

# Agenda



## Democratic Services Committee

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Date: Thursday, 24 October 2019

Time: 5.00 pm

Venue: Committee Room 1 - Civic Centre

To: Councillors D Fouweather (Chair), C Evans, M Evans, Y Forsey, R Hayat, L Lacey, K Thomas, T Watkins and H Thomas

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Item	Wards Affected
1 <u>Apologies</u>	
2 <u>Declarations of Interest</u>	
3 <u>Minutes of the Last Meeting</u> (Pages 3 - 10)	
4 <u>Independent Remuneration Panel For Wales Draft Annual Report 2020</u> (Pages 11 - 90)	
5 <u>Annual Report by the Head of Democratic Services</u> (Pages 91 - 98)	
6 <u>Annual Report of the Democratic Services Committee</u> (Pages 99 - 108)	
7 <u>Chair of Council</u> (Pages 109 - 114)	
8 <u>Draft Work Programme</u> (Pages 115 - 118)	
9 <u>Date of next Meeting</u> 20 February 2020	

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# Minutes



## Democratic Services Committee

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Date: 14 February 2019

Time: 10.00 am

Present: Councillors C Ferris (Chair), C Evans, M Evans, R Hayat, T Watkins and H Thomas

In Attendance: G Price (Head of Law & Regulation), R Cornwall (Head of People & Business Change), E Mulligan (Democracy & Communication Manager), M Bleazard (Digital Services Manager), D Gibbons (EDMS Manager) and A Jenkins (Governance Team Leader)

Apologies: Councillors Y Forsey, L Lacey and K Thomas

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### 1 Declarations of Interest

None received.

### 2 Minutes of Meeting held on 8 November 2018

The Minutes were submitted.

#### **Agreed:**

Accepted as a true record.

### 3 Members IT Update - Presentation

The Head of People & Business Change gave an update on IT.

- Modernised Council – changes on how we work, do business, engage with communities, equipping staff and access to work. Ensuring appropriate wifi access within the building and having the right laptop as well as new tablet which will be demonstrated.
- The Digital Services Manager gave a brief overview to members on the new Windows Office 365 to be rolled out to all computers within the Council and the benefits to the upgrade. Extra software Included Skype for business, voice and video chat and group meetings. The Windows Office suite could also be used on personal devices. This was part of the package and not an additional cost and free to use on up to five personal devices. Skype meetings would link to the Outlook calendar to show availability. Emails were no longer being archived, there was positive feedback on this from members.
- Secure access to email using Multi-Factor Authentication (MFA), allowed access to any device such as the former BYOD software, with secure access. There would be an App on the user's phone with a secure log in system. Drop in sessions would soon be available for staff including a special drop in session for members on 26 February 2019.

- Still seven members outstanding to have the WO365 upgrade, this was an achievement and to date.
- The members were shown a 4G tablet which provided access to their emails, and would have Windows Office 365 by April, the table could be used at meetings, the Modern.gov App would also be a feature, once downloaded by members. Provision of a magnetic keyboard was part of the package. This would negate the use of a smart phone, however a basic mobile phone would be made available.
- The Head of People & Business Change invited members to have a look at the tablet.
- The Cabinet Member for Communities & Resources was considering the options and a consultation report would be circulated to members in due course. It was hoped that the use of modern equipment would reduce cost and waste including cut down on the use of paper, making potential savings of £40-50K per annum.

#### Questions from members:

- Chair asked what was the cash investment. There were already laptops in place, therefore there was no cash investment to Newport City Council for 4G tablets, because of tech fund. There would be an ongoing cost of £7K.
- Committee Members referred to the recent Windows update and how it might affect contact, such as the predictive contacts used on email. The predictive contacts on the Outlook might be lost but the search had changed to surname first which was causing some issues.
- Archived files would be accessible and stored using a cloud system. The retention policy covered access for up to ten years.
- The IVE token would be replaced by Multi-Factor Authentication on 26 February which was a much better and cheaper facility to use than IVE.
- Committee Members were concerned that there might be problems with the new system that might only be discovered once the council had already committed. The council was testing the systems and it was possible that there might be glitches, however it was hoped that any issues would be resolved.
- Committee Members considered whether members needed so many devices, such as laptop, 4G and phone. It was explained that the devices did different things, although phones were very functional they did not have the power of a laptop and the 4G tablet made a compromise.
- The EDMS Project Manager referred to the Modern.gov App which was very functional and worked well with 4G tablets. Looking at a document digitally would reduce the bulk of an agenda, because links would be more accessible and an annotation facility would be available. The Skype App was also a valuable tool to make phone calls.
- Committee Members asked could members contact their constituency using Skype. It was early days but it could be a possibility.
- Committee Members referred to the modernisation of the Council Chambers in line with the changes being made. Funding was available with a view to looking at technical kit to change the committee rooms and council chambers. A revamp of the public area and use of committee rooms as Skype suites was a consideration.

- Security issues were raised around the new kit and access to personal information on Member's personal mobiles. Members were assured that once a councillor stood down, the kit would be returned to the council and no personal devices would be affected. Any security would be closed down by SRS.
- Finally, Committee Members asked would members without IT experience be left behind. This would be addressed by the council about how to engage those who are not IT literate. The Governance Team also provide support for those members who had basic issues and acted as a conduit with SRS and members.

#### 4 **Boundary Commission Review**

The Democracy and Communication Manager went through the background of the report for Committee Members.

It was up to the council to wait for the Boundary Commission to come back with a proposal or a group could be nominated to put forward options/proposals, if this was the case, it was better to engage with the process well in advance. The deadline for a cross party group to be convened was short and any recommendation would be brought to a special meeting of the Democratic Services Committee on 10 April as the statutory timescale was by the end of April. Fortunately, however, there were no drastic changes in numbers. There were only a few wards where the ratio did not change.

Committee Members asked how up to date were the figures. They were up to date with the electoral role, which was the mechanism on which the Boundary Commission research was based. There would also be a significant housing growth but the Boundary Commission needed evidence of this growth and would therefore not speculate.

Discussion ensued regarding the two new developments within Newport; Glan Lyn and Llanwern which should be taken into consideration as by the time the next review took place the information would be out of date. The Head of Law & Regulation advised that the Boundary Commission would not take into consideration planning consent as it was only speculation, if there was a development underway this would be considered. Hopefully there would be more frequent reviews because of the changes however information was needed to be up and running by 2022 in time for the next election.

Committee Members were concerned about the methodology from the Welsh Government and that some wards would have their boundaries changed, such as one ward disappearing and merging with another. The Head of Law & Regulation agreed that it might be the case and boundaries would need to be adjusted and that was why the Boundary Commission was keen for Councillors to get involved. Community Councillors were also consulted as it would also impact upon them, they would be looking at community boundaries within the ward. The changes would not be too radical as most wards in Newport did not need to be touched.

Chair recommended forming a politically balanced group, ie one labour, one conservative, would need to be set up as soon as possible with the first meeting booked for the following week.

The Committee asked whether the council had the boundary information in place. The Committee was informed that Newport ward profiles were already in place.

#### **Agreed:**

To set up a cross party group to feedback at a special meeting of the Democratic Services Committee on 10 April 2019.

## **5 Councillor Support -Online Toolkit**

The Scrutiny & Governance Team had mapped out how to put together a new Members Page on the Intranet and wanted to share with the Committee and welcomed comments.

Discussion ensued and the Committee Members asked what IT support updates from Customer Centre meant, this was related to the CRM. Members also suggested that declaration forms did not need to be on the intranet as they were easily accessible from the Governance Team. Other information such as code of practice was accessible but this did not remove the staff element however it was about making it easier for councillors that were not able to pop in to the Civic Centre.

Committee members also suggested that forms could be formatted to be filled out electronically.

The Scrutiny & Governance Team were making changes to enable councillors to access information easily.

## **6 Date of next Meeting**

A special meeting to be held on Wednesday 10 April in Committee Room 1 at 10am.

# Minutes



## Democratic Services Committee

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Date: 25 July 2019

Time: 5:00pm

Venue: Committee Room 1

Present: Councillors D. Fouweather (Chair), C. Evans, M. Evans, L. Lacey, R. Hayat, H. Thomas, K. Thomas, T. Watkins

In attendance: Gareth Price (Head of Law & Regulation), Chris Humphrey (Head of Adult and Community Services)

Apologies: Councillor Y. Forsey

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### 1. Apologies:

Councillor Yvonne Forsey

### 2. Declaration of Interest

None

### 3. Minutes from the Last Meeting

**Agreed:** For the minutes from the meeting of the 14 February 2019 to be recirculated as the meeting for April was cancelled.

### 4. Proposal for Revising Member Oversight of Residential Homes Rota Visit Arrangements

The Committee was requested to view the report proposing revisions to the process and the way in which residential homes for children and adults were monitored by Members. The report was presented by the Head of Adult and Community Services.

It was explained that it was an arrangement for Members to undertake visits and consider the care provision provided. Previous rota visits undertaken by Members under the Childrens Act were now redundant and were no longer a statutory requirement.

Every organisation that provides care homes has a Responsible Individual (RI) and this responsible individual has the appropriate seniority and was approved by the Care Inspectorate Wales (CIW) across children and adults. In Newport, Ms Lucy Jackson, Service Manager in Adult and Community Services is the RI for all of internally managed and regulated social care services.

It was mentioned how Operation Jasmine, a care home scandal of several years ago highlighted the lack of quality of care.

It was proposed that:

- The annual Quality of Care review report goes to scrutiny committee and this would maintain a link between Members and care provision.
- Three Members to be nominated by the normal Council appointment process to be invited to visit individual homes on an annual basis as an informal opportunity to visit establishments.

Discussion then ensued and a Member stipulated that it was people's homes that members were visiting so assurance was wanted.

The Chair questioned as to whether Members were doing visits frequently and a report produced. It was confirmed that the frequency had reduced and the reports seen were quite short and were not reported formally.

A Member commented that on previous visits when engaging with the residents the children were normally out so there were no residents there when visiting. The Member referred to page 4 of the report; item 5 and stated that they were concerned about the 6 monthly reports and the length of time to go to scrutiny as it would be possibly difficult to put issues right.

It was confirmed that reports were written 6 monthly which would then go to the Director and the Head of Children and Young People's Services. It was the Responsible Individual's role to undertake inspections as visits were more technical in nature, lots of things needed to be looked at and the quality of care was very important.

It was commented that it was a huge responsibility on one person to do this role and there were concerns regarding the training of the person. It was reiterated that this was what the regulations and legislation required.

Another Member stated that there had been changes which were probably correct and that residents expected them to take a conscientious look at how they were living. The Member stated that more older and frail people were being admitted to care homes, with the children's crisis also becoming more extreme. There were pressures on the system with more vulnerable people being in care and care staff needed to be correct and were not always suitable.

Another member stated that it needed to be put in place and be more robust than previously in place. There had been a sufficient oversight of quality of



care and Members that had undertaken previous visits had tried to reflect members concerns and engaged with homes on a planned basis and never turned up unannounced.

A Member stated that they thought the change was welcomed, and that the plan to then feed through to scrutiny was a welcome change.

A Member asked whether the change was due to Councillors having failed previously?

It was explained that the process had now moved on and was now robust as the Responsible Individual Ms Jackson was also registered with the Care Inspectorate Wales. The corporate responsibility also lies with the Director of Social Services so it was much more stringent now.

The Head of Law and Regulation stated that Members have not failed but now the process was more robust and technical nothing could be taken away from the process as it was prescribed by statutory framework.

It was discussed how the process had been driven by Operation Jasmine, Caerphilly Council had a small number of homes where the quality of care was appalling and existing regulations were not efficiently robust so no criminal charges were brought, the responsibility fell on the managers of the care homes.

The Responsible Individual was accountable and would have access to budget control.

In relation to Operation Jasmine the strongest legislation at the time was health and safety with private homes also covered by this and they would had to have had their own Responsible Individual.

A Member questioned what the recommendation was as to who should visit and whether it should be a member from each political party, and it was confirmed that who the members nominated was completely up to them but that non-executive members were best.

It was also confirmed that a recommendation could be made to Council as Council needed to appoint the Members would be visiting.

Another Member asked whether there should be new members as the Rota was now redundant. The Member stated that they had been attending homes on previous visits and noted that care homes had been good as they had visited Forest Lodge and Oaklands and acted as a voice for residents for their benefit.

The Head of Law and Regulation confirmed that the role of the members was not an inspection and was an assistance to residents.

A Member stated that they were concerned about calling the visits an engagement and felt that it was an opportunity for some establishments to hide things and the Member visiting would have to rely on their instinct as the

nature of people using homes had changed. It was explained that there was a regulatory process and the Responsible Individual would be relying on criteria that they had to follow and that they would visit the homes every 12 weeks and the homes would also have announced and unannounced visits from the Care Inspectorate Wales (CIW).

**Recommendations:**

A Member was concerned that the Responsible Individual was the only person responsible and some members were concerned that only 3 members were to be appointed

It was confirmed that in addition to inspections the Responsible Individual would also undertake quarterly visits and that Members could also attend on other times.

The Chair stated that they accepted what the Head of Law and Regulation had stated previously and that the Members were assisting. The Chair commented that maybe it could be 4 Members that visited as there were 4 political parties. It was not a statutory role so it was stated that the Committee could decide to send as many Members as they wanted. As it was an informal setting 3 were allocated.

Some Members wanted 4 people allocated and the Head of Adult and Community Services stated that it was not always possible to get Members to attend.

**The Committee agreed on the following proposals:**

- 3 Councillors to carry out 6 monthly visits.
- The Quality of Care review report compiled by the Responsible Individual would then go to Scrutiny for Members to scrutinise findings.
- Councillors were not visiting in a statutory role so if concerns arose, they needed to be reported to the Responsible Individual and they needed to be able to do this at any time.

The Forward Work Programme to be reviewed at the next meeting to include a review of the constitution and ward meetings

**5. Date of Next Meeting**

24 Oct 2019 at 5pm



# Independent Remuneration Panel for Wales

## Annual Report

DRAFT

February 2020

## ANNUAL REPORT 2020

### FOREWORD

In 2017 the Panel visited each of the 22 principal councils and met with many members and officers. Since then we have met with all Fire and Rescue and National Park Authorities and continued with the programme of meetings with Community and Town Councillors and Clerks. In this draft Annual Report we continue to reflect some of the issues that have arisen during our visits. We have previously indicated that payments to councillors have not kept pace with the original comparator the Panel used to establish an appropriate level of remuneration because of pressures on public expenditure. The effect of this can be seen in the tables and graphs in section 3. A more detailed paper will be available on our website.

We propose an increase in the basic salary of elected members of principal councils and members of both Fire and Rescue Authorities and National Park Authorities to take account of the current rate of inflation which will help prevent further erosion.

We acknowledge that there may be some concerns about the financial impact of this increase when local government in Wales continues to be financially stretched. However, we have to balance the issue of affordability with fairness to members of local councils and recognise that the current level of payments means that many of them struggle financially. As we have consistently indicated, representative democracy does not come without a cost. In the current circumstances we consider our determinations set out in this Report achieve this balance.

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://irpw.gov.wales>

## Contents

Introduction	3
1. The Panel's Framework: Principles of Members' Remuneration	6
2. Annual Report Summary Page	8
3. Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries	9
4. Joint Overview and Scrutiny Committees (JOSC)	23
5. Pension Provision for Elected Members of Principal Councils	24
6. Entitlement to Family Absence	25
7. Payments to Members of National Park Authorities	26
8. Payments to Members of Welsh Fire and Rescue Authorities	30
9. Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities	34
10. Reimbursement of Costs of Care	36
11. Sickness Absence for Senior Salary Holders	37
12. Reimbursement of Travel and Subsistence Costs when on Official Business	39
13. Payments to Members of Community and Town Councils	41
14. Compliance with Panel Requirements	50
15. Salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities and Chief Officers of Principal Councils	51
Annex 1: The Panel's Determinations for 2020/21	53
Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations:	58
Annex 3: Schedule of member remuneration	73
Annex 4: Publication of Remuneration – the Panel's Requirements	75
Annex 5: Summary of new and updated determinations contained in this report	77

## Introduction



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

1. As with all the Panel's Annual Reports the determinations on member remuneration are underpinned by the principles set out in Section 1.
2. The Panel has consistently expressed its 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 appropriate value for money public services for local tax-payers through effective scrutiny for which they are accountable to their community. These are significant and important tasks for members of the relevant authorities within the Panel's remit. Payments to members are made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.
3. In determining the level of payments to members of local councils, the Panel seeks to meet the 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, the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities". 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 impact on the public perception of any increases to members' payments. It is therefore a matter of balancing issues of affordability and public perception with fairness to members for their time, worth and responsibility.
4. In 2009 the Panel aligned members' 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 at that time 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.
5. The financial constraints on the public sector and particularly local authorities have meant that the link with average Welsh earnings has not been maintained. The Panel considers that this has undervalued the worth of elected members. To avoid further erosion in relation to average earnings the Panel proposes to increase the basic annual salary by £350 to £14,218 (an increase of 2.5%).

6. From the discussions during our visits to the principal councils it is clear that very few members are utilising the provision in the framework to reimburse the costs of care. It appears that some members are still reluctant to claim all they are entitled to support them in their role, because of concerns about the adverse publicity this can attract (see Annex 4 for the publication requirements). We urge Democratic Services Committees to take steps to encourage and facilitate greater use of this element of our framework so that members concerned are not financially disadvantaged. We are currently undertaking a review of this provision with a view to encouraging greater take up by those members who have caring responsibilities.
7. The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. The Panel produces a leaflet for prospective candidates on the remuneration of members of councils. We are pleased that several councils include this leaflet on their websites. In addition since the last report we have produced [Ever thought about being a Welsh councillor?](#) .
8. During 2019 we met with each of the three National Park Authorities (NPAs) and each of the three Fire and Rescue Authorities (FRAs). Discussions with members indicated that the time commitment had increased. We have reflected this in our determinations and the salaries for NPAs are now to be based on 44 days per year and for FRAs 22 days per year.
9. We have continued to engage with community and town councils and met with several representative groups earlier in the year. As a result, we propose further amendments to our framework in respect of community and town councils. The proposed determinations for community and town councils are in Section 13.
10. 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.
11. 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 each year. The Panel's decisions in the past year are at Section 15.
12. One issue that has been a point of discussion during the last year is the action of the Council in respect of the Reports of the Panel which it receives. When the Panel's Annual Report is issued, principal councils must comply with the statutory requirements and apply all the relevant determinations. The proper officer of the council must put in place mechanisms for all eligible council members to receive

payments as determined by the Panel. There are currently no options relating to levels of remuneration by principal councils that require a decision by full council. Levels of payments to which members are entitled cannot be varied by a vote of a principal council.

13. Only an individual member may communicate in writing to the proper officer if, as *an individual*, they wish to decline all or part of the payment to which they are entitled.
14. How the IRPW Annual Report is formally received or noted by full council is not a matter that is within the Panel's statutory remit. Individual constitutions or standing orders of councils may vary as to matters that may be submitted to full council for consideration. It is for each council to decide how they wish to manage receipt of the IRPW Report and if appropriate seek the advice of their legal officers. However, all council members and officers should take care that no misleading statements are made or reported in media, in particular, an indication that a council has taken a decision to reduce or vary levels of payments. There are no powers that permit a principal council to take such action.

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



# **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 payment 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 payment. The Framework provides additional payments 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 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 27	page 31	N/A <sup>2</sup>
Senior Roles	page 16	page 27	page 31	page 43
Committee Chairs	page 15	page 27	page 31	N/A
Opposition Groups	page 14	N/A	N/A	N/A
Civic Heads and Deputies	page 17	N/A	N/A	page 46
Presiding Members	page 18	N/A	N/A	N/A
Mileage	page 39	page 39	page 39	page 44
Other Travel Costs	page 39	page 39	page 39	page 44
Subsistence Costs	page 40	page 40	page 40	page 44
Costs of Care	page 36	page 36	page 36	page 45
Family Absence	page 25	N/A	N/A	N/A
Sickness Absence	page 37	page 37	page 37	N/A
Joint Overview and Scrutiny Committees	page 23	N/A	N/A	N/A
Pension	page 24	N/A	N/A	N/A
Co-optees	page 34	page 34	page 34	N/A
Specific or Additional Allowances	page 21	page 28	page 32	N/A
Payments to Community and Town Councillors	N/A	N/A	N/A	page 42
Compensation for Financial Loss	N/A	N/A	N/A	page 44
Statement of Payments	page 75	page 75	page 75	page 75
Schedule of Remuneration	Page 73	Page 73	Page 73	N/A
Salaries of Chief Executives and Chief Officers	Page 51	N/A	Page 51	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 In 2009 the Panel set the maximum basic salary at £13,868, representing three fifths of the then median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE) published by the Office of National Statistics. The Panel assessed it appropriate to use a figure comparable with constituents' pay, adjusted for the part-time nature of the work of a member with no senior responsibilities. This identical figure of £13,868 was determined as the basic salary in the IRPW 2019 annual report, ten years on.

3.1.1 Over this last decade, taking account of affordability and acceptability, the Panel has determined figures for basic salary which have varied but have not kept pace with measures of inflation or other possible comparators. Table 1, illustrated by Graph 1, demonstrates the rate of increase of these alternative measures on the basic salary from 2012 of £13,175. Table 2 expresses these increases as a percentage year on year. The various comparators analysed are Retail Prices Index, Consumer Prices Index, Wales Median Salary (ASHE), NJC (public sector employees), Living Wage, Assembly Members, and MPs. This is calculated on an assumption that the basic activity required of an elected member (i.e. without the additional work required for a senior salary) is equivalent to three days' work a week. The Panel acknowledges that many members routinely work in excess of these hours, as analysed in paragraphs 3.2 and 3.3. It follows that, other than the Basic Elected Member figure, the amounts shown are predictive and notional.

3.1.2 To set this in the context of other Welsh elected members, over this same 8-year period an assembly member's salary has increased by 25.6% (£53,852 to £67,649 - now indexed to Average Salaries in Wales ASHE) and an MP's salary has increased by 22.4% (£65,738 to £79,468, again linked to constituents' pay).

3.1.3 Thus, backbench members' salaries have fallen significantly behind by any reasonable measure of inflation.

**Table 1 - Alternative measures & benchmarks for basic salary (2013 baseline)**

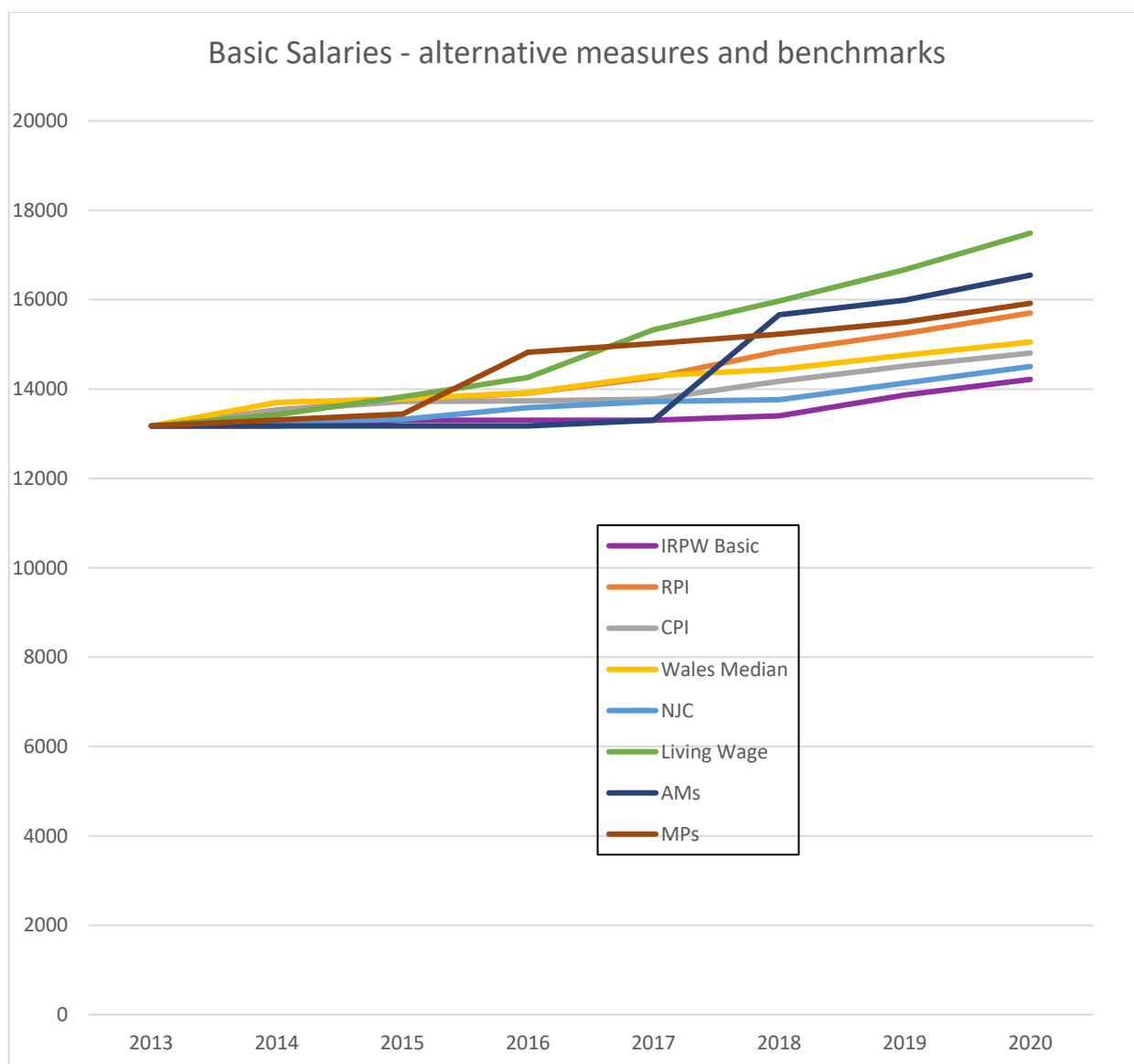
<b>Year</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>IRPW Basic</b>	<b>13175</b>	<b>13300</b>	<b>13300</b>	<b>13300</b>	<b>13400</b>	<b>13600</b>	<b>13868</b>	<b>14218</b>
<b>RPI</b>	13175	13531	13747	13912	14259	14845	15245	15702
<b>CPI</b>	13175	13518	13720	13734	13775	14175	14515	14805
<b>Wales Median</b>	13175	13702	13784	13922	14297	14441	14758	15053*
<b>NJC SP 27**</b>	13175	13267	13321	13587	13723	13860	14137	14505
<b>Living Wage</b>	13175	13425	13828	14257	15326	15970	16672	17489
<b>AMs salary</b>	13175	13175	13175	13175	13306	15662	15991	16550
<b>MPs salary</b>	13175	13307	13440	14824	15017	15227	15501	15920

**Table 2 - percentage increases by alternative measures or benchmarks**

<b>Year</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>TOTAL 7 yrs compound</b>
<b>IRPW Basic</b>		<b>0.9</b>	<b>0</b>	<b>0</b>	<b>0.8</b>	<b>1.5</b>	<b>2.0</b>	<b>2.5</b>	<b>7.9%</b>
<b>RPI</b>		2.7	1.6	1.2	2.5	4.1	2.7	3.0	19.2%
<b>CPI</b>		2.6	1.5	0.1	0.3	2.9	2.4	2.0	12.4%
<b>Wales Median</b>		4.0	0.6	1.0	2.7	1.0	2.2	2.0*	14.3%
<b>NJC SP27**</b>		0.7	0.4	2.0	1.0	1.0	2.0	2.6	10.0%
<b>Living Wage</b>		1.9	3.0	3.1	7.5	4.2	4.4	4.9	32.7%
<b>AMs salary</b>		0	0	0	1.0	17.7	2.1	3.5	25.6%
<b>MPs salary</b>		1.0	1.0	10.3	1.3	1.4	1.8	2.7	20.8%

\* estimated    \*\* SP27 changes to SP20 from 2019

**Graph 1:**



3.2 The Panel remains aware that the key activities required of an elected member of a principal council vary. Duties undertaken should enable all members to discharge their core non-executive responsibilities in the governance of their council and in representing those living in their ward. As an elected role, such posts are not readily treated in the same manner as employment with precisely quantified hours. The work that arises in representing ward residents is particularly varied because it is influenced by the very diverse socio-economic conditions, demographics, levels of urbanisation and different ratios of residents to councillors. These variations occur within individual authorities as well as in comparisons of local authorities throughout Wales. Elected positions carry an expectation of a level of personal commitment to the community that goes beyond defined remunerated hours. Many elected members report that their time spent is well in excess of the notional three days (extra time worked and previously defined by the Panel as a ‘public service discount’).

- 3.3 In 2017 Panel members visited all Welsh principal councils to meet with elected members to inform and update their understanding of elected and co-opted member activities. During 2018 and 2019 the Panel continued its regular liaison with councillors and officers. Panel members met with the Chairs of Democratic Services Committees and their officers. The Panel has also, through varied correspondence with councils and individual council members and others, maintained its ongoing dialogue. The position generally expressed by councillors and officers remains, particularly in the context of austerity, that the basic workload discharged by all elected members is substantial and exceeds 3 days per week.
- 3.4 When making financial determinations for this Annual Report, the Panel has considered the progression of the variety of benchmark figures outlined above for the period from 2012 to 2019. As shown in Table 1 above, the gap between the level of basic remuneration for elected members of principal councils and relevant indicators of rises in income and costs of living indicators has continued to grow. From 2017 the Panel began action to narrow this trend and limit the rate of erosion. Any adjustments in recent years have been in keeping with the Panel's principle that its determinations should be affordable and acceptable. Although public sector funding continues to be constrained, the information set out in Table 1 and Table 2 supports the Panel's consideration that a further increase in the basic salary is justified. It has determined there shall be an increase for 2020/21 of £350 a year which equates to 2.5%, a point midway between RPI and CPI. The proposed increase applies to the basic salary for members of principal councils in recognition of the duties expected of all elected members.
- 3.5 This salary shall be paid by each principal authority in Wales from 1 April 2020 to each of its elected members unless any individual member opts personally and in writing to receive a lower amount.

**Determination 1: The Basic Salary in 2020/21 for elected members of principal councils shall be £14,218 with effect from 1 April 2020.**

### Senior Salaries

- 3.6 Despite a slight increasing trend in the level of senior salary since 2012, (which has been lower than any measure of inflation), senior salaries are lower than they were ten years ago. The comparative measures are set out in the paragraph above relating to basic member salary over the same period (Table 1 and graph 1).
- 3.7 For the purposes of this analysis the mid-point (Group B) has been used where there are three rates in a salary band.

**Table 3 - IRPW Determinations on Senior Salaries 2012-20**

	2012	2013	2014	2015	2016	2017	2018	2019	2020
<b>Leader</b>	47500	47500	48000	48000	48000	48100	48300	49100	49450
<b>Deputy Ldr</b>	33460	33460	33500	33500	33500	33600	33800	34600	34950
<b>Exec Memb</b>	28780	28780	29000	29000	29000	29100	29300	30100	30450
<b>Chair/OpLdr</b>	21910	21910	22000	22000	22000	22100	22300	22568	22918
<b>Group Ldr</b>	16920	16920	17000	17000	17000	17100	17300	17568	17918
<b>Civic Ldr</b>	21375	21375	21500	21500	21500	21600	21800	22568	22918

**Graph 2:**





- 3.8 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2020/21 the maximum number of senior salaries payable within each council will not be altered and will be as set out in Table 4 below.

**Table 4:** 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	16
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**

- 3.9 No additional increases will be paid to senior salary holders in 2020. Such members received an uplift in last year's annual report and senior salary holders will receive only the basic salary element increase.

## **The Executive**

- 3.10 In 2009 the Panel concluded that Executive members should be considered as working the equivalent of full time (around 40 hours per week) but not necessarily nine to five. Continued discussions with members and officers in recent years have reinforced this conclusion.
- 3.11 Senior salaries are set out in Determination 2.

## **Chairs of Committees**

- 3.12 There is a significant difference in the responsibilities and functions of chairing different committees. Councils are reminded that they do not have to pay chairs of committees. It is a matter for each council to decide which, if any, chairs of committees are remunerated. This allows councils to take account of differing levels of responsibility.
- 3.13 Where chairs of committees are paid, the remuneration is: £22,918.

## The Senior Salary Bands

**Determination 2: Senior salary levels in 2020/21 for members of principal councils shall be as set out in Table 5 with effect from 1 April 2020.**

**Table 5:** Basic salary and senior salaries payable to members of principal councils

<b>Basic salary (payable to all elected members) £14,218</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	£54,450	£49,450	£44,450
Deputy leader	£38,450	£34,950	£31,450
<b>Band 2</b> Executive members	£33,450	£30,450	£27,450
<b>Band 3</b> Committee chairs (if remunerated):	£22,918		
<b>Band 4</b> Leader of largest opposition group <sup>3</sup>	£22,918		
<b>Band 5</b> Leader of other political groups	£17,918		

**Table 5 notes:**

- a. The Panel considers that leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability and that 'size 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. It is proposed to increase Band 1 and Band 2 senior salaries for Leader, Deputy Leader and Executive Members only by the £350 awarded to basic salary.
- c. Committee chairs will be paid at Band 3. It is a matter for each council to decide which, if any, chairs of committees are remunerated. This allows councils to take account of differing levels of responsibility.
- d. 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.
- e. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- f. The Panel has determined that, if remunerated, a Band 5 senior salary ~~must~~ be paid to leaders of other political groups.

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<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”.

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

- 3.14 The Panel had previously allowed councils to vary salaries of civic heads and deputy civic heads to reflect the specific responsibilities attached to the roles. However, councils strongly expressed to the Panel that elected members do not wish to make decisions that require Councils themselves such choices and options were removed in 2019. In the case of civic salaries, if paid, the payment for Band 3 is set at £22,918 for a civic head and at the Band 5 salary of £17,918 for a deputy civic head (Determination 3). A council may decide not to apply any civic salary to the posts of civic head and or deputy civic head.
- 3.15 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>Determination 3: Where paid, a Civic Head must be paid a Band 3 salary of £22,918 and, where paid, a Deputy Civic Head must be paid a Band 5 salary of £17,918 with effect from 1 April 2020.</b>
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- 3.16 Civic heads are senior posts within councils which are distinct from political or executive leadership. In addition to chairing major meetings the civic head is the authorities' 'first citizen' and 'ambassador' representing the council to a wide variety of institutions and organisations. The Panel's requirement that members should not have to pay for the cost of the support (see determination 10) needed to carry out their duties applies also in respect of deputy civic heads.
- 3.17 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.
- 3.18 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing. Funding decisions in relation to levels of such additional support are not matters of personal remuneration, but of the funding required to carry out the tasks and duties. These matters remain entirely a decision for individual councils. Councils remain free to invest in support at whatever levels they deem appropriate for the levels of civic leadership they have in place.
- 3.19 The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint a presiding member whose role is 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**

- 3.20 Councils are reminded that, if a presiding member is appointed, they do not have to be remunerated. If they are remunerated the post will count towards the cap and be paid at a Band 3 senior salary of £22,918.

**Determination 4: Where appointed and if remunerated, a Presiding Member must be paid a Band 3 senior salary of £22,918.**

**Determination 5: The post of Deputy Presiding Member will not be remunerated.**

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

- 3.21 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.

- 3.22 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. It is fundamental there is transparency in this process so any possible suggestion that members are put under pressure to forego some of the salaries is avoided.

The following must be applied:

**Determination 6:**

- a) An elected member must not be remunerated for more than one senior post within their authority.**
- 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.**

**Determination 7: 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. They remain eligible to claim travel and subsistence expenses and reimbursement of costs of care.**

**Determination 8: Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member other than travel and subsistence expenses and reimbursement of costs of care.**

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

- 3.23 Following the local elections in 2017 Panel members undertook visits to all principal authorities in Wales. These visits 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.
- 3.24 The Panel expects the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review periodically 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. Any proposals should be made with due regard to Determinations 9 and 10 below. For example, the Panel does not consider it appropriate that elected members should be required to pay for any telephone usage to enable them to discharge their council duties as a ward member, committee member or cabinet member.

- 3.25 The Panel considers it is necessary for each elected member to have ready use of e-mail services, and electronic access to appropriate information via an internet connection. The Panel does not consider it appropriate that elected members should be required to pay for internet related services to enable them to discharge their council duties as a ward member, committee member or cabinet member. This comprises the necessary provision for a member to be in proper contact with council services and to maintain contact with those they represent. Councils are committed to 'paperless working' and without electronic access members would be significantly limited in their ability to discharge their duties. It is not appropriate for facilities required by members to be available only within council offices within office hours.
- 3.26 The responsibility of each council through its Democratic Services Committee to provide support should be 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.
- 3.27 As a result of their legitimate actions as a councillor an elected member's personal security may become significantly, adversely affected. In keeping with their existing responsibilities, it is the duty of Democratic Services Committees to fund or provide support necessary to enable a councillor to discharge their role reasonably and safely. This may require the funding of appropriate security measures to protect councillors from personal risk or significant threat. Risk assessment and liaison with relevant bodies such as the police and security services would normally inform selection of required provision.
- 3.28 For co-opted members the support requirements are set out in section 9 and determination 40.

**Determination 9: Each authority, through its Democratic Services Committee, must ensure that all its elected 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, email and internet facilities giving electronic access to appropriate information.**

**Determination 10: 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**

- 3.29 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. If the proposed addition is approved and results in the council exceeding its cap, this will be included in the approval (with exception of Merthyr Tydfil and the Isle of Anglesey Councils – see footnote 4). Some councils have raised the possibility of operating some senior salary posts on a “job share” arrangement. The Panel is supportive of this principle and the process is set out in Paragraph 3.31.

<b>Determination 11: Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.</b>
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- 3.30 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 (unless this has been delegated within Standing Orders) prior to submission to the Panel.
  - c. There must be clear evidence that the post or 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.

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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.



### 3.31 **Job Sharing Arrangements**

For members of an executive: Each “sharer” will be paid an appropriate proportion of the salary group as set out in Table 5.

The statutory maximum for cabinets cannot be exceeded so each job sharer will count toward the maximum.

Under the Measure, it is the number of persons in receipt of a senior salary, not the number of senior salary posts that count towards the cap. Therefore, for all job share arrangements the senior salary cap will be increased subject to the statutory maximum of 50% of the council’s membership.

The Panel must be informed of the details of any job share arrangements.

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

- 4.1 Little use has been made of the arrangements for JOSCs. Therefore, the Panel has decided to delete the payment from the framework. If, in future, a JOSC is formed by an individual council and it wishes to remunerate, it can apply using the arrangements contained in paragraphs 3.29 and 3.30. The current JOSCs in operation will continue without need for further confirmation.

## **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 12: 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 elected 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<sup>6</sup> and cover maternity, new born, adoption and parental absences from official business.
- 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 13: 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 14: When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.**

**Determination 15: 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 16: 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 17: 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 18: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.**

<sup>6</sup> [http://www.legislation.gov.uk/wsi/2013/2901/pdfs/wsi\\_20132901\\_mi.pdf](http://www.legislation.gov.uk/wsi/2013/2901/pdfs/wsi_20132901_mi.pdf)

## 7. Payments to Members of National Park Authorities (NPAs)

### Structure of National Park Authorities

7.1 The three 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 three corresponding National Park Authorities (NPAs). These have two main statutory purposes, to:

- protect and improve the natural beauty, wildlife and cultural heritage;
- promote opportunities for the public to understand and enjoy the National Park's special features.

In addition to fulfilling the National Park's purposes, it is the duty of the National Park Authority to foster the economic and social wellbeing of local communities within the Park.

7.2 National Park Authorities comprise 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 three national parks is set out in Table 6.

**Table 6: 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 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 and or 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 Members of the Panel visited each of the three NPAs in 2019. As a result of discussions that took place at these visits, the Panel has decided that the time commitment on which the remuneration is based will be increased from 42 to 44 days. The salary for members of NPAs will increase to £4,010.
- 7.7 The Panel has also previously determined that the remuneration of a NPA Chair should be aligned to that part of a Band 3 senior salary received by a committee chair of a principal council. This salary will increase to £12,710.
- 7.8 The Panel has previously provided that the option for a NPA to decide which of two salary levels the roles of deputy chair and up to two other committee Chairs can be remunerated. During the visits members considered that this arrangement was no longer appropriate. The Panel has therefore decided that the optional arrangement is removed. The salary for the deputy chair and committee chairs will increase to £7,710 which is aligned to Band 5. The Panel has also determined that if the NPA appoints a Deputy Chair, the appropriate salary must be paid.

## **Additional Senior Salaries**

- 7.9 Feedback was 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.
- 7.10 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 extends 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 or 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.

7.11 The Panel has made the following determinations:

**Determination 19: The basic salary for NPA ordinary members shall be £4,010.**

**Determination 20: The senior salary of the Chair of an NPA shall be £12,710.**

**Determination 21: A NPA senior salary of £7,710 must be paid to a Deputy Chair where appointed.**

**Determination 22: Up to two committee chairs can be paid a salary of £7,710.**

**Determination 23: NPAs can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

**Determination 24: Members must not receive more than one NPA senior salary.**

**Determination 25: A NPA senior salary is paid inclusive of the NPA basic salary.**

**Determination 26: 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.**

Note: Family absence does not apply to Welsh Government appointed members and local authority nominees are covered by their principal council so NPAs are not required to make any arrangements in this respect.



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

### Structure of Fire and Rescue Authorities

- 8.1 The three Fire and Rescue Services (FRAs) in Wales: Mid and West Wales, North Wales and South Wales were formed as part of Local Government re-organisation in 1996.
- 8.2 FRAs comprise 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 three FRAs is set out in Table 7.

**Table 7: Membership of Fire and Rescue Authorities**

<b>Name of Fire and Rescue Authority</b>	<b>Number of Local Authority Members</b>
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 As a result of the information obtained from the Panel's visits to the three FRAs in 2019 the time commitment on which the remuneration is based is increased from 20 to 22 days. The salary for members will increase to £2,005.
- 8.7 The Panel determined that the remuneration of a FRA Chair should be aligned to that part of a Band 3 senior salary received by a committee chair of a principal council. This salary will increase to £10,705.
- 8.8 The Panel determined that the remuneration of a FRA Deputy Chair will be aligned with the Band 5 senior salary for principal councils. This will increase to £5,705 and must be paid if the authority appoints a deputy chair.
- 8.9 The Panel has determined that up to two FRA committee chairs can be remunerated also aligned with Band 5. This will increase to £5,705.

## **Additional Senior Salaries**

- 8.10 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 extends 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 or 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.

## **Local Pension Boards**

- 8.11 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 27 or 28 cannot be used exclusively for this role.

- 8.12 The Panel has made the following determinations:

**Determination 27: The basic salary for FRA ordinary members shall be £2,005.**

**Determination 28: The senior salary of the Chair of an FRA shall be £10,705.**

**Determination 29: An FRA senior salary of £5,705 must be paid to the Deputy Chair where appointed.**

**Determination 30: Up to two Chairs of committees can be paid. This shall be paid at £5,705.**

**Determination 31: FRAs can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

**Determination 32: Members must not receive more than one FRA senior salary.**

**Determination 33: A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.**

**Determination 34: 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.**

## 9. Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities <sup>7</sup>

- 9.1 The Panel has determined that a daily or half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights (this includes the co-opted member from a Town or Community council). 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. Recognising the important role that co-opted members have, payment must be made for travel and preparation time; committee and other types of meetings as well as other activities, including training, as set out in Determinations 36 to 39.
- 9.3 The determinations are set out below and principal councils, NPAs and FRAs must tell co-opted members the name of the appropriate officer who will provide them with the information required for their claims; and make the appropriate officer aware of the range of payments that should be made.

**Determination 35: Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights (Table 8).**

**Table 8:** 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)
Community and town councillors sitting on principal council standards committees	£198 (4 hours and over) £99 (up to 4 hours)

**Determination 36: Reasonable time for pre-meeting preparation is 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 37: Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).**

**Determination 38: The appropriate officer within the authority must 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.**

**Determination 39: Fees must be paid for meetings and other activities including 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.**

### **Support for co-opted members**

- 9.4 The Panel's visits to principal councils in 2017 identified some good practice in how the important role of co-opted members was reflected in the communication and support they receive. In the best cases, they received the same range of support as elected members, enabling them to undertake their role fully. However, concerns were raised in several councils where the Panel's determinations were not being fully implemented and there was limited support available for co-opted members.

**Determination 40: Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.**

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<sup>7</sup> This section does not apply to co-opted members to community and town councils.

## 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. The same provision for Community and Town Councils is set out in section 13.
- 10.2 The purpose of this section is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel believes that additional costs of care required to carry out approved duties should not deter any individual from becoming and remaining a member of an authority or limit their ability to carry out the role.
- 10.3 Members, including co-opted members should be entitled to reimbursement of their care costs, up to the maximum of £403 per month, for activities that the individual council has designated official business or an approved duty which might include preparation and travelling time. It is a matter for individual authorities to determine specific arrangements to implement this.
- 10.4 The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in change to the requirements for publication set out in Annex 4. To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.

**Determination 41: 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 must be for the additional costs incurred by members to enable them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.**

## 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 them the senior salary.
  - Replacing the member who therefore loses the senior salary (but retains the basic salary).
- 11.3 The Panel's Framework provides 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 authorities' 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, including Welsh Government appointed members, but does not apply to co-opted members.

Note:

The Family Absence Regulations apply to elected members in cases of maternity, new born, adoption and parental absences from official business. They do not apply to Welsh Government appointed members of National Park Authorities.

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

- 12.1 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 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.
- 12.3 Expenses reimbursed to members of principal councils, by their principal council are exempt from Income Tax and employee NICs. Members of National Park Authorities and Fire and Rescue Authorities may be subject to other arrangements as determined by HMRC.
- 12.4 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.
- 12.5 The Panel has determined 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

- 12.6 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**

- 12.7 All other claims for travel, including travel by taxi if this is the only, or most

appropriate, method of transport, 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

- 12.8 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.
- 12.9 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.
- 12.10 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.
- 12.11 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.

### **Car Parking for Members**

Several councils have specific arrangements for their members in respect of car parking. The Panel considers that it is a matter for individual councils to determine arrangements including payments to and from members providing that it is a decision made formally by the council.

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

- 13.1 The Panel recognises a wide variation in geography, scope and scale across the 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.
- 13.2 The Panel has met with over 304 Councillors and Clerks representing 302 community and town councils in 17 meetings it held across Wales. The discussions re-confirmed the widely held view that the roles individual councils undertake varied significantly and in accordance with this wide variation, the responsibilities and accountabilities of councillors must also vary. Councillors managing income or expenditure of £1million and those delivering significant services, including some that might have been delegated from principal councils, are operating in a much more complex environment than a council with an annual budget of less than £30,000.
- 13.3 In the 2018 Annual Report the Panel formed 3 groups of community and town councils to reflect these differences based on the level of income or expenditure, whichever is the highest, in the previous financial year. These remain unchanged as set out in Table 9.

**Table 9: Community and Town Council Groupings**

<b>Community and Town Council Group</b>	<b>Income or Expenditure in 2018-19 of:</b>
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

- 13.4 In order to act and carry out duties as a member of a community or town council all persons are required to make a formal declaration of acceptance of office. Following this declaration, members of community or town councils are then holders of elected office and occupy a role that is part of the Welsh local government structure. It is important to note that a person who follows this path is in a different position to those in other forms of activity, for example such as volunteering or charitable work, typically governed by the Charity Commission for England and Wales.
- 13.5 Under the Local Government (Wales) Measure 2011, community and town councils are relevant authorities for the purpose of remuneration.
- 13.6 Consequently, individuals who have accepted office as a member of a community or town council are entitled to receive payments as determined by the Independent Remuneration Panel for Wales. It is the duty of the proper officer of a council (usually the Council Clerk) to arrange for correct payments to be made to all individuals entitled to receive them.

- 13.7 Members should receive monies to which they are properly entitled as a matter of course. There must be no requirement for individuals to 'opt in' to receive payments.
- 13.8 An individual may decline to receive part, or all, of the payments if they so wish. This must be done in writing and is an individual matter. A community or town council member wishing to decline payments must themselves write to their proper officer to do so.
- 13.9 The Panel considers that any member who has personal support needs or caring responsibilities should be enabled to fulfil their role. Therefore, the Panel is mandating reimbursement of cost of care for all members of community and town councils as set out in Determination 48.
- 13.10 In each community and town council the proper officer should ensure there is ready access to proper reimbursements of costs of care to enable those eligible for reimbursement to participate in the democratic process. It is inappropriate for councils or councillors to create a climate, or otherwise pressurise others, in order to prevent persons accessing any monies to which they are entitled that may support them to participate in local democracy.
- 13.11 Members in receipt of a Band 1 or Band 2 senior salary from a principal council cannot receive any payment from any community or town council, other than travel and subsistence expenses and reimbursement of costs of care. However, this does not preclude them from holding a senior role (Leader, Deputy Leader) without payment.
- 13.12 Table 10 sets out the actions that community and town councils must take annually in respect of each determination that follows.

### **Payments towards costs and expenses**

- 13.13 The Panel continues to mandate a payment of £150 as a contribution to costs and expenses for members of all community and town councils.
- 13.14 For the avoidance of doubt this determination now includes all councils. Receipts are not required for these payments.

**Determination 42: All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.**

## Senior roles

- 13.15 The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, will involve greater responsibility. It is also likely that larger councils will have a greater number of committees, reflecting its level of activity. The Panel has therefore determined that councils in Group A must make available a payment for a minimum of one senior role and a maximum of five senior roles of £500 each. Councils in Groups B and C can pay up to five responsibility payments (of up to £500) for specified roles.
- 13.16 In all cases, a Councillor can only have one payment of £500 regardless of how many senior roles they hold within their Council.

**Determination 43: Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.**

**Determination 44: Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.**

- 13.17 Where a person is a member of more than one town or community council, they are eligible to receive the £150 and, if appropriate, £500 from each council of which they are a member.

## Reimbursement of travel costs and subsistence costs

- 13.18 The Panel recognises there can be significant travel and subsistence 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. Each council has an option to pay travel and subsistence costs including travel by taxi if this is the only, or most appropriate, method of transport. Where a council does opt to pay travel and subsistence costs, the following determinations apply.

**Determination 45: Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.<sup>8</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.

**Determination 46: If a community or town council resolves that a particular duty requires an overnight stay, it can 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.

### **Compensation for financial loss**

13.19 The Panel has retained the facility which councils may pay as compensation to their members where they suffer financial loss when attending approved duties. This figure has been updated in line with the most recent Office for National Statistics Annual Survey of Hours and Earnings - median salary for full time employees in Wales and the Average Actual Weekly Hours of Work for full-time workers (seasonally adjusted). Members must be able to demonstrate that the financial loss has been incurred. Each council has an option to pay compensation for financial loss and where it does the following determination applies.

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<sup>8</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 47: Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:**

- Up to £55.50 for each period not exceeding 4 hours
- Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours

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

- 13.20 The purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel believes that the additional costs of care required to carry out approved duties should not deter people from becoming and remaining a member of an authority or limit their ability to carry out the role.
- 13.21 Members should be entitled to reimbursement of their care costs, up to the maximum of £403 per month, for activities that the individual council has designated official business or an approved duty. This might include, for example, preparation and, or, travelling time. It is a matter for individual councils to determine specific arrangements to implement this.
- 13.22 The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in the change in the requirement for publication set out in Annex 4. To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.

**Determination 48: All community and town councils 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 must be for the additional costs incurred by members to enable them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.**

### **Civic Head and Deputy Civic Head**

- 13.23 Civic heads are senior posts within community and town councils. In addition to chairing major meetings the civic head is the 'ambassador' representing the council to a variety of institutions and organisations. The Panel requires that members should not have to pay themselves for any cost associated with carrying out these duties. This requirement also applies in respect of deputy civic heads.



- 13.24 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing – we consider these to be the council's civic budgets.
- 13.25 Funding decisions in relation to these civic budgets are not matters of personal remuneration for the post holder but relate to the funding required for the tasks and duties to be carried out. Councils remain free to set civic budgets at whatever levels they deem appropriate for the levels of civic leadership they have in place.
- 13.26 For the avoidance of doubt, costs in respect of, for example, transport (physical transport or mileage costs), secretarial support, charitable giving (purchasing tickets, making donations or buying raffle tickets) and clothing are not matters of personal remuneration for the individual holding the senior post. These should be covered by the civic budget.
- 13.27 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 can make a payment to the individuals holding these roles.
- 13.28 This is a personal payment to the individual and is entirely separate from covering the costs set out above.
- 13.29 The Panel has determined that the maximum payment to a chair or mayor of a community or town council is £1,500. The maximum payment to a deputy mayor or chair is £500.

**Determination 49: Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

**Determination 50: Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

## Making Payments to members

- 13.30 Table 10 sets out each of the above determinations and if a decision is required by the council in respect of each one.
- 13.31 In respect of the mandated payments where no decision is required by a council, members should receive monies to which they are properly entitled as a matter of course.
- 13.32 Where a decision is required by the council, this should be done at the first meeting following receipt of the Annual Report.
- 13.33 A council can adopt any, or all, of the non-mandated determinations but if it does make such a decision, it must apply to all its members.
- 13.34 When payments take effect from is set out in paragraphs 13.38 to 13.40 below.
- 13.35 On receipt of the draft Annual Report the previous autumn, councils should consider the determinations for the next financial year and use this to inform budget plans.

**Table 10**

<b>Determination Number</b>	<b>Is a decision required by council?</b>
<b>42</b> All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.	No - the payment of £150 is mandated for every member unless they advise the appropriate officer that they do not want to take it in writing.
<b>43</b> Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – a council must decide how many payments of £500 it will make – to between 1 and 5 members unless they advise the appropriate officer in writing that they do not want to take it.
<b>44</b> Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – it is optional to pay it for up to 5 members and, if it is paid, the amount (up to £500) must be decided.
<b>45</b> Community and town councils can make payments to each of their members in respect of travel costs	Yes – the payment of travel costs is optional.

	for attending approved duties.	
<b>46</b>	If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members.	Yes – the payment of overnight subsistence expenses is optional.
<b>47</b>	Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties.	Yes – the payment of financial loss allowance is optional.
<b>48</b>	All community and town councils 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.	No - the payment is mandated for every member if they are eligible to claim, and wish to do so.
<b>49</b>	Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500.	Yes – the payment to a Civic Head is optional.
<b>50</b>	Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum amount of £500.	Yes – the payment to a Deputy Civic Head is optional.
<b>51</b>	Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and reimbursement of costs of care.	No - Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) can only receive travel and subsistence expenses and reimbursement of costs of care; if they are eligible to claim, and wish to do so.

13.36 All members are eligible to be paid the £150 as set out in Determination 42 from the start of the financial year; unless they are elected later in the financial year, in which case they are eligible for a pro-rata payment from that date.

13.37 Other amounts payable to members in recognition of specific responsibilities or as a civic head or deputy civic head as set out in Determinations 43,44, 48 and 49 are payable from the date when the member takes up the role during the financial year.

13.38 It is a matter for each council to make, and record, a policy decision in respect of:

- when the payment is actually made to the member;
- how many payments the total amount payable is broken down into;
- and whether and how to recover any payments made to a member who leaves, or changes, their role during the financial year.

13.39 Payments in respect of Determinations 43, 44, 45 and 46 are payable when the activity they relate to has taken place.

13.40 As stated in paragraph 13.8 any individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these payments by giving notice in writing to the proper officer of the council.

**Determination 51: Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and reimbursement of costs of care.**

### **Publicity requirements**

13.41 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 for each financial year. 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 previous financial year. The Panel draws attention to the requirements stipulated at Annex 4. The Panel is concerned that a significant number of councils are still in breach of this requirement.

## 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>9</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 including Community and Town Councils.**

- (iv) A relevant authority must make arrangements for publication within the authority area of the total sum paid by it in the previous financial year 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). This must be published as soon as practicable and no later than 30 September following the end of the previous financial year- and must be submitted to the Panel no later than that date.

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<sup>9</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 issued amended guidance to the Panel which can be found at <http://gov.wales/docs/dsjlg/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 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 the Panel will not decide the amount an individual head of paid service will receive.
- 15.6 The Panel is very aware that this function is significantly different from its statutory responsibilities in relation to members' remuneration. However, 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.

### **Pay Policy Statements**

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.

### **Changes to the salaries of chief officers of principal councils – Panel decisions 2019**

Letters issued to the Local Authorities notifying them of the Panel decision can be found on the Panel’s website <https://gov.wales/independent-remuneration-panel-wales>

<b>Name of Local Authority</b>	<b>Proposal</b>	<b>Panel decision</b>
Carmarthenshire County Council	Recruitment to the post of Chief Executive (Head of Paid Service)	Approved
Pembrokeshire County Council	Remuneration of a Chief Officer – Head of Procurement Services	Approved
Swansea Council	Arrangements for an interim Chief Executive	Approved
Isle of Anglesey County Council	Review of Senior Management arrangements in Anglesey County Council	Approved
Conwy County Borough Council	Review of Pay and Grading Structure – Chief Officers, Conwy County Borough Council	Approved
Denbighshire County Council	Review of Senior Leadership Structure - Head of Finance and the Head of Communication and Housing	Approved

## Annex 1: The Panel's Determinations for 2020/21

Principal Councils	
1.	Basic salary in 2020/21 for elected members of principal councils shall be £14,218 with effect from 1 April 2020.
2.	Senior salary levels in 2020/21 for members of principal councils shall be as set out in Table 5 with effect from 1 April 2020.
3.	Where paid, a civic head must be paid a Band 3 salary of £22,918 and, where paid, a deputy civic head must be paid a Band 5 salary of £17,918 with effect from 1 April 2020.
4.	Where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £22,918.
5.	The post of deputy presiding member will not be remunerated.
6.	<ul style="list-style-type: none"> <li>a) An elected member must not be remunerated for more than one senior post within their authority.</li> <li>b) An elected member must not be paid a senior salary and a civic salary.</li> <li>c) All senior and civic salaries are paid inclusive of basic salary.</li> <li>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.</li> </ul>
7.	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. They remain eligible to claim travel and subsistence expenses and reimbursement of costs of care.
8.	Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member other than travel and subsistence expenses and reimbursement of costs of care.
9.	Each authority, through its Democratic Services Committee, must ensure that all its elected 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, email and internet facilities giving electronic access to appropriate information.



10.	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.
<b>Specific or Additional Senior Salaries</b>	
11.	Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
<b>Local Government Pension Scheme</b>	
12.	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
<b>Family Absence</b>	
13.	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.
14.	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
15.	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.
16.	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.
17.	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.
18.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
<b>National Park Authorities</b>	
19.	The basic salary for NPA ordinary members shall be £4,010.
20.	The senior salary of the Chair of a NPA shall be £12,710.

21.	A NPA senior salary of £7,710 must be paid to a Deputy Chair where appointed.
22.	Up to two Committee Chairs can be paid a salary of £7,710.
23.	NPA's can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
24.	Members must not receive more than one NPA senior salary.
25.	A NPA senior salary is paid inclusive of the NPA basic salary.
26.	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>	
27.	The basic salary for FRA ordinary members shall be £2,005.
28.	The senior salary of the chair of a FRA shall be £10,705.
29.	A FRA senior salary of £5,705 must be paid to the Deputy Chair where appointed.
30.	Up to two Chairs of Committees can be paid. This shall be paid at £5,705.
31.	FRAs can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
32.	Members must not receive more than one FRA senior salary.
33.	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
34.	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>	
35.	Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 8.
36.	Reasonable time for pre meeting preparation is 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.
37.	Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).

38.	The appropriate officer within the authority must 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.
39.	Fees must be paid for meetings and other activities including 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.
40.	Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.
<b>Reimbursement of Costs of Care</b>	
41.	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 must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.
<b>Community and Town Councils</b>	
42.	All Community and Town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.
43.	Community and Town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
44.	Community and Town councils in Groups B or C can make an annual payment of £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
45.	<p>Community and Town councils can make payments to each of their members in respect of travel costs for attending approved duties. <sup>10</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</p> <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>

46.	<p>If a Community or Town council resolves that a particular duty requires an overnight stay, it can 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>
47.	<p>Community and Town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>• Up to £55.50 for each period not exceeding 4 hours.</li> <li>• Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
48.	<p>All Community and Town councils 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 must be for the additional costs incurred by members to enable them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.</p>
49.	<p>Community and Town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
50.	<p>Community and Town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
51.	<p>Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and reimbursement of costs of care.</p>

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<sup>10</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.

## **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 or 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 4 days following the election subject to making the 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 or 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 within or outside the boundary 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 can 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 Annual Report or a Supplementary Report determines the arrangements and amount of an annual payment to members in respect of costs incurred in carrying out the role of a member and if appropriate take account of the variation in size or financial circumstances of different councils.
  - b) The council can if it so decides make payments to members in respect of costs of travel for attending approved duties within 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 decides reimburse subsistence expenses to its members when attending approved duties within 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 decides pay compensation for Financial Loss to its members where such loss has occurred for attending approved duties within or 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 decides pay an allowance to the chair or mayor and deputy 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.
  - f) The Annual Report or a Supplementary Report determines the arrangements to pay a responsibility allowance to members of a council and if appropriate take account of the variation in size or financial circumstances of different councils.



- g) The council must reimburse the costs of care to a member if claimed, as determined 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 by 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 the financial 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.
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. 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 for each financial year. 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 previous financial year 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 that relevant authorities should only publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed.

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

## Annex 5: Summary of new and updated determinations contained in this report

The numbers of most of the determinations contained within this report have changed from previous reports.

To assist authorities, this table sets out the determinations in this report which are entirely new or have been updated.

<b>Principal Councils</b>	
Determination 1: This Determination has been updated	Basic salary in 2020/21 for elected members of principal councils shall be £14,218 with effect from 1 April 2020.
Determination 2: The amounts payable under this Determination have been updated	Senior salary levels in 2020/21 for members of principal councils shall be as set out in Table 5 with effect from 1 April 2020.
Determination 3: This Determination has been updated	Where paid, a civic head must be paid a Band 3 salary of £22,918 and where paid a deputy civic head must be paid a Band 5 salary of £17,918 with effect from 1 April 2020.
Determination 4: This Determination has been updated	Where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £22,918.
Determination 7: This Determination has been updated	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. They remain eligible to claim travel and subsistence expenses and reimbursement of costs of care.
<b>National Park Authorities</b>	
Determination 19: This Determination has been updated	The basic salary for NPA ordinary members shall be £4,010.
Determination 20: This Determination has been updated	The senior salary of the Chair of a NPA shall be £12,710.
Determination 21: This Determination has been updated	A NPA senior salary of £7,710 must be paid to a Deputy Chair where appointed.
Determination 22: This is a new Determination	Up to two Committee Chairs can be paid a salary of £7,710.
<b>Fire and Rescue Authorities</b>	
Determination 27: This Determination has been updated	The basic salary for FRA ordinary members shall be £2,005.
Determination 28: This Determination has been updated	The senior salary of the Chair of a FRA shall be £10,705.
Determination 29: This Determination has been updated	A FRA senior salary of £5,705 must be paid to the Deputy Chair where appointed.
Determination 30: This is a new Determination	Up to two Chairs of Committees can be paid. This shall be paid at £5,705.
<b>Community and Town Councils</b>	
Determination 47:	Community and town councils can pay financial



This Determination has been updated	<p>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 £55.00 for each period not exceeding 4 hours.</li> <li>- Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
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**<http://irpw.gov.wales>**

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# Report

## Democratic Services Committee

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### Part 1

Date: 24<sup>th</sup> October 2019

Item: 5

**Subject** Annual Report of the Head of Democratic Services

**Purpose** To present the Annual Report of the Head of Democratic Services

**Author** Head of Law and Regulation

**Ward** All wards

**Summary** Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The attached annual report provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure

**Proposal** The Committee is asked:

- (i) To consider and comment upon the Annual Report;
- (ii) To endorse the view of the Head of Law & Regulation that the provision 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, having regard to the proposals for the recruitment of a new Head of Democratic Services; and
- (iii) To ask the Head of Law and Regulation and the new Head of Democratic Services (when appointed) to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to this Committee should any review be required.

**Action by** Head of Law and Regulation  
**Timetable** Immediate

This report was prepared after consultation with:

- Interim Chief Executive
- Head of Finance
- Head of People and Business Change

## Background

Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The attached annual report of provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure.

The Democratic Services and Communications Manager was the designated Head of Democratic Services and fulfilled this statutory role in accordance with the requirements of the 2011 Measure. Following the resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, it is intended to review the senior management structure and create a new Democratic Services Manager post, to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team.

## Financial Summary

Staff costs are met from existing budget allocated to the service. Any increase in staff in this area would need to be considered as a budget pressure.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non-compliance with the requirements of the Local Government Measure	M	L	This report allows the Committee to consider and review the adequacy of staff, accommodation and resources in line with the requirements of the Measure.	Democracy and Communication Manager / Head of Law and Regulation.

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

Consideration of this report meets the requirements of the Local Government (Wales) Measure 2011.

## Proposal

The Committee is asked:

- (i) To consider and comment upon the Annual Report;
- (ii) To endorse the view of the Head of Law & Regulation that the provision 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, having regard to the proposals for the recruitment of a new Head of Democratic Services; and

- (iii) To ask the Head of Law and Regulation and the new Head of Democratic Services (when appointed) to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to this Committee should any review be required.

## **Comments of Chief Financial Officer**

The cost of any management restructure will have to be met within existing budgets or funding through other savings identified through the MTFP and annual budget process.

## **Comments of Monitoring Officer**

In accordance with the Local Government (Wales) Measure 2011, the Head of Democratic Services has a statutory responsibility to ensure that non-executive Members are provided with sufficient support and advice to enable them to discharge their roles as Councillors. Democratic Services Committee is required to review the adequacy of the staffing and other resources available to discharge this responsibility. The annual report confirms that the current staffing arrangements are sufficient to meet these statutory responsibilities under the Measure and to support members. However, the management role of the Head of Democratic Services is to be redefined and strengthened to focus on the statutory role and responsibility prior to recruiting to the vacant post. In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team.

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

The Annual Report outlines that the provision of staff, accommodation and other resources by the Council is adequate to discharge statutory requirements. Part of the statutory requirements placed the Council is to discharge its duties and ways of working under the Wellbeing of Future Generations (Wales) Act 2015. There are no direct staffing implications arising from the report.

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

The Annual Report outlines that the provision of staff, accommodation and other resources by the Council is adequate to discharge statutory requirements. Part of the statutory requirements placed the Council is to discharge its duties and ways of working under the Wellbeing of Future Generations (Wales) Act 2015. Through ensuring the effectiveness of the Council's corporate governance and decision-making processes, the Council will ensure that requirements of the Wellbeing of Future Generations (Wales) Act 2015 act are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City.

## **Background Papers**

The Local Government (Wales) Measure 2011

Dated: 15<sup>th</sup> October 2019



# **Head of Democratic Services Annual Report 2019**

## **1. Introduction**

Following the introduction of the Local Government (Wales) Measure 2011, the Council is required to designate one of its officers to the statutory post of Head of Democratic Services, and provide that officer with sufficient staff and support to discharge the role. The Head of Democratic Services is a politically restricted post and the Democratic Services Committee is responsible for designating this role.

At its meeting held on 26 July 2012, the Democratic Services Committee agreed to designate the Chief Democratic Services Officer post as the statutory post of Head of Democratic Services. Following the restructure merging the Democratic Services team with the Communications and Marketing team, these responsibilities were transferred to the new Democracy and Communication Manager.

Under the Measure, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

## **2. Functions and requirements of the statutory role**

The functions of the Head of Democratic Services are set out in the Measure and relate to the provision of advice and support to non-executive members as part of the democratic process, and all councillors when carrying out their representational role. In effect this covers Committee services, scrutiny and general member support services.

The Measure specifically provides that the Head of Democratic Services should not be providing advice and support directly to executive members, although there is no issue with him or her providing administrative support.

It is clear from the Measure and the statutory guidance that a complete split between executive and non-executive is unnecessary and that the Council can designate an existing officer to discharge this role rather than create an entirely new post. This recognises that creating a new Chief Officer post would be an unacceptable burden on the Council's budget at a time when funding must be prioritised for front line services.

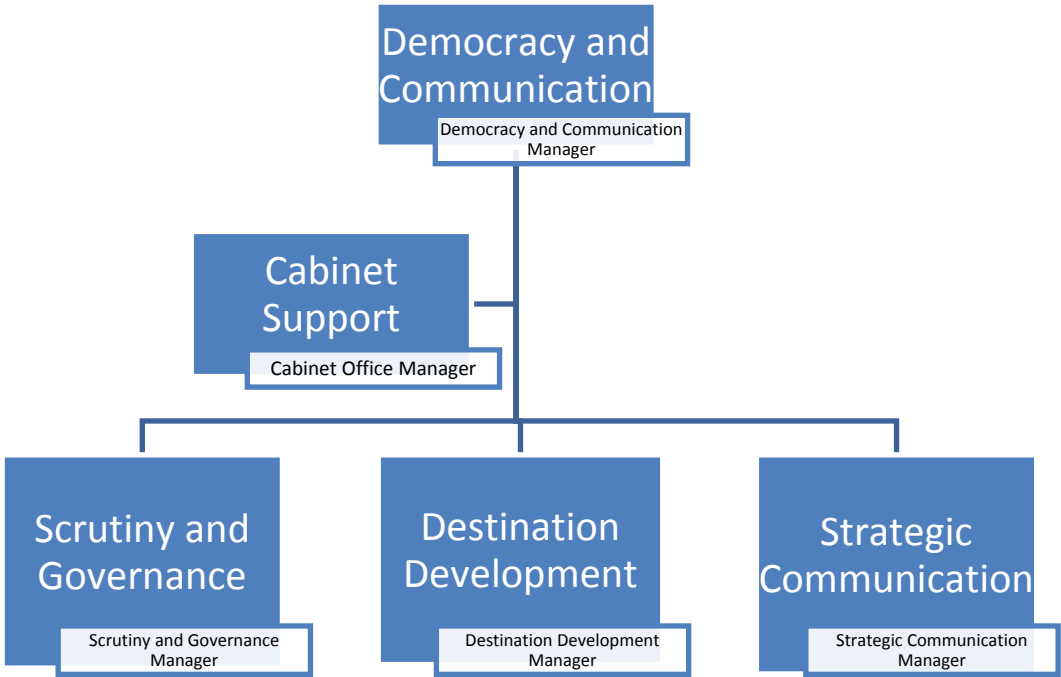
The Guidance specifically provides that the Head of Democratic Services can perform other roles apart from the statutory non-executive support functions prescribed by the Measure (as with the Monitoring Officer). Therefore, there is nothing to prevent the Head of Democratic Services having line management responsibility for the staff that support or advise the Cabinet, provided that this part of the service is separate and distinct from the statutory functions.

## **3. Provision of staff**

As a result of the restructure combining the Democratic Services team with the Communications and Marketing team, support for elected members was managed by the Democracy and Communication Manager. This post was designated as the Head of Democratic Services and oversees an integrated structure within the Law and Regulation service area.

The staff restructure was finalised and in May 2018, following a full review of the resources needed for the effective discharge of these functions.

The following management structure is now in place:



The Democracy and Communication Manager retains all Head of Democratic Services responsibilities previously within the Chief Democratic Services Officer post, but certain management responsibilities assigned to that post were delegated to the scrutiny and Governance Manager, to allow the senior role to take on the additional responsibilities for Strategic Communication and Destination Development.

The new Cabinet Office Manager coordinates all support for the Executive, providing a clearer division between support for the executive and non-executive functions.

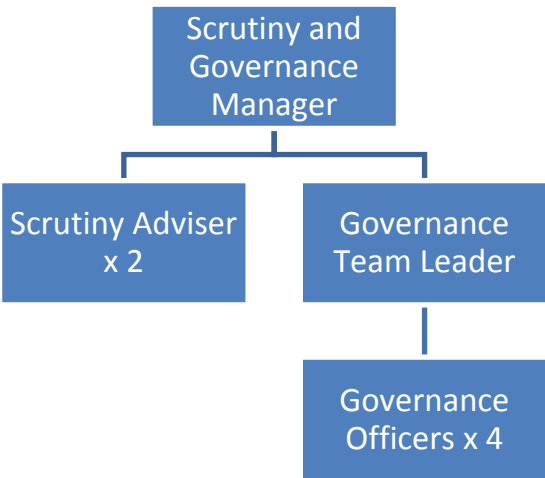
4. Scrutiny and Governance

The Scrutiny and Governance team provides all committee administration, scrutiny, and general member support services.

The Scrutiny and Governance Manager provides overall management for the scrutiny and governance functions.

The Scrutiny Advisers continue to provide advice, guidance and research to the scrutiny committees and members.

The Governance Officers, under the direction and supervision of the Governance Team Leader, will provide all administrative support to committees and general support to members. The more simplified structure under a single team leader has been designed to allow more resilient, flexible support for the democratic process, and additional capacity for general member support and development activities.





## 5. Adequacy of staffing

As mentioned above, the new structure was designed following a full review of the resources needed for the effective discharge of these functions. This is a relatively small team and, therefore, it is important that the available resources are directed in the most efficient way. The pooling of committee and member support within a five-strong team of generic administrators has allowed for more flexible support to be provided, and greater resilience within the team. As well as giving clearer lines of delineation, separating general member support from the executive function has helped to ensure that both executive and non-executive members are provided the dedicated support they require.

The provision staff, accommodation and other resources under this structure is considered to be adequate to discharge democratic services functions, as they currently exist.

However, in accordance with the requirements of the Measure the staffing and resources available to discharge these democratic functions need to be kept under regular review, to ensure that they remain adequate and effective.

The resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, provides an opportunity to review the senior management structure within the Governance Team. Although the staffing resources within the Democratic Services team remains adequate to discharge the democratic functions under the Measure, it is considered that the management structure should be revised to provide more effective leadership and supervision, with greater focus on the statutory role of the Head of Democratic Services. The previous integrated management structure has diluted this role because of the additional responsibilities of overseeing the Strategic Communication and Destination Development functions. It has become apparent that there is a need for more intensive management within the Governance Team and, therefore, it is intended to revert back to the previous management structure with a dedicated Democratic Services Manager.

Therefore, the existing posts of Democracy and Communications Manager and Scrutiny and Governance Manager will be deleted and replaced by a new combined post of Democratic Services Manager. The new post will be designated as the statutory Head of Democratic Services and the vacancy will be advertised externally with a view to recruiting the best possible candidate as soon as possible.

In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team, with the Head of Law and Regulation and Chief Legal Officer assuming a more direct management role.

In due course, a single third tier manager will be appointed to manage the Strategic Communication and Destination Development functions, reporting directly to the Head of Law and Regulation, but this will require a more detailed in-depth review of the service.

Any changes in statutory requirements and/or the needs of members will also need to be kept under review and will be reported to the Democratic Services Committee. Potential pressures could include:

- Any changes to the demands and needs of elected members
- Any changes in statutory requirements, e.g. Welsh Language Standards; Wellbeing of Future Generations Act / PSB Scrutiny.
- Increased day to day demands
- Any further demands from regulatory bodies
- Any impact of welsh government proposals for local government

### Head of Law & Regulation

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# Report

## Democratic Services Committee

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### Part 1

Date: 24<sup>th</sup> October 2019

Item: 6

**Subject** Annual Report of the Democratic Services Committee

**Purpose** To agree the Annual Report of the Democratic Services Committee for submission to Council.

**Author** Head of Law and Regulation

**Ward** All wards

**Summary** The Local Government (Wales) Measure 2011 requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

This report proposes the content of the Democratic Services Committee's annual report for 2018-19. It also provides evidence that the committee has carried out its required function by reviewing the adequacy of staff to support members.

**Proposal** To agree the Committee's annual report for submission to the Council in order to meet the requirements of the Local Government Measure.

**Action by** Head of Law and Regulation

**Timetable** Immediate

This report was prepared after consultation with:

- Interim Chief Executive
- Head of Finance
- Head of People and Business Change

## **1. Background**

1.1 The Local Government (Wales) Measure 2011 (“the Measure”) requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

## **2. Functions**

2.1 The Measure prescribes the functions of the Democratic Service Committee as:

- Designating the Head of Democratic Services
- Keeping under review the provision of staff, accommodation and other resources made available to the head of democratic services in order that it is adequate for the responsibilities of the post;
- Making reports, at least annually, to the Council in relation to these matters.

2.2 The Democratic Services cannot discharge and other functions or perform any dual role (for example doubling-up as a Scrutiny committee).

2.3 The 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.

2.4 The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to specifically provide for a wider range of functions for Democratic Services Committees, along the lines adopted in Newport. The full terms of reference of the Committee, as set out in the Constitution, are contained in the draft Annual Report.

## **3. Provision of staff, accommodation and other resources made available to the Head of Democratic Services**

3.1 Elsewhere on this agenda, the Head of Democratic Services annual report informs the committee the provision 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.

3.2 The impact of any changes in statutory requirements, or the needs of members would need to be kept under review and would be the subject of a report to this committee.

3.3 Although the staffing resources within the Democratic Services team remains adequate to discharge the democratic functions under the Measure, the Head of Democratic Services annual Report identifies the need to revise the current management structure to provide more effective leadership and supervision, with greater focus on the statutory role of the Head of Democratic Services. Therefore, it is intended to revert back to the previous management structure with a dedicated Democratic Services Manager. In the meantime, interim arrangements have been put in place to cover the management of the Governance and Scrutiny Team, with the Head of Law and Regulation and Chief Legal Officer assuming a more direct management role.

## **4. Financial Summary**

4.1 The Chair of the Democratic Services Committee is entitled to a special responsibility allowance in accordance with the prescribed members’ allowances scheme. There are no specific costs associated with the running of this committee other than those involved in the cost of administration of this and other council functions within the democratic process.

## 5. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non-compliance with the requirements of the Local Government Measure	M	L	This report suggests the content of an annual report in line with the requirements of the Measure.	Democracy and Communication Manager / Head of Law and Regulation.
Inadequate resources to discharge the statutory requirements of the Measure	M	L	The Annual Report confirms the adequacy of existing resources and the proposals for a more effective management structure. The arrangements are the subject of review by the Committee in the event of any changes in functions or requirements	Democracy and Communication Manager / Head of Law and Regulation

\* Taking account of proposed mitigation measures

## 6. Options Available

6.1 To consider the annual report and to present an agreed version of the report to the Council

6.2 To take no action

## 7. Preferred Option and Why

7.1 To consider the annual report and to present an agreed version to the Council in order to meet the requirements of the Local Government Measure

## 8. Comments of Chief Financial Officer

The chair of the democratic services committee is entitled to a special responsibility allowance in accordance with the prescribed members' allowances scheme. There are no specific costs associated with the establishment of this committee other than those involved in the cost of administration of this and other council functions within the democratic process. These are met from existing budgets.

## 9. Comments of Monitoring Officer

There are no legal issues arising from the Report. The Annual Report sets out the work of the Committee over the past year and confirms that it has discharged its responsibilities in terms of the democratic services function in accordance with the Local Government (Wales) Measure 2011.

## 10. Comments of Head of People and Business Change

The Head of Democratic Services states that 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. There are therefore no staffing implications arising at this time.

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

The Democratic Services Annual Report outlines how the Committee has discharged its responsibilities in terms of the democratic services function in accordance with the Local Government (Wales) Measure 2011. Part of its role is to review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution.

Through ensuring the effectiveness of the Council's corporate governance and decision-making processes, the Council will ensure that requirements of the Wellbeing of Future Generations (Wales) Act 2015 act are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objective
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City.

### **Background Papers**

The Local Government (Wales) Measure 2011  
Newport City Council Constitution

Dated: 17<sup>th</sup> October 2019



# **Democratic Services Committee Annual Report 2018-19**

## **1. Introduction**

The Local Government (Wales) Measure 2011 requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

## **2. Terms of reference**

The terms of reference for the committee are set out in the constitution, and meet the requirements of the prescribed functions within the Measure.

The Committee's terms of reference are:

- a) To designate the Head of Democratic Services
- b) To consider reports by the Head of Democratic Services in accordance with Section 9(1)(h) of the Local Government (Wales) Measure 2011 (adequacy of resources to discharge democratic services functions) within 3 months and make recommendations to Council, as appropriate
- c) To ensure that all reports of Democratic Services Committee under Section 11 of the Local Government (Wales) Measure 2011 (recommendations regarding the adequacy of resources to discharge democratic services functions) are circulated to all Members and considered within 3 months
- d) To require the attendance of any Members or officers of the Council to answer questions and invite other persons to attend meetings, as required
- e) To require any Member or officer attending meetings to answer any questions (unless they are to refuse on legal grounds)
- f) To appoint one or more sub-committees and to arrange for the discharge of any of its functions by such a sub-committee
- g) To review and monitor the effectiveness of the Council's democratic services functions, including:
  - the provision of support and advice to meetings of the Council, committees, sub-committees and joint-committees
  - promoting the role of Overview and Scrutiny
  - the provision of support and advice to Overview and Scrutiny
  - the provision of support and advice to individual Councillors in carrying out their roles as Members
  - such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers
  - make recommendation to Cabinet and Council, as appropriate.
- h) To review the adequacy of the Council's democratic services resources and to make recommendations, where necessary
- i) To review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution and make recommendations, as necessary, to Cabinet and/or the Council.



### **3. Structure and Membership**

The Committee comprises

- [Councillor Charles Ferris \(Chair\) \(until May 2019\) - Councillor David Fouweather \(post May 2019\)](#)
- [Councillor Chris Evans](#)
- [Councillor Matthew Evans](#)
- [Councillor Yvonne Forsey](#)
- [Councillor Rehmaan Hayat](#)
- [Councillor Laura Lacey](#)
- [Councillor Kate Thomas](#)
- [Councillor Trevor Watkins](#)
- [Councillor Herbie Thomas \(replaced Councillor Ibrahim Hyatt as from May 2019\)](#)

This is a politically balanced group comprising members with various roles in the Council and varying levels of experience. This group works well together and shares a joint aim of seeking to improve the way the Council works.

Councillors from the various groups work together in a non-partisan way to consider various aspects of the Constitution and other matters that impact on the governance of the Council. The apolitical stance taken by members of the committee has encouraged interesting discussions on the topics presented to the Committee.

### **4. Activities in 2018-19**

This Annual report covers the period from November 2018 to November 2019. In the preceding 12 months, the Democratic Services Committee has considered the following:

#### **(i) Boundary Commission Review of Communities**

The Committee received a verbal update on this work at its July 2018 meeting. The Head of Law and Regulation reported that the Boundary Commission had recently issued advice not to proceed with the review as any changes would not have time to be actioned before the Boundary Commission's review commenced. The Committee therefore agreed to remove it from the Work Programme for 2018/19.

#### **(ii) Support for Councillors in their Ward Work**

The Committee received a report which had resulted in their agreement to review 'Support for Councillors in their Ward Work' as part of the Committee's Work Programme for 2018/19.

The Committee understood the last in-depth research was undertaken in 2011 and that review had led to the current system of ward meeting support.

During the meeting the Head of Law and Regulation commented that report was to discuss help for Councillors not engagement which would be covered in the Communication Policy; the two areas do overlap but are two distinctive issue.

The Committee agreed to proceed with the review as outlined in the report with progress to be reported back to Committee.

### **(iii) Independent Remuneration Panel Wales: Draft Annual Report**

The Committee received the draft Independent Remuneration Panel for Wales (IRPW) Annual Report and were invited to discuss the response from Newport City Council as part of the consultation process.

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 2019/20, was published on its website.

The final IRPW report would be published in February 2019.

The Chair of DSC and the Head of Democratic Services met with the panel in Cardiff and the HoDS outlined the proposed uplift for salaries discussed in that meeting.

The Committee debated the function of the Mayor; adequate telephone access and that all councillors should be provided this facility; provision of broadband was also briefly discussed but was felt this was not a requirement for many councillors.

The Committee agreed the proposed response from Newport City Council as part of the consultation process.

### **(iv) Minor Property Transactions or Council Property Assets**

The Committee was asked to consider recommending to Council the adoption of a policy to determine Minor Property Transactions by delegating authority of officers.

The Committee agreed:

- to recommend to Council adoption of the policy for Minor Property Transactions set out in the report to speed up and simply minor property transactions and reduce management costs, with the following conditions:
- £1000 was the annual value;
- £10,000 would be a suggested cap value;
- Ward members to be consulted on all minor property transactions under the scheme of delegation;
- An update to be presented at a future meeting on how the information would be circulated to ward members.

### **(v) Members' IT Update**

The Head of People and Business Change provided an update on IT to the Committee. Issues covered were:

- Modernised Council which included changes on how we work, engage with communities, equipping staff and access to work; ensuring appropriate wifi access with the building and having the right IT equipment;
- Brief overview on the new Windows Office 365 rollout;
- Secure access to email using Multi-Factor Authentication (MFA);
- Demonstration of a 4G tablet;

Committee raised questions around cost; technical issues that may arise with the rollout of Windows Office 365; the use of Skype; modernisation of the Council Chambers IT infrastructure; issues around

personal security and whether adequate officer support would be in place to assist with any technical issues.

The Committee welcomed the update from the Head of People and Business Change.

#### **(vi) Boundary Commission Review**

The Local Democracy and Boundary Commission for Wales is reviewing the electoral arrangements for Newport with a view to considering and formulating proposals for future arrangements. This is part of the Commission's programme to review all principal councils in Wales, in time for new arrangements to be introduced for the next local government elections in 2022. Newport is the 17th council to be reviewed.

The Commission published initial consultation documents, showing the current elector to Councillor ratios in the City and how these compare to their Council Size Policy and ideal ratios. The Commission invited comments on these documents and the potential changes required to future electoral arrangements in Newport. The 12-week consultation period began on 30 January 2019 and closed on 3 May 2019.

Following a report to Democratic Services Committee on 14 February 2019, a cross party working group was set up to review the available evidence, invite submissions from stakeholders, and devise options for a proposed new scheme of electoral arrangements.

The Group's proposals were reported to full Council on 30<sup>th</sup> April 2019 and the preferred options were submitted to the Boundary Commission for consideration. The Commission will now prepare its draft proposals for Newport's electoral arrangements, followed by a further statutory period of consultation before the Commission's final recommendations are made to Welsh Government.

#### **(vii) Councillor Support – Online Toolkit**

The Scrutiny and Governance Team had mapped out how to put together a new Members' Page on the Intranet and this was shared with the Committee.

The Committee's observations and comments were recorded and the Scrutiny and Governance Team agreed to make changes to enable councillors to access information easily.

#### **(viii) Proposal for Revising Member Oversight of Residential Homes Rota Visit Arrangements**

The Committee received a report from the Responsible Individual (RI) within Social Services. The report confirmed the Registration and Inspection of Social Care Act 2016 (RISCA) introduced changes to the accountability of regulated services such as adult and children's residential homes; the changes came into force in 2018. RISCA enhances the legal duty on the Responsible Individual (RI) and requires them to undertake frequent visits to each service and submit an annual Quality of Care Review highlighting any issues and areas where improvements can be made.

In light of RISCA the following discussion with the Cabinet Member for Social Services a new approach to Members' oversight was being proposed which enables Members to receive and consider the annual Quality of Care Review and provides an opportunity for Members to visit homes on a planned, announced RI visit.

The report proposed:

- Ensuring that there is accountability and oversight of our regulated services is essential for public confidence and RISCA provides an opportunity to consider how Members can have effective oversight of our regulated services in this new context;

- Following discussion with the Cabinet Member for Social Services, the following approach is considered an appropriate way forward:
- That members of the appropriate scrutiny committee receive the annual Quality of Care Review and have the opportunity to scrutinise the findings of the RI at a scrutiny meeting;
- Three members nominated by normal Council appointment process to be invited to visit individual homes for pre-arranged visits such as a coffee morning to provide them with the opportunity to engage with the residents and hear their views about life in the home. This would take place on an annual basis.

The Committee noted the content and agreed bullet point 4 above.

## **5. Work Planned for 2018-19**

The work programme was agreed at the Democratic Services Committee held on the 24 October 2019. We will need to continue our work in reviewing any proposals for amendments to the Council's constitution for recommendation to the executive where appropriate and to the Council. Issues relating to the constitution and any proposed amendments arising from the Corporate Assessment will need to be considered by this committee.

In addition, we will continue to provide consultation responses to the IRP draft report and keep under review the adequacy of the Council's democratic services resources and to make recommendations, where necessary.

There may be a requirement to reconvene the cross-party working group to consider any response the Boundary Commission draft electoral arrangement proposals, when they are published.

We will also be considering the options for creating a Chair of Council/ Presiding Officer role with a view to making recommendations to Council.

## **6. Democratic Services Annual Reports**

Both the Committee and the Head of Democratic Services are required to produce an annual report to Council each year, and this be built into the work programme.

**Councillor David Fouweather**  
**Chair of the Democratic Services Committee**

**Gareth Price**  
**Head of Law and Regulation**

# Report

## Democratic Services Committee

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### Part 1

Date: 24<sup>th</sup> October 2019

Item: 6

**Subject** **Chair of Council/Presiding Officer**

**Purpose** To consider proposals for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council

**Author** Head of Law and Regulation

**Ward** All Wards

**Summary** The Local Government (Democracy) Wales Act 2013 gave local authorities the power to appoint a Presiding Member (and Deputy Presiding Member) to act as Chair of Council and discharge any other non-executive functions, as determined by the Council. The purpose of having a stand-alone Chair of Council was to reflect the specific role of presiding over Council meetings and the skills required to manage Council business in a fair and efficient manner. These roles and responsibilities are quite distinct and different from the other civic, ambassadorial and ceremonial roles discharged by the Mayor (and Deputy Mayor) as the first Citizen of the City. Many councils in Wales have now gone down this route and have appointed a specialist Presiding Member to chair council meetings.

A Member of the Executive may not be elected as Presiding Member/Chair of Council, but can be elected as a stand-alone Mayor. If remunerated, a Presiding Member is entitled to a Band 3 Senior Salary of (currently) £22,568 and the post would count towards the Senior Salary cap for the Council of 18 posts.

Where a Presiding Member is appointed the Council must appoint a Deputy Presiding Member. A Deputy Presiding Member cannot be a member of the Executive and is not entitled to be remunerated.

Consequential amendments would be required to the Council's Constitution to reflect the separation of the Chair of Council and Mayoral roles.

**Proposal** **To consider proposals for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council and make recommendations to Council.**

**Action by** Head of Law and Regulation

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Leader of the Council

- Head of Finance
- Head of People and Business Change

## Background

1. The Local Government (Democracy) Wales Act 2013 Section 51 amended the Local Government Act 1972 and gave local authorities in Wales the power to appoint a Presiding Member (and Deputy Presiding Member) to act as Chair of Council and discharge any other non-executive functions, as determined by the Council.
2. In Newport, the role of chairing full Council has always been discharged by the Mayor and (in the absence of the Mayor, by the Deputy Mayor). The Mayor receives a Band 3 civic salary of (currently) £22,568 for the civic and ceremonial responsibilities attached to the role, which does not count towards the Council's allocated number of Senior Salaries. In accordance with the Local Government Act 2000, any member of the Executive cannot act as Chair of Council, which has effectively precluded any Cabinet members from serving as the Mayor.
3. Many Welsh Councils have now gone down the route of appointing stand-alone Presiding Members. The purpose of having a stand-alone Chair of Council is to reflect the specific role of presiding over Council meetings and the skills required to manage Council business in a fair and efficient manner. These roles and responsibilities are quite distinct and different from the other civic, ambassadorial and ceremonial roles discharged by the Mayor (and Deputy Mayor).
4. In accordance with Section 24A of the Local Government Act 1972 (as amended), Full Council must determine whether to have a Presiding Member and may determine the functions of the Presiding Member and the term of office of that member. The functions of the Presiding Member may in particular include any function of the Chair of the Council in relation to its meetings and proceedings.
5. A member of the Executive may not be elected as the Presiding Officer. If remunerated, a Presiding Member is entitled to a Band 3 Senior Salary (currently £22,568) and the post would count towards the Senior Salary cap for this Council of 18 posts. The Council has currently allocated 17 of its 18 Senior Salary allowances and, therefore, an additional payment to a stand-alone Presiding Member can be accommodated within the current Members Scheme of Remuneration. The Mayor would continue to be entitled to a civic salary of £22,568, for the civic and ceremonial responsibilities attached to the role.
6. A Presiding Member continues in office until the occurrence of:-
  - (a) the Presiding Member's resignation or disqualification;
  - (b) a successor becoming entitled to act as a Presiding Member;
  - (c) the Council determining not to have an office of Presiding Member; or
  - (d) an Ordinary Council election.

It is common practice for any Presiding Member to be appointed at the Annual General Meeting of the council and to hold office for a period of 12 months, subject to reappointment. Unlike the Mayor, who is elected on seniority and only serves in office for one municipal year, the appointment of the Presiding Officer is determined by a majority of votes at the AGM, based upon the requirements of the post, and may be re-elected.

7. Where a Presiding Member is appointed the Council must appoint a Deputy Presiding Member. A Deputy Presiding Member cannot be a member of the Executive and is not entitled to be remunerated. However, the Deputy Presiding Member may do anything authorised or required to be done by the Presiding Member in the absence of that Member.
8. The Presiding Member would preside over meetings of the full Council and ensure Council meetings are conducted in line with the Council's Constitution. The Presiding Member would undertake all other administrative functions relating to the application of the Council's Constitution previously assigned to the Mayor. For example, the Presiding Member would also carry out those duties required under the Family Absence for Members of Local Authorities (Wales) Regulations

2013. This is currently assigned to the Mayor, in terms of “authorising” family absences, but in practice the need for such authorisation has never arisen as Members can be absent for 6 months under the general law and any prolonged absences can be sanctioned by Council.

9. The appointment of a stand-alone Presiding Member would leave the Mayor free to act as the ceremonial head of the Council and to represent the Council at all civic and ceremonial functions. He/she would continue to use the title of “Mayor” or “Maer” and chair of the council would be entitled to the style of “civic chair” or “cadeirydd dinesig”.
10. This would also mean that a Member of the Executive could also serve as the Mayor, in accordance with the seniority rules, because they would no longer be responsible for chairing the Council meetings. However, they would only be entitled to one Senior or Civic Salary.
11. If Democratic Services Committee are minded to recommend to Council that a Presiding Member (and Deputy Presiding Member) should be appointed, then it would be appropriate for this to take effect as from the Municipal Year 2020/21 and for the appointments to be made annually as the first item of business at the Annual General Meeting of the Council in May. The Mayor-making ceremony can then be carried out separately, as a purely ceremonial function.
12. Consequential amendments would be required to the Council's Constitution to reflect the separation of the Chair of Council and Mayoral roles. In particular, the member role descriptions, Article 5 (Chairing the Council) and Part 4 Appendix 2 (Standing Orders).

## Financial Summary

If a stand-alone Presiding Member was appointed, then an additional cost of £22,568 (plus pension contributions) would be incurred as the position would carry a Band 3 Senior Salary. Additional budgetary provision would need to be made within the Members Allowances budget to cover this cost. However, if a serving Cabinet Member took up the office of Mayor, then only one senior salary could be paid, so there would be a corresponding saving of £22,568 in relation to the civic salary. The Deputy Presiding Officer is not entitled to be remunerated and, therefore, this would have no financial implications.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not appointing a Presiding Member/Deputy	L	M	The Mayor would continue to fulfil both the ceremonial role and the function of chairing Council	Head of Law & Regulation
Appointing a Presiding Member/Deputy	L	M	There would be a clear separation of functions within the Constitution.	Head of Law & Regulation

## Links to Council Policies and Priorities

Effective governance arrangements are fundamental to the work of the Council and the delivery of the Corporate Plan. Ensuring that the appropriate governance arrangements are in place is also consistent with the sustainability duty under the Future Generations and Well-Being Act and the well-being goals of a more equal Wales and a Wales of cohesive communities.



## **Proposal**

To consider proposals for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council and make recommendations to Council.

## **Comments of Chief Financial Officer**

If a stand-alone Presiding Member was appointed, then an additional cost of £22,568 (plus pension contributions) would be incurred as the position would carry a Band 3 Senior Salary. Additional budgetary provision would need to be made within the Members Allowances budget to cover this cost.

## **Comments of Monitoring Officer**

Set out in the Report

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

There are no staffing or policy implications

## **Background Papers**

None.

Dated: 18<sup>th</sup> October 2019

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# Report

## Democratic Services Committee

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### Part 1

Date: 24<sup>th</sup> October 2019

Item: 8

**Subject** Draft Work Programme

**Purpose** To present a suggested work programme for the Committee.

**Author** Head of Law and Regulation

**Ward** All Wards

**Summary** The purpose of a work programme is to enable the Committee to plan, organise and prioritise its workload.

Previously, reports have been brought to the Committee on an ad hoc basis, as and when work was referred. By adopting the suggested work programme in this report, the Committee will be able to plan out its projects and meetings, be clear on its aims and objectives, and properly assess at the end of the year the extent to which its aims have been achieved.

**Proposal** To agree the Committee's Work Programme.

**Action by** Head of Law and Regulation

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Officers
- Head of Finance
- Head of People and Business Change

## **Background**

The purpose of a work programme is to enable the Committee to plan, organise and prioritise its workload.

Previously, reports have been brought to the Committee on an ad hoc basis, as and when work was referred. By adopting the suggested priorities in this report, the Committee will be able to plan out its projects and meetings, be clear on its aims and objectives, and properly assess at the end of the year the extent to which its aims have been achieved.

The following priorities are suggested for the next year:

### **1. Constitution Review**

There is a need to continue the work of systematically reviewing the various parts of the Council's Constitution, with a view to changing to the new modular style of document previously agreed by the Committee.

This will start with a review of the officer scheme of delegation in January 2020, to include new powers in relation to Sustainable Development applications, and a general update in the light of operational changes since the last review.

### **2. Chair of Council/Presiding Officer role**

To be considered at the October 2019 Committee meeting. The Committee will consider options for creating a Chair of Council/ Presiding Officer role with a view to making recommendations to Council in November 2019, prior to the nomination of the mayor elect for the forthcoming municipal year.

If agreed, this will require consequential amendments to the Council's Rules of Procedure.

### **3. WLGA Member Development Charter**

Charter accreditation was last discussed 9 November 2017 and the aim was for the Charter to be achieved in two years.

### **4. Support for Councillors in their ward work**

Last discussed 14 February 2019- A Members page on the intranet to support Members was discussed. There is a need to bring forward a report to consider whether to continue with ward meetings in the light of this review and alternative ways of engaging with constituents. To be considered in April 2020, prior to the Council AGM in May

### **5. Boundary Commission Review of Communities**

The Local Democracy and Boundary Commission for Wales is reviewing the electoral arrangements for the City of Newport with a view to considering and formulating proposals for future arrangements. This is part of the Commission's Programme to review all principal councils in Wales, in time for new arrangements to be introduced for the next local government elections in 2022. Newport is the 17th council to be reviewed.

The Commission has published initial consultation documents, showing the current elector to Councillor ratios in the City and how these compare to their Council Size Policy and ideal ratios. The Commission is inviting comments on these documents and the potential changes required to future electoral arrangements in Newport.

The final report from the cross party working group was presented to Council on the 30 April 2019 and the preferred options were submitted to the Boundary Commission for consideration. The Commission will now prepare its draft proposals for Newport's electoral arrangements, followed by a further statutory period of consultation before the Commission's final recommendations are made to Welsh Government.

There may be a requirement to reconvene the cross-party working group to consider any response the Boundary Commission draft electoral arrangement proposals, when they are published. This may be considered by Committee in January 2020, subject to the consultation timetable.

## 6. Democratic Services Annual Reports

Both the Committee and the Head of Democratic Services are required to produce an annual report to Council each year, so this will be built into the programme for the autumn of 2020. As part of the reporting process, the Committee will keep under review the adequacy of resources to meet any changing statutory duties.

## 7. Independent Remuneration Panel for Wales (IRPW) Annual Report

The IRPW's draft annual report will be submitted to Committee for consideration, subject to the timetable for any consultation responses. The final report will be to Council in April/May together with the Draft Schedule of Remuneration for approval for 2020/21.

Once the Committee's priorities are agreed and adopted, the support team will plan the reports and meetings for the rest of the year.

## Financial Summary

There is no direct cost to adopting a programme of work.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
No action taken	M	L	Work programming arrangements are in place to ensure they are timely, meaningful, informative, and transparent, balanced, monitored, and joined up.	Head of Democratic Services
The process is not embraced by report authors and members	M	M	If there is proliferation of unplanned or late items, the opportunity to ensure work programming is timely, meaningful, informative, and transparent, balanced, monitored, and joined up will diminish	Head of Democratic Services

## Links to Council Policies and Priorities

These proposals will help the Council provide the best possible service to members and will provide information to the public and elected members.

## **Proposal**

To agree the Committee's Work Programme.

## **Comments of Chief Financial Officer**

There are no financial implications in adopting a programme of work.

## **Comments of Monitoring Officer**

There are no legal implications in adopting a programme of work.

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

There are no specific staffing implications in adopting a programme of work.

## **Background Papers**

None.

Dated: 17<sup>th</sup> October 2019