies.

f. In respect of the publication of the reimbursement of the costs of care, the Panel has decided to provide relevant authorities with two options.

- 1) The details of the amounts reimbursed to named members; or
- 2) The total amount reimbursed by the authority during the year but not attributed to any named member.

It is a matter for each authority to decide which of these options for publication it considers appropriate.

2. Nil returns are required to be published and provided to the Panel by 30 September.

## Annex 5: Ministerial Remit Letter to the Independent Remuneration Panel for Wales

John Bader  
Chair  
Independent Remuneration Panel for Wales  
[irpmailbox@wales.gsi.gov.uk](mailto:irpmailbox@wales.gsi.gov.uk)



Llywodraeth Cymru  
Welsh Government

17 March 2016

Dear John

Thank you for the copy of your latest Annual Report for 2016; I was pleased to note that you have not proposed any increases in remuneration for the basic or senior salary with the continual pressures that Local Authorities are facing. I was interested to see that the Panel have introduced two salary levels for Executive members to provide more flexibility at local level and to reflect the many differences in responsibilities attached to specific posts.

You are aware that the workload of the Panel is likely to increase in the foreseeable future. This will include the Panel's role in considering what remuneration is appropriate for Shadow Authorities or newly formed Councils post-merger, as set out in section 25 of the Local Government (Wales) Act 2015. I also note the Panel's temporary extension of functions in relation to salaries of chief officers in section 39 of that Act.

As a result of such changes the Panel will be enlarged to six members in June of this year. In light of such expansion I hope that the Panel will provide a comprehensive induction for new members.

I look forward to seeing how the Panel develops in the coming years, and contributes to new policy development around the remuneration of members

I also look forward to receiving your next annual report and noting the degree to which the changes to your functions have affected your work.

Yours Sincerely

**Leighton Andrews AC/AM**

Y Gweinidog Gwasanaethau Cyhoeddus  
Minister for Public Services

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**The Report and other information about the Panel and its work are available on  
our website at:  
[www.remunerationpanelwales.org.uk](http://www.remunerationpanelwales.org.uk)**