

Agenda



Democratic Services Committee

Date: Thursday, 22 October 2020

Time: 10.00 am

Venue: Microsoft Teams Live Event

To: Councillors C Ferris (Chair), M Whitcutt, P Hourahine, J Hughes, J Clarke, T Watkins, K Thomas, M Evans and C Evans

| Item | Wards Affected |
|------|---|
| 1 | <u>Apologies</u> |
| 2 | <u>Declarations of Interest</u> |
| 3 | <u>Minutes of the Last Meeting (Pages 3 - 8)</u> |
| 4 | <u>Annual Report of the Democratic Services Committee (Pages 9 - 30)</u> |
| 5 | <u>Independent Remuneration Panel For Wales Draft Annual Report 2021 (Pages 31 - 118)</u> |
| 6 | <u>Any Issues for Discussion with the IRP</u> |
| 7 | <u>Date of next Meeting</u> 18 February 2021 at 10am |
| 8 | <u>View Live Event</u> To view the Live Event please click here |

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Minutes



Democratic Services Committee

Date: 20 February 2020

Time: 10.00 am

Present: Councillors D Fouweather (Chair), J Clarke, M Whitcutt, C Evans and M Evans
Felicity Collins, Anne Jenkins (Governance Team Leader) and Gareth Price (Head of Law & Regulation)

Apologies: Councillors K Thomas, T Watkins, J Hughes and G Berry

1 Declarations of Interest

None.

2 Minutes of the Previous Meeting

Minutes of the meeting held on the 24 October 2019 were submitted.

Item 6: Chair of Council

It was felt that the minutes did not reflect the lengthy debate that took place regarding this subject. It was important to note that the additional costs were and a point of principle on the separation of roles were a general concern and therefore a unanimous decision was taken by the Committee to not appoint a Chair of Council/Presiding Member.

Item 5: IRP for Wales Draft Annual Report 2020

It was noted by the committee that under matters arising, the above report was received earlier in the week and would be added to the Council Work Programme for April 2020.

3 Review of the Constitution-Revised Officer Scheme of Delegation

As part of the forward work programme and the terms of reference for Democratic Services Committee, the Committee was required to keep under review the Council's constitutional governance arrangements.

In accordance with the Council's approved scheme of delegation, set out in Part 3 Appendix 3 of the Council's Constitution, a number of statutory functions were delegated to those Heads of Service who were authorised to discharge these duties on behalf of the Council. The Officer Scheme of Delegation was last reviewed and updated in October 2017 and since that time; there had been a few legislative changes and amendments to Council procedures. These changes and amendments needed to be incorporated into a revised and updated scheme of delegation for adoption by full Council.

For the most part, the previous officer scheme of delegation did not require substantive revision. However, since the last review, new legislation was introduced to deal with sustainable drainage systems ("SuDS") for new developments and additional delegated powers needed to grant the Head of City Services to enable him to determine applications

and all other related functions under Schedule 3 of the Flood and Water Management Act 2010 on behalf of the Council as the SuDs Approving Body ("SAB").

In addition to this, the Committee were informed that amendments had been made to the existing scheme of delegation to Council granting full delegation to the Head of Regeneration Housing and Investment to determine minor property transactions, as previously recommended by Democratic Services Committee at their meeting in November 2018.

Comments from the Committee:

- The Committee asked if there was accountability for Cabinet Members under this new arrangement and would they be subject to a call-in. It was advised that as this was now allocated to the Head of Streetscene and City Services and any decisions would be taken by the responsible officer due to the technical complexities of these matters. This was similar to decisions taken by Building Control where a qualified officer would be better placed to authorise these decisions.
- The Committee referred to the Gambling Act and if Newport had powers to allow casinos to operate within the city. This was a matter of policy and there were different types of licenses, some with an element of local discretion. If a casino were to open within the city it would be taken as a policy view within the Leader's roles.
- The committee also referred in general to the Scheme of Delegation appointing the Chief Executive as the Council's Returning Officer. The Committee was informed that the Chief Executive was never required be the Returning Officer and in some council's such as Cardiff, the Head of Finance took on this duty. Newport City Council chose to designate the Chief Executive. New legislation enforced by Welsh Government however, meant that the title of Returning Officer would in future be attached to all Chief Executives within Wales with no extra financial incentive. A brief discussion ensued regarding the fees and responsibilities of the Returning Officer.

Agreed:

The Committee agreed to the proposed amendments to the Scheme of Delegation to Officers and recommended that it was adopted as Part 3 Appendix 3 of the Constitution at Council on 27 February 2020.

4 IRP Supplementary Report

It was felt that members were not taking advantage of the financial support made available to those with primary caring responsibilities for a child or adult and/or personal support needs where these were not covered by statutory benefit or other provision.

The Ombudsman therefore wanted to remind councillors of this benefit through this supplementary report by way of raising awareness through the Democratic Services Committee. It was felt that due to the publishing of allowances, councillors might also be embarrassed to declare the allowance however any claim for care would published as an anonymous list.

Comments from Councillors:

- The Chair agreed that most members were very mindful about what allowances they claimed in particular general attendance expenses, as they felt they were under public scrutiny.
- The Committee were informed that members would still be entitled to this allowance along with extra care allowance, which might be received from the government. This was

also available to senior salary holders such as Cabinet Members and for those members attending meetings.

- The Committee agreed that members should be made aware of this additional allowance and that the monetary support would be a reassurance to those with children or adults that needed extra care.

Agreed:

The committee recommended that a summary of the supplementary report be circulated to all members for their information by the Governance Team Leader.

5 **Support for Councillors in their Ward Work**

It was previously agreed that the Democratic Services Committee review support for Councillors in their ward work as part of the work programme for 2018-19. The Committee agreed the scope of a further review of the support and engagement arrangements in July 2018. The previous research had focused predominantly on the engagement methods themselves, and Neighbourhood Committees / ward meetings in particular. The focus therefore of this additional review was specifically in relation to the practical support that Councillors needed to undertake their ward work effectively, through all the different methods available to them.

The Committee received interim presentations on upgrades to Members IT and the development of an on-line members Took-Kit to assist and support Councillors in carrying out their representational roles within their local communities. Due to changes however, in key personnel and membership of the Committee, the outcome of the review was never formally concluded and signed-off. In particular, no final conclusions were drawn on whether the Neighbourhood Committees/ward meeting should continue in their current format in the light of the significant developments in other methods of engaging with local communities within individual wards.

This report therefore summarised the outcome of the review of support for Councillors in their Ward work and invited the Committee to consider the options regarding Neighbourhood Committees/Ward Meetings.

Comments from Committee:

The Committee understood that there was not a consistent approach to ward meetings. It was also noted that not all ward members were able to voice their opinion at this meeting.

- Rogerstone ward members were passionate advocates of ward meetings, which were non-political and helpful for residents from an information perspective. They were also important for constituents raising individual issues with ward members and well attended.
- Some residents that were not using social media found ward meetings helpful, and it was felt that if ward meetings were lost, that councillors would lose their community.
- Ad hoc or side arrangements in place for some wards was still effective, such as holding meetings to discuss the budget or other strategic matters that would affect residents city wide.
- Some ward members did not run ward surgeries however, if constituents had concerns, they would meet with them on a one to one basis, such as Allt-yr-yn.
- It was therefore felt that each ward had an individual way of running their ward meetings and there was an argument for and against, this however should be left for the individual discretion of each ward member.
- Whilst from an officer perspective, it was difficult drawing the line between political support and single ward issues, ward members mentioned that parochial issues would

- be raised whether they were at ward meetings or surgeries. With an officer in attendance, residents could receive immediate feedback. There was also an audit trail
- There was limited financial resources available but ward meetings would require officer support and attendance.

Agreed:

Regarding the review of support for Councillors in their Ward work and any recommendations to Council regarding Neighbourhood Committees/Ward Meetings, it was agreed that the status quo in relation to ward meetings would continue.

6 Boundary Commission Review of Electoral Arrangements-Draft Proposals

The Local Democracy and Boundary Commission for Wales was reviewing the electoral arrangements for the City of Newport with a view to considering and formulating proposals for future arrangements. This was 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 was the 17th council to be reviewed.

The Commission published initial consultation documents on 30th January 2019, showing the current elector to Councillor ratios in the City and how these compared to their Council Size Policy and ideal ratios. A cross-party working group was set up to review the evidence and options for future electoral arrangements in Newport, and formulate a draft response to the Commission's initial consultation process. The group's final report was presented to full Council on 30th April 2019, when the recommendations were approved and adopted. The Council's proposals and preferred options were then submitted to the Commission for consideration.

The Commission's Draft Proposals were finalised in October 2019 but not published until January 2020. The Council has until 8 April 2020 to formulate and submit any response to the draft proposals. The Commission would then consider any consultation responses before finalising their proposals, which would be submitted to the Welsh Government Ministers for approval, with or without modification. The necessary Order would then be made to implement the new electoral arrangements prior to the next local government elections in May 2022.

In summary the draft proposals would establish a Council of 49 Members and 22 Wards, compared to the current 50 Members and 20 Wards.

The Communities of Wentlooge and Coedkernew would be moved from the current Marshfield Ward and merged with the existing Tredegar Park Ward to form a new Tredegar Park and Marshfield East Ward. The new Ward would have two Members, while the remainder of Marshfield would have one.

Part of the existing community of Graig would be merged with the Community of Rogerstone. The existing Rogerstone Ward would be divided into three new Wards with four members between them.

Part of the existing community of Pillgwenlly would be transferred to Stow Hill, both Wards retaining two Members each.

The Community of Bishton would transfer from Llanwern to Langstone. The Community of Nash would transfer from Liswerry to Llanwern with representation unchanged.

The wards of Bettws and Beechwood would remain unchanged but membership would be reduced from three members to two in each ward.

Comments from the committee:

Lengthy and meaningful discussion ensued regarding how the recommendation to council would be put forward and after careful consideration the general conclusion was noted in the following recommendations.

- Chair expressed the opinion that an extraordinary council meeting should be held to discuss the proposals and recommendations to take forward to the Boundary Commission.
- The Committee considered that a uniformed response at an extraordinary council would be unachievable. A suggested response therefore would be to look at individual views expressed by the public rather than a consolidated view from the council. Additionally, if there were any views these, could be put to the Boundary Commission by the political parties.
- The Monitoring Officer advised that the committee agree on a general consensus to take back to the Boundary Commission.
- Members were asked to consider the proposed reduction of councillors in Bettws and Beechwood wards put forward by the Boundary Commission. If the Committee were to agree at Council that the numbers be retained rather than reduced, this would see an extra two councillors in place, as opposed to the proposed 49 councillors. Single member wards might be something that councillors might agree on and this could be a consistent approach by council in agreeing to this. The overall outcome was not too disappointing and any extra councillors would be within the margins set by the Boundary Commission, allowing the Council to increase by one or two. 51 Councillors would therefore still be acceptable in terms of council size and would leave the door open for Llanwern at the next review.
- The Committee generally agreed that Newport was growing and that three members was a viable number. The increase in numbers to Rogerstone Ward members were also considered a realistic number. Bettws and Beechwood wards should be about the numbers therefore three members per ward should be retained.
- The Committee referred to the cross party group discussions, which took place last year. Members were generally in agreement as was the Boundary Commission agreed with the cross party before they went to council. This decision changed at council therefore some of the Committee were not convinced that there would be a general agreement at council. Cross party general consensus changed at council.
- The Committee advised that the individual ward's work load, geography, community, cohesion, trend, growth, etc should be considered, with this in mind Bettws and Beechwood should remain the same and although there was significant variation they were both coherent and large communities. The general consensus therefore was that the Boundary Commission should not take a statistical approach.
- The Boundary Commission were very forthcoming when contacted, this was pointed out in relation to Rogerstone ward. Rogerstone ward members welcomed an extra ward member but did not agree with dividing Rogerstone. From a ratio point of view the Boundary Commission's work was based on people registered to vote. Ward members did however deal with casework of constituents not registered to vote and they felt the logic used by the Boundary Commission was flawed. The Boundary Commission stated that they did not like multi member wards and preferred one member per ward but did not say why. Whilst the Boundary Commission did only record registered voters, they had taken into account the socio-economic factors. After lengthy discussion it was

concluded by the Monitoring officers that in terms of numbers, Newport came out quite well, and could not necessarily disagree with their methodology.

The Chair also referred to 16 year olds being able to vote. This was also factored in to the figures but did not make any difference to the percentages.

- The Committee was concerned that the situation for Bettws ward in particular, would put strain on two members as they worked extremely hard and reducing the councillors would put more onus on them workwise and the residents would not get the service they deserved.
- Whilst the Committee generally agreed that Rogerstone ward should not be divided, it was agreed at council in April 2019 that they would.

Agreed:

- After very careful discussion and consideration the Committee recommended that Council on 27 February 2020, should not submit a response to the Boundary Commission.
- That three councillors remain for Bettws and Beechwood Wards.

7 Date of Next Meeting

Committee Room 1 at 5pm on 21 May 2020.



Report

Democratic Services Committee

Part 1

Date: 22nd October 2020

Item: 4a

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; and
- (iii) To ask the Head of Law and Regulation and the new Democratic Services Manager (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 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, a review was carried out of the senior management structure and a new Democratic Services Manager post was created, to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

The new post of Democratic Services Manager will be responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and will be responsible for the management and supervision of all staff within the Governance and Scrutiny Teams.

The statutory 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. Although the Head of Democratic Services should not be providing advice and support directly to executive members, there is no issue with the post-holder managing the staff that support or advise the Cabinet, provided that this part of the service is separate and distinct from the statutory functions.

The new post has been advertised externally and a short-list of suitably qualified and experienced candidates has been drawn-up, but the recruitment process had to be suspended during the Covid-19 lock-down restrictions. In the meantime, the two Scrutiny Advisers resigned in January and February 2020, to take up other employment opportunities, and those posts also had to be advertised internally and externally. Again the recruitment process for the scrutiny posts had to be suspended during lockdown as it was not possible to continue with the interviews.

In the meantime, interim arrangements were put in place to cover the management of the Governance and Scrutiny Team. The team managers report directly to the Head of Law & Regulation, who has taken a more direct role in overseeing the scrutiny function, assisted by officers from within the Governance Team.

All formal committee meetings were then suspended in March 2020, during the Covid-19 lock-down and the forward work programmes for Scrutiny and non-executive Committees were also suspended. During this period staff resources were devoted to developing systems and procedures for the conduct of remote meetings, which were then introduced on a phased basis in June and July 2020. This has ensured that the Council continues to take decisions in an open and transparent manner and the technology has also enabled members to discharge their representational roles safely.

A new Assistant Head of Legal Services and Deputy Monitoring Officer was recruited in March and the post-holder started in June 2020.

Interviews will be held shortly for the new post of Democratic Services Manager and for the two vacant Scrutiny Adviser posts and the interim arrangements will continue in the meantime.

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; and
- (iii) To ask the Head of Law and Regulation and the new Democratic Services Manager (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 Democratic Services Manager has been 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: 16th October 2020



Head of Democratic Services Annual Report 2020

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.

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, a review was carried out of the senior management structure and a new Democratic Services Manager post was created, to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

The new post of Democratic Services Manager will be responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and will be responsible for the management and supervision of all staff within the Governance and Scrutiny Teams

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.

The Measure also provided that role of the Head of Democratic Services had to be separate from the designated Monitoring Officer role, although there was nothing to prevent the Monitoring Officer from having line management responsibility for democratic services. However, the Local Government and Elections (Wales) Bill currently before the Senedd intends to remove this requirement as it is now recognised that the Monitoring Officer and Head of Democratic Services roles are not mutually exclusive and can be jointly provided. The Committee may wish to review the designation of the statutory role in the light of forthcoming legislative changes

3. Provision of staff

The resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, provided 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 was 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 had diluted this role because of the additional responsibilities of overseeing the Strategic Communication and Destination Development functions. It had become apparent that there was a need for more intensive management within the Governance Team and, therefore, it was decided to revert back to the previous management structure with a dedicated Democratic Services Manager.

Therefore, the previous posts of Democracy and Communications Manager and Scrutiny and Governance Manager has been deleted and replaced by a new combined post of Democratic Services Manager.

The management responsibilities for Destination Development and Strategic Communications have been removed from the post and these managers currently report directly to the Head of Law & Regulation.

The new post has been advertised externally and a short-list of suitably qualified and experienced candidates has been drawn-up, but the recruitment process had to be suspended during the Covid-19 lock-down restrictions. In the meantime, the two Scrutiny Advisers resigned in January and February 2020, to take up other employment opportunities, and those posts also had to be advertised internally and externally. Again the recruitment process for the scrutiny posts had to be suspended during lockdown as it was not possible to continue with the interviews.

In the meantime, interim arrangements were put in place to cover the management of the Governance and Scrutiny Team. The team managers report directly to the Head of Law & Regulation, who has taken a more direct role in overseeing the scrutiny function, assisted by officers from within the Governance Team

A new Assistant Head of Legal Services and Deputy Monitoring Officer was recruited in March and the post-holder started in June 2020.

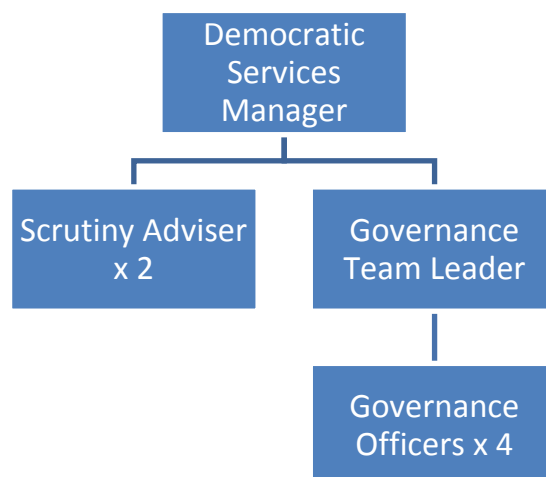
Interviews will be held shortly for the new post of Democratic Services Manager and for the two vacant Scrutiny Adviser posts and the interim arrangements will continue in the meantime.

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 manager 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

The staffing 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.

Although the management structure has been reviewed and altered, there is no change to the current numbers of staff providing support for members and no net reduction in the available resources.

Therefore, 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, it is imperative that the new Democratic Services Manager is appointed as soon as possible and that the two vacant Scrutiny Adviser posts are also filled.

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

The single biggest challenge for Democratic Services during the past 12 months has been the need to develop the technology and protocols necessary to deliver remote meetings during the Covid-19 lock-down restrictions. This is likely to continue in the foreseeable future and there will be a further requirement to plan for legislative changes under the Local Government and Elections (Wales) Bill particularly in relation to hybrid remote meetings and member training and development.

Following the introductions of the Covid-19 lock-down restrictions in March, all formal meetings of Cabinet, Council and Committees were suspended and all decisions have been taken under the officer and member scheme of delegation. Because the Council already operated an extensive scheme of delegated decision-making, both at an executive member and officer level, then it was not necessary to introduce any emergency measures to enable essential and urgent business to be conducted during this period. In terms of the democratic process, the requirement for “pre-decision scrutiny” of Cabinet Member reports continued and all elected members were consulted on all proposed executive decisions, the only slight variation being that comments were submitted in writing. In addition, there has been an agreed communication process for the dissemination of information to elected members about Covid-related matters and an opportunity to submit urgent written questions in accordance with Council Standing Orders. Therefore, there has been no democratic deficit even during the suspension of all meetings during the lock-down period.

However, in the interests of openness and transparency it was always intended to re-introduce Council and committee meetings, with public access to the proceedings, as soon as the legal framework was introduced to permit meetings to be held remotely and as soon as the technology was available to support this

The Local Government (Coronavirus) (Wales) Regulations 2020 came into force on 22nd April 2020 and apply to all Council meetings until 1st May 2021. The Regulations enabled the Council to hold remote meetings to overcome Covid 19 social distancing measures and limitations in the existing Local Government (Wales) Measure 2011 regarding the requirements for convening, managing and recording meetings

Since the changes introduced by the Regulations, the Council's Governance and IT teams, supported by the SRS, have tested a number of different technology applications and solutions for conducting remote meetings. In the longer term, developments to the current Public-i system which is used to live-stream meetings from the Chamber and integrates with the democratic services governance software, may provide greater functionality. However, the adopted solution for the interim period is Microsoft Teams, which is the supported application for internal meetings and which has been rolled-out to officers and members.

The recommencement of formal Cabinet meetings as from 25th June was the first step to reinstalling governance and democratic arrangements through remote meetings. This used the MS Teams application to meet remotely and to record the proceedings for uploading onto the Council website for public viewing. Since, then there has been a phased programme to recommence all Committee meetings remotely, using the Live Event facility to broadcast the proceedings live. Further enhancements and refinements to the technology have enabled external participants to also participate fully in meetings.

In addition to developing the technology to support remote meetings, Democratic services staff have been heavily involved in member training and development. Participation in remote meetings has required a fundamental change in culture and, therefore, elected members needed to be fully trained and confident in using the technology in order to contribute effectively to the debate and decision-making. A significant amount of training was delivered to Councillors prior to the Council AGM in July but there is a continuing need to deliver a more comprehensive programme of training and, tailored to the particular needs and roles of individual members and Committees. This will need to be overseen by the Democratic Services Committee as part of their member training and development role.

The phased introduction of remote meetings is not a return to "business as usual". Going forward, the "new normal" will require significant changes to internal democratic and governance arrangements. This is not simply a change in the way that Council meetings are conducted but reflects a change in the priorities and work of Committees and elected members. The Council's strategic recovery aims have re-focused and re-prioritised corporate objectives and these will need to be reflected in the revised forward work programmes.

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 as set out in the Local Government and Elections (Wales) Bill.

Finally, I would like to take this opportunity to recognise the tireless and excellent work of the staff within Democratic Services during this unprecedented and challenging period and record my personal gratitude for their unstinting support.

Head of Law & Regulation

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Report

Democratic Services Committee

Part 1

Date: 22nd October 2020

Item: 4b

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 2019-20. 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 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 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 implement the revised management structure as soon as possible and to appoint to the vacant Scrutiny Adviser posts. In the meantime, the interim arrangements continue to operate effectively with the Head of Law and Regulation assuming a more direct management role and officers within the Governance Team assisting with the management of Scrutiny meetings and agendas.

4. Financial Summary

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: 15th October 2020



Democratic Services Committee Annual Report 2019-20

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) – as from July 2020
- Councillor Mark Whitcutt – as from July 2020
- Councillor Phil Hourahine – as from July 2020
- Councillor Jason Hughes - as from July 2020
- Councillor James Clarke – as from July 2020
- Councillor Trevor Watkins
- Councillor Kate Thomas
- Councillor Matthew Evans
- Councillor Chris Evans

The Committee was previously chaired by Councillor David Fouweather from May 2019 until July 2012

Councillors Yvonne Forsey, Rehmaan Hyatt, Laura Lacey and Herbie Thomas also served as members of the Committee from May 2019 until July 2020

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 2019-20

This Annual report covers the period from November 2019 to November 2020.

The forward work programme for the Committee was severely disrupted by the coronavirus pandemic and the suspension of all Council meetings during the Covid-19 lock-down period as from March 2020. Following the meetings held on 24th October 2019, and 20th February 2020, the subsequent scheduled meetings on 21st May 2020 and 22nd July 2020 had to be cancelled.

The Committee meeting held on 22nd October 2020 was the first remote meeting conducted in via MS Teams Live Event accordance with the Coronavirus (Meetings)(Wales) Regulations 2020 and the Protocol for the conduct of remote meetings adopted by the Council.

In the preceding 12 months, the Democratic Services Committee has considered the following:

(i) Chair of Council/Presiding Member

The Committee considered a report on options for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council

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 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.

The Committee made the following recommendations;

- That the Council should not appoint a Chair of Council/Presiding Member.
- If full Council decided to appoint a Presiding Member, then it was recommended that there should be a rule prohibiting any serving Cabinet Member from being appointed as the Mayor and carrying out a dual role.

These recommendations were subsequently accepted by full Council in February 2020.

(ii) Annual Report of the Head of Democratic Services

The Committee considered the Annual Report of the Head of Democratic Services. 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 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, we were advised that the Head of Law and Regulation 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 January and February 2020, the two Scrutiny Advisers also resigned to take up other employment and these vacancies were also advertised, as well as the new position of Democratic Services Manager. Unfortunately, the recruitment process for all of these vacant posts had to be suspended during the Covid-19 lock-down period in March 2020. However, all committee meetings were also suspended during this period, until remote meetings were introduced in June 2020. Therefore, there were no issues regarding resources or support for members during this period. The intention is to recruit to the vacant posts as soon as possible, to ensure that there is a full complement of staff going forward.

In the meantime, the annual report confirmed that the current staffing arrangements are sufficient to meet these statutory responsibilities under the Measure and to support members. The Head of Law and Regulation has taken on a more direct management role and oversight of the service and he has been supported by the Governance Team in managing the remote Scrutiny meetings and agendas. A new Assistant Head of Legal Services and Deputy Monitoring Officer was appointed prior to the lockdown and the new post-holder started in June 2020.

The Committee endorsed the view of the Head of Law & Regulation that the provision of staff, accommodation and other resources by the Council continues to be 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 Democratic Services Manager. The Committee also asked the Head of Law and Regulation and the new Democratic Services Manager (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 the Committee should any review be required.

(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 2020/21, was published on its website.

In 2017 the Panel visited each of the 22 principal councils and met with many members and officers. Since then they had 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, the IRP continued to reflect some of the issues that have arisen during their visits. The IRP had previously indicated that payments to councillors had not kept pace with the original comparator the Panel used to establish an appropriate level of remuneration because of pressures on public expenditure. The IRP proposed 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. The IRP acknowledged that there may be some concerns about the financial impact of this increase when local government in Wales continues to be financially stretched. However, they had 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 the IRP have consistently indicated, representative democracy does not come without a cost. In the current circumstances the IRP considered that the determinations set out in this Report achieve this balance.

The Committee agreed in principle with the report and had no further comments.

The final IRPW report was later published in February 2020 and adopted as the Council Scheme of allowances at the Annual General Meeting in July 2020, with effect from April 2020.

IRP Supplementary report

The Committee also considered a supplementary report from the IRP regarding the reimbursement of costs of care for members. It was felt that members were not taking advantage of the financial support made available to those with primary caring responsibilities for a child or adult and/or personal support needs where these were not covered by statutory benefit or other provision.

The IRP therefore wanted to remind councillors of this benefit through this supplementary report by way of raising awareness through the Democratic Services Committee. The Committee were informed that members would still be entitled to this allowance along with any extra care allowance, which might be received from the government. This was also available to senior salary holders such as Cabinet Members and for those members attending meetings. The Committee agreed that members should be made aware of this additional allowance and that the monetary support would be a reassurance to those with children or adults that needed extra care. We agreed that a summary of the supplementary report should be circulated to all members for their information by the Governance Team Leader.

(iv) Review of the Constitution-Revised Officer Scheme of Delegation

As part of the forward work programme and the terms of reference for Democratic Services

Committee, the Committee was required to keep under review the Council's constitutional governance arrangements.

In accordance with the Council's approved scheme of delegation, set out in Part 3 Appendix 3 of the Council's Constitution, a number of statutory functions were delegated to those Heads of Service who were authorised to discharge these duties on behalf of the Council. The Officer Scheme of Delegation was last reviewed and updated in October 2017 and since that time; there had been a few legislative changes and amendments to Council procedures. These changes and amendments needed to be incorporated into a revised and updated scheme of delegation for adoption by full Council. For the most part, the previous officer scheme of delegation did not require substantive revision. However, since the last review, new legislation was introduced to deal with sustainable drainage systems ("SuDS") for new developments and additional delegated powers needed to grant the Head of City Services to enable him to determine applications and all other related functions under Schedule 3 of the Flood and Water Management Act 2010 on behalf of the Council as the SuDs Approving Body ("SAB").

In addition to this, the Committee were informed that amendments had been made to the existing scheme of delegation to Council granting full delegation to the Head of Regeneration Housing and Investment to determine minor property transactions, as previously recommended by Democratic Services Committee at their meeting in November 2018.

The Committee agreed to the proposed amendments to the Scheme of Delegation to Officers and recommended that it be adopted as Part 3 Appendix 3 of the Constitution at Council on 27 February 2020.

(v) Support for Councillors in their Ward Work

It was previously agreed that the Democratic Services Committee would review support for Councillors in their ward work as part of the work programme for 2018-19. The Committee agreed the scope of a further review of the support and engagement arrangements in July 2018. The previous research had focused predominantly on the engagement methods themselves, and Neighbourhood Committees / ward meetings in particular. The focus therefore of this additional review was specifically in relation to the practical support that Councillors needed to undertake their ward work effectively, through all the different methods available to them.

The Committee received interim presentations on upgrades to Members IT and the development of an on-line members Took-Kit to assist and support Councillors in carrying out their representational roles within their local communities. Due to changes however, in key personnel and membership of the Committee, the outcome of the review was never formally concluded and signed-off. In particular, no final conclusions were drawn on whether the Neighbourhood Committees/ward meeting should continue in their current format in the light of the significant developments in other methods of engaging with local communities within individual wards.

Therefore, the Committee considered a report which summarised the outcome of the review of support for Councillors in their Ward work and considered the options regarding Neighbourhood Committees/Ward Meetings.

Since 2011, and with the advent of new technology and other methods of engagement and communication with the public, the numbers of ward meetings has declined significantly. Some wards hold ward meetings on a regular basis, others only call meetings in response to specific issues, for example as part of a consultation exercise. Some wards do not use ward meetings at all, as they find other communication methods more effective. A ward meeting is only one of a number of tools available to Councillors to engage with their residents. Ward meetings will not suit all wards, and, where used, they are intended to compliment other ward activities, for example, Ward surgeries, meeting with individuals / groups by request, Community events, Social media, Newsletters and Blogs.

Between 2012 and 2018, there has been a gradual decline in numbers over the years and, currently, ward meetings are never held in 9 wards, they are arranged infrequently in 3 others and are only held regularly in 8 wards. Even in these 8 wards, attendance is variable.

The Committee recognised that there was no consistent approach to ward meetings. However, some ward members were passionate advocates of ward meetings, which were non-political and helpful for residents from an information perspective. They were also important for constituents raising individual issues with ward members and well attended. Some residents that were not using social media found ward meetings helpful, and it was felt that if ward meetings were lost, some councillors would lose touch their community. Ad hoc or side arrangements in place for some wards were still effective, such as holding meetings to discuss the budget or other strategic matters. Some ward members did not run ward surgeries however, if constituents had concerns, they would meet with them on a one to one basis.

Therefore, the Committee felt that each ward had an individual way of running their ward meetings and there was an argument for and against. However, the final decision should be left for the individual discretion of each ward member. Consequently, the Committee recommended to Council that the current arrangements should continue and it should be left to the individual ward councillors whether they wished to continue with these ward meetings and, if so, how often they should be held. This recommendation was subsequently approved by full Council in February 2020.

(vi) Boundary Commission Review of Electoral Arrangements -Draft Proposals

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 30th 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.

The Commission's Draft Proposals were finalised in October 2019 but not published until January 2020. The Council had until 8 April 2020 to formulate and submit any response to the draft proposals. The Commission would then consider any consultation responses before finalising their proposals, which would be submitted to the Welsh Government Ministers for approval, with or without modification. The necessary Order would then be made to implement the new electoral arrangements prior to the next local government elections in May 2022.

In summary the draft proposals would establish a Council of 49 Members and 22 Wards, compared to the current 50 Members and 20 Wards. The Communities of Wentlooge and Coedkernew would be moved from the current Marshfield Ward and merged with the existing Tredegar Park Ward to form a new Tredegar Park and Marshfield East Ward. The new Ward would have two Members, while the remainder of Marshfield would have one. Part of the existing community of Graig would be merged with the Community of Rogerstone. The existing Rogerstone Ward would be divided into three new Wards with four members between them. Part of the existing community of Pillgwenlly would be transferred to Stow Hill, both Wards retaining two Members each. The Community of Bishton would transfer from

Llanwern to Langstone. The Community of Nash would transfer from Liswerry to Llanwern with representation unchanged. The wards of Bettws and Beechwood would remain unchanged but membership would be reduced from three members to two in each ward.

The Committee considered the draft proposals at length at the meeting in February 2020. It was agreed that the proposals were generally acceptable and that any different political views could be submitted separately. However, there was agreement that Bettws and Beechwood should continue to be three member wards. The Committee was concerned that given the social and economic issues within those wards, a reduced Councillor representation would put strain on two members and the residents would not get the service they deserved.

This recommended response was agreed at Council in February 2020.

In August 2020, the final proposals were announced by the Boundary Commission. They recommended that the number of Councillors for Newport should increase from 50 to 51, to reflect current growth. There is also scope for a further increase in Llanwern when the housing developments are complete.

They also accepted the representations agreed by the Committee about keeping 3 ward members for Bettws and Beechwood, because of the socio-economic issues in those communities and the work that they generate. The only other change from the draft proposals is the combination of all of Marshfield and Tredegar Park into one 3-member ward, which reduced the overall number of wards from 22 to 21.

5. Work Planned for 2020-21

The work programme was agreed at the Democratic Services Committee held on the 22nd 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.

In particular, we will review the current governance arrangements regarding the conduct of remote meetings and recommend any proposed changes to protocols and procedures. We will also review future governance arrangements to meet the requirements of proposed legislative changes in the Local Government and Elections (Wales) Bill, for example in relation to hybrid meetings, remote access and live broadcasting.

We will also consider any corporate governance issues arising from the Council's Covid-19 response and the recovery aims and objectives.

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.

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 is built into the forward work programme.

Councillor Charles Ferris
Chair of the Democratic Services Committee

Gareth Price
Head of Law and Regulation



Report

Democratic Services Committee

Item: 5

Date: 22nd October 2020

Subject **Independent Remuneration Panel Draft Report 21/22**

Purpose To present the draft IRPW Annual Report, and discuss the response from Newport City Council as part of the consultation process.

Author Head of Law & Regulation

Ward No Wards / All members affected

Summary The Independent Remuneration Panel for Wales (IRPW) is the body tasked with setting the remuneration levels for Councils in Wales. Each year, they publish a Draft Annual Report which is circulated for comment

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 (“the Measure”), the Panel’s draft Annual Report, including proposals which would have effect for the municipal year 2021-2022 has now been published on its website.

Consultation ends on 23rd November 2020. The final IRPW report will be published in February 2021.

The full IRPW Draft Annual Report is appended to this report, together with a summary of the proposed changes, and some suggested responses, below.

Proposal **To consider the draft IRPW Annual Report, and agree the response from Newport City Council as part of the consultation process.**

Action by Head of Law & Regulation

Timetable In line with the consultation deadline

This report was prepared after consultation with:

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

Background

The Independent Remuneration Panel for Wales (IRPW) is the body tasked with setting the remuneration levels for Councils in Wales. Each year, they publish a Draft Annual Report which is circulated for comment

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 (“the Measure”), the Panel’s draft Annual Report, including proposals which would have effect for the municipal year 2021-2022 has now been published on its website.

Consultation ends on 23rd November 2020. The final IRPW report will be published in February 2021.

The full IRPW Draft Annual Report is appended to this report, together with a summary of the proposed changes, and some suggested responses, below.

Summary of Proposed Changes

In summary the Remuneration panel proposes the following changes:

- **Basic Salaries** – a flat rate increase of £150 to a basic annual salary; an increase from £14,218 to £14,368 per annum
- **Senior Salaries** – a proposed increase of 1.06% in line with basic salaries;
- **Reimbursement of Costs of Care** – The IRP continues to urge Councils to promote the use of this provision. Section 10 of the report contains significant proposed changes in relation to the reimbursement of care costs.

As payments are taxable under the current HMRC rules, full reimbursement is not possible so for clarity this will be retitled to “Contribution towards the costs of care and personal assistance”. It will still require receipts to accompany claims.

Claims can be made in respect of a dependant under 16 years of age, or a minor or adult who normally lives with the member as part of their family and who cannot be left unsupervised.

Clarification in respect of a member’s own care or support needs: Reimbursement may be claimed where the support and or cost of any additional needs are not available or are not met directly by the authority such as Access to work, Personal Payments, Insurance. These could arise when the needs are recent and or temporary.

Members, including co-opted members are entitled to claim towards the costs of care and personal assistance, for activities that the individual council has designated official business or an approved duty which might include appropriate and reasonable preparation and travelling time. It is a matter for individual authorities to determine specific arrangements to implement this; each authority must ensure that any payments made are appropriately linked to official business or approved duty.

The Panel has reviewed the maximum monthly payment in recognition that this has not changed for several years. Information indicates that monthly costs and claims vary considerably. These can depend on the number of dependants, their ages and other factors. Therefore the monthly cap will be replaced with the following arrangements: Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full. Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.

To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the contribution towards costs of care and personal assistance.

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

| Number | Proposed determination | Comments for discussion |
|-----------------|--|--|
| Determination 1 | Basic Salary in 2021/22 for elected members of principal councils shall be £14,368 | This is a rise of £150. The Committee has normally not commented on amounts allocated with the view this is a matter for the Panel. However Committee members may wish to comment on the principle of the proposed increase or members could determine to make no comment. |
| Determination 2 | The Panel has determined that senior salary levels in 2021/22 for members of principal councils shall be as set out in the table immediately below | This is an inflationary increase of 1.06% in line with the increase in basic salaries Suggest no further comment needed |

In general terms the changes are as follows

| | 2017-2018 | 2018-19 | Comments |
|--|------------------|----------------|---|
| Basic Salary | £14,218 | £14,368 | Increase by £150 per annum or 1.06% |
| No of eligible Senior salaries for Newport | 18 | 18 | No change |
| Leader (In Newport) | £49,450 | £49,974 | Increase of 1.06% |
| Deputy Leader (In Newport) | £34,950 | £35,320 | Increase of 1.06% |
| Cabinet members in Newport | £30,450 | £30,773 | Increase of 1.06% |
| Committee Chairs | £22,918 | £23,161 | Increase of 1.06% |
| Leader of the Opposition | £22,918 | £23,161 | Increase of 1.06% |
| Leader of other political groups | £14,218 | £14,368 | No change other than the increase in basic salary |

| | | |
|-----------------|---|---|
| Determination 3 | The Panel has determined that (where paid) a Civic Head must be paid a Band 3 salary of £23,161 and, where paid, a Deputy Civic Head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021 | The Council maintains discretion on whether to pay a civic salary to the Mayor and Deputy. But, where they are paid, then the sums have been increased by 1.06% The Committee may wish to make no comment to the Panel but a recommendation to the Council that these civic allowances should continue to be paid. |
| Determination 4 | The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary. This post will count towards the cap. | This does not apply in Newport – No comment is suggested. |
| Determination 5 | The Panel has determined that the post of deputy presiding member will not be remunerated. | This does not apply in Newport – No comment is suggested |
| Determination 6 | <p>The Panel has determined that elected member must not be remunerated for more than one senior post within their authority.</p> <p>An elected member must not be paid a senior salary and a civic salary.</p> <p>All senior and civic salaries are paid inclusive of basic salary.</p> <p>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</p> | No change to existing arrangements. |
| 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 | This does not apply in Newport. |

| | | |
|-----------------------|--|--|
| | and subsistence expenses and contribution towards costs of care and personal assistance from the NPA or FRA | |
| 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. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community or Town Council. | No comment. This does not apply in Newport |
| Determinations 9 & 10 | <p>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.</p> <p>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.</p> | This already applies. No change |
| Determination 11 | Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework | This represents no change. No additional allowances have ever been requested for Newport |
| Determination 12 | The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils. | This already applies. No comment |
| Determinations 13-18 | These proposed determinations relate to arrangements for payments relating to family absence | The Committee debated and made its view known on the whole issue of family absence previously. The view was that the existing 6-month rule is adequate. That said, the proposals in the draft report represent no change from the current position and members may wish to make no further comment other than to note. |

| | | |
|-------------------------|--|--|
| Determinations 19 to 32 | Determinations 19 to 25 relate to the National Parks Authorities and Determinations 26 to 32 relate to the Fire and Rescue Service | No comments are offered on these proposals as they do not relate to the Council |
| Determination 33 | Principal Councils, NPAs and FRAs must pay the following fees to Co-opted Members (who have voting rights) <ul style="list-style-type: none"> • Chairs of Standards and Audit Committees £268 (4 hours and over) : £134 (up to 4 hours) • Ordinary members of Standards Committee who also Chair Standards Committees for Community/Town Councils £238 daily fee (4 hours and over) : £119 (up to 4 hours) • Ordinary members of Standards Committees; Education Scrutiny Committee, Crime and Disorder Scrutiny Committee and Audit Committee £210 (4 hours and over) : £105 (up to 4 hours) | An increase of 1.06% in line with other allowances. Otherwise, no change. |
| Determination 34 | Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting. | Effectively this means no change to existing arrangements is proposed. Members may wish to agree these proposals |
| Determination 35 | Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate). | Effectively this means no change to existing arrangements is proposed. Members may wish to agree these proposals |
| Determination 36 | The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed. | The Council has determined the Monitoring Officer as the appropriate officer. Effectively this means no change to existing arrangements is proposed. Members may wish to agree these proposals |
| Determination 37 | Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend. | No Change is proposed. Members may wish to agree these proposals |
| Determination 38 | 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 | No change. This support is already provided. |

| | | |
|------------------------|--|---|
| | effectively. Such support should be without cost to the individual member | |
| Determination 39 | <p>All relevant authorities must provide for the reimbursement of the contribution towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <p>Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.</p> <p>Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.</p> <p>Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer</p> | <p>The IRP is proposing to rename “Reimbursement of costs of care’ as a Contribution, to reflect the fact that the sums are taxable.</p> <p>The IRP also proposes increasing the sums that can be claimed in line with CIW costs or the Real Living Wage.</p> <p>Section 10 of the draft report also sets out principles and actions for publicising the scheme and encouraging take-up</p> <p>The Committee may wish to welcome these proposals and promote the entitlement more widely. The Committee previously agreed to send an e-mail to all Councillors reminding them of the availability of these allowances.</p> <p>No claims have ever been submitted.</p> |
| Determinations 40 - 48 | Determinations 40 - 48 relate to Community / Town Councils. | No comments offered |

Financial Summary

There is no financial cost to making a response. The IRPW determination to increase Basic Salary by £150 per Councillor and an increase of 1.06% to senior salaries. This will need to be accommodated within existing budget resources.

Risks

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

Links to Council Policies and Priorities

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

Options Available

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

Preferred Option and Why

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

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

Comments of Chief Financial Officer

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

Comments of Monitoring Officer

There are no specific legal issues arising from the Report. The IRP has statutory power under Section 147 of the Local Government (Wales) Measure 2011 to set Members Allowances. They have invited comments on their draft proposals for 18/19. Democratic Services Committee (DSC) have previously expressed the opinion that it would not be appropriate to comment on the amounts of basic and senior salaries being proposed by the IRP and have taken the view that all salaries should be prescribed by the IRP and not left to the discretion of individual councils. The latest proposals would remove certain discretionary elements but there is still some element of local discretion.

Comments are invited on the recommendation to increase the basic salary by £200 to reflect the fact that salary levels have not previously kept pace with average earnings. However, the IRP recognises that the allowances have to be "affordable" in accordance with the Measure.

In the light of previous comments and the fact that no Welsh councils have elected to pay differential salary levels to Cabinet Members, the IRP is proposing to abolish the previous two-tier level of payment, according to responsibility. Therefore, all Cabinet Members would, in future, have to be paid at the same level and there is no local discretion. Also, the previous two-tier system of salaries for Chairs of Committee is also being discontinued.

Therefore, the only remaining discretionary elements are in relation to the civic salaries payable to the Mayor and Deputy Mayor. The Council has discretion as to which of three levels they should be paid, or whether to pay any civic salaries at all. In the past, the Council has fixed the civic salary levels for the Mayor and Deputy Mayor at IRP Level 2 and DSC may wish to consider making a recommendation to full council that this should continue.

Last year, the IRP determined that the costs of care should be paid as a separate reimbursement rather than as part of a member's salary, to encourage more eligible members to apply for reimbursement. They also relaxed the rules on publication to enable councils to anonymise these payments and not identify the individual members concerned. DSC may wish to recommend to full Council that only the total amount of care costs reimbursed by the authority during the year should be published and not the names of the individual members claiming reimbursement.

Staffing Implications: Comments of Head of People and Business Change

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

Background Papers

Draft Independent Remuneration Panel report

Dated: 15th October 2020

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Independent Remuneration Panel for Wales

Annual Report

DRAFT

February 2021

ANNUAL REPORT 2021

FOREWORD

As with very many organisations the coronavirus pandemic has impacted on the work of the Panel. However, we have continued to meet regularly to carry out our statutory function via Microsoft Teams.

We completely understand the implications that the pandemic has had and continues to have on all local authorities in Wales, so we have limited the extent of the changes to our Remuneration Framework this year. It is important that the payments to elected members of principal councils should not fall further behind average earnings so this draft report proposes modest increases in the basic salary with appropriate adjustments for members of other organisations.

The membership of the Panel has changed. Roger Symonds' term of office ended on 31 May and two new members, Claire Sharp and Joe Stockley who were appointed from 1 January and 1 June respectively. Sadly, long standing member, Stephen Mulholland passed away earlier this year after a short illness. His contribution to the work of the Panel over many years was significant and he will be missed.

John Bader
Chair

Panel Membership
John Bader, Chair
Greg Owens, Vice Chair
Saz Willey
Claire Sharp
Joe Stockley

Detailed information about the members can be found on the website: [Panel website](#)

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) | 21 |
| 5. Pension Provision for Elected Members of Principal Councils | 22 |
| 6. Entitlement to Family Absence | 23 |
| 7. Payments to Members of National Park Authorities | 24 |
| 8. Payments to Members of Welsh Fire and Rescue Authorities | 27 |
| 9. Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities | 30 |
| 10. Contribution towards costs of care and personal assistance | 32 |
| 11. Sickness Absence for Senior Salary Holders | 36 |
| 12. Reimbursement of Travel and Subsistence Costs when on Official Business | 38 |
| 13. Payments to Members of Community and Town Councils | 40 |
| 14. Compliance with Panel Requirements | 48 |
| 15. Salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities and Chief Officers of Principal Councils | 49 |
| Annex 1: The Panel’s Determinations for 2021/22 | 51 |
| Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations | 56 |
| Annex 3: Schedule of member remuneration | 71 |
| Annex 4: Publication of Remuneration – the Panel’s Requirements | 73 |
| Annex 5: Summary of new and updated determinations contained in this report | 75 |

Introduction

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

1. Although this draft Report is in respect of the Panel's determinations for 2021/2022 our consideration has inevitably been influenced by the impact of the coronavirus pandemic. The ongoing issues affect the operation of all local authorities and will continue to do so for the foreseeable future.
2. As with all the Panel's Annual Reports the determinations on member remuneration are underpinned by the principles set out in Section 1. In May 2020 we published a [Supplementary Report](#) that set out specific principles relating to the provision of financial support for care needs. These are incorporated in Section 10 and will be included in future Annual Reports.
3. 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.
4. In determining the level of payments to members of local authorities, 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 amount¹, 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.
5. The Panel originally set the basic salary of elected members of principal councils 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.
6. The financial constraints on the public sector and particularly on local authorities over many years 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 minimise further erosion in relation to average earnings the Panel proposes to increase the basic annual salary by £150. Other payments that are based on the basic salary will be adjusted accordingly.

7. Payments for members of National Park Authorities and Fire and Rescue Authorities will increase as a result of the uplift proposed for principal councils. One other change proposed for these authorities is to remove the limitation on the number of senior salaries that can be paid.
8. The payment information provided by relevant authorities show that still very few members are utilising the provision in the framework to reimburse the costs of care. We reiterate the importance that Democratic Services Committees encourages and facilitates greater use of this element of our framework so that members concerned are not financially disadvantaged. We are proposing significant changes regarding the costs of care which are set out in Section 10.
9. The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. The Panel produces leaflets for prospective candidates on the remuneration of members of councils. We are pleased that several councils include this leaflet on their websites. In addition we have produced a short film [Ever thought about being a Welsh councillor?](#) This can be viewed on our website.
10. We continue to engage with community and town councils and have met with numerous representative groups. Unfortunately the extent of engagement has been curtailed as a consequence of COVID 19. For 2021/2022 we are not proposing any specific changes to payments in respect of community and town councils.
11. The Panel's Regulations have been updated to reflect changes to the remit (see Annex 2).
12. One issue that has arisen again, particularly in the context of the pandemic lockdown 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 statutory Annual 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.

¹ [Local Government \(Wales\) Measure 2011](#)

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 authorities 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 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 heads of paid service 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 11 | page 25 | page 28 | N/A ² |
| Senior Roles | page 14 | page 25 | page 28 | page 41 |
| Committee Chairs | page 13 | page 25 | page 28 | N/A |
| Opposition Groups | page 14 | N/A | N/A | N/A |
| Civic Heads and Deputies | page 15 | N/A | N/A | page 44 |
| Presiding Members | page 16 | N/A | N/A | N/A |
| Mileage | page 38 | page 38 | page 38 | page 42 |
| Other Travel Costs | page 38 | page 38 | page 38 | page 42 |
| Subsistence Costs | page 39 | page 39 | page 39 | page 42 |
| Costs of Care | page 32 | page 32 | page 36 | page 32 |
| Family Absence | page 23 | N/A | N/A | N/A |
| Sickness Absence | page 36 | page 36 | page 30 | N/A |
| Joint Overview and Scrutiny Committees | page 21 | N/A | N/A | N/A |
| Pension | page 22 | N/A | N/A | N/A |
| Co-optees | page 30 | page 30 | page 30 | N/A |
| Specific or Additional Allowances | page 18 | N/A | N/A | N/A |
| Payments to Community and Town Councillors | N/A | N/A | N/A | page 40 |
| Compensation for Financial Loss | N/A | N/A | N/A | page 43 |
| Statement of Payments | page 73 | page 73 | page 73 | page 73 |
| Schedule of Remuneration | Page 71 | Page 71 | Page 71 | N/A |
| Salaries of Head of Paid Services | Page 49 | N/A | Page 49 | N/A |

² Not Applicable

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

Basic salary for elected members of principal councils

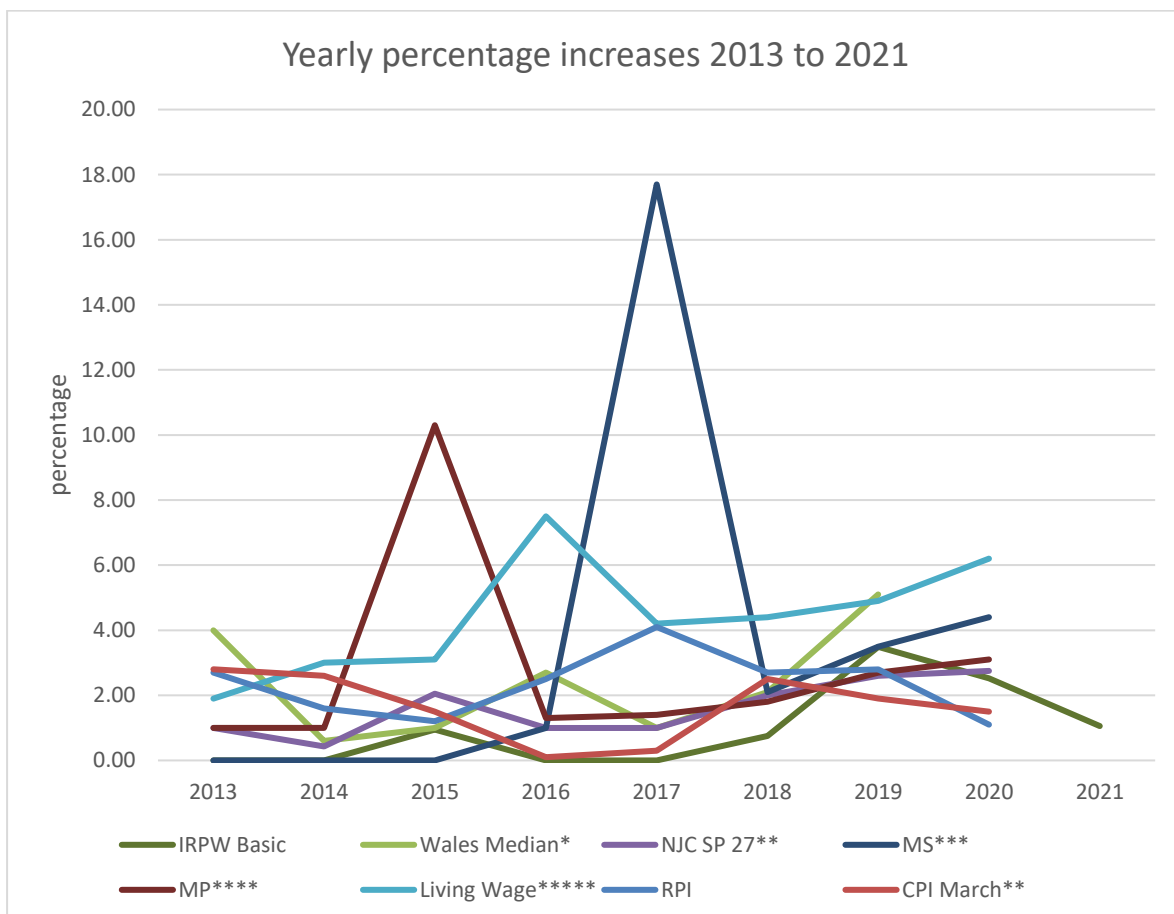
- 3.1 In 2009 the Panel set the maximum basic salary at £13,868, representing three fifths of the then median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE) published by the Office of National Statistics. The Panel assessed it appropriate 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. A detailed explanatory paper setting out the historical context and analysis is available on the IRPW website at this [link](#). The key issues are outlined below.
- 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. These include: Retail Prices Index, Consumer Prices Index, Wales Median Salary (ASHE), NJC (public sector employees), National Living Wage, Members of Senedd, and MPs. Table 1, illustrated by Graph 1, shows the percentage increases to the basic salary and these alternatives from 2012 to 2021.
- 3.1.2 To set this in the context of other Welsh elected members, from 2013 to 2020 the basic salary increased by 7.9% (£13,175 to £14,218) whilst a Senedd Cymru member's salary increased by 31.1% (£53,852 to £70,625 - now indexed to Average Salaries in Wales ASHE for the previous year) and an MP's salary increased by 23.4% (£66,396 to £81,932).
- 3.1.3 Thus, backbench members' salaries have fallen significantly behind by any reasonable measure of inflation.

Table 1 – Yearly percentage increases to basic salary, benchmarks and alternative measures 2013 to 2021

| Annual Report Year | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------|----------------|
| IRPW Basic | 0.00 | 0.00 | 0.95 | 0.00 | 0.00 | 0.75 | 3.49 | 2.52 | 1.06 |
| Wales Median* | 4.00 | 0.60 | 1.00 | 2.70 | 1.00 | 2.10 | 5.10 | Oct-20 | Oct-21 |
| NJC SP 27** | 1.00 | 0.43 | 2.05 | 1.00 | 1.00 | 2.00 | 2.60 | 2.75 | |
| MS*** | 0.00 | 0.00 | 0.00 | 1.00 | 17.70 | 2.10 | 3.50 | 4.40 | ASHE-20 |
| MP**** | 1.00 | 1.00 | 10.30 | 1.30 | 1.40 | 1.80 | 2.70 | 3.10 | ASHE-PS |
| RPI | 2.70 | 1.60 | 1.20 | 2.50 | 4.10 | 2.70 | 2.80 | 1.10 | |
| CPI March | 2.80 | 2.60 | 1.50 | 0.10 | 0.30 | 2.50 | 1.90 | 1.50 | |
| Living Wage | 1.90 | 3.00 | 3.10 | 7.50 | 4.20 | 4.40 | 4.90 | 6.20 | Nov-20 |

* estimated; ** SP27 changes to SP20 from 2019; *** 2021 will be ASHE for 2020; ****2021 based on Public sector ASHE

Graph 1 – Yearly percentage increases 2013 to 2021



- 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 Despite the pandemic, Panel members continue meeting with the Chairs of Democratic Services Committees, their officers and councillors. 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 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 draft Annual Report, the Panel has considered the progression of the variety of benchmark figures outlined above for the period from 2012 to 2020. Any adjustments in recent years have been in keeping with the Panel's principle that its determinations should be affordable and acceptable. This principle is maintained in the proposed increase for 2021/2022 an increase in the basic salary of elected members of £150.
- 3.5 This salary shall be paid by each principal authority in Wales from 1 April 2021 to each of its elected members unless any individual member opts personally and in writing to receive a lower amount.

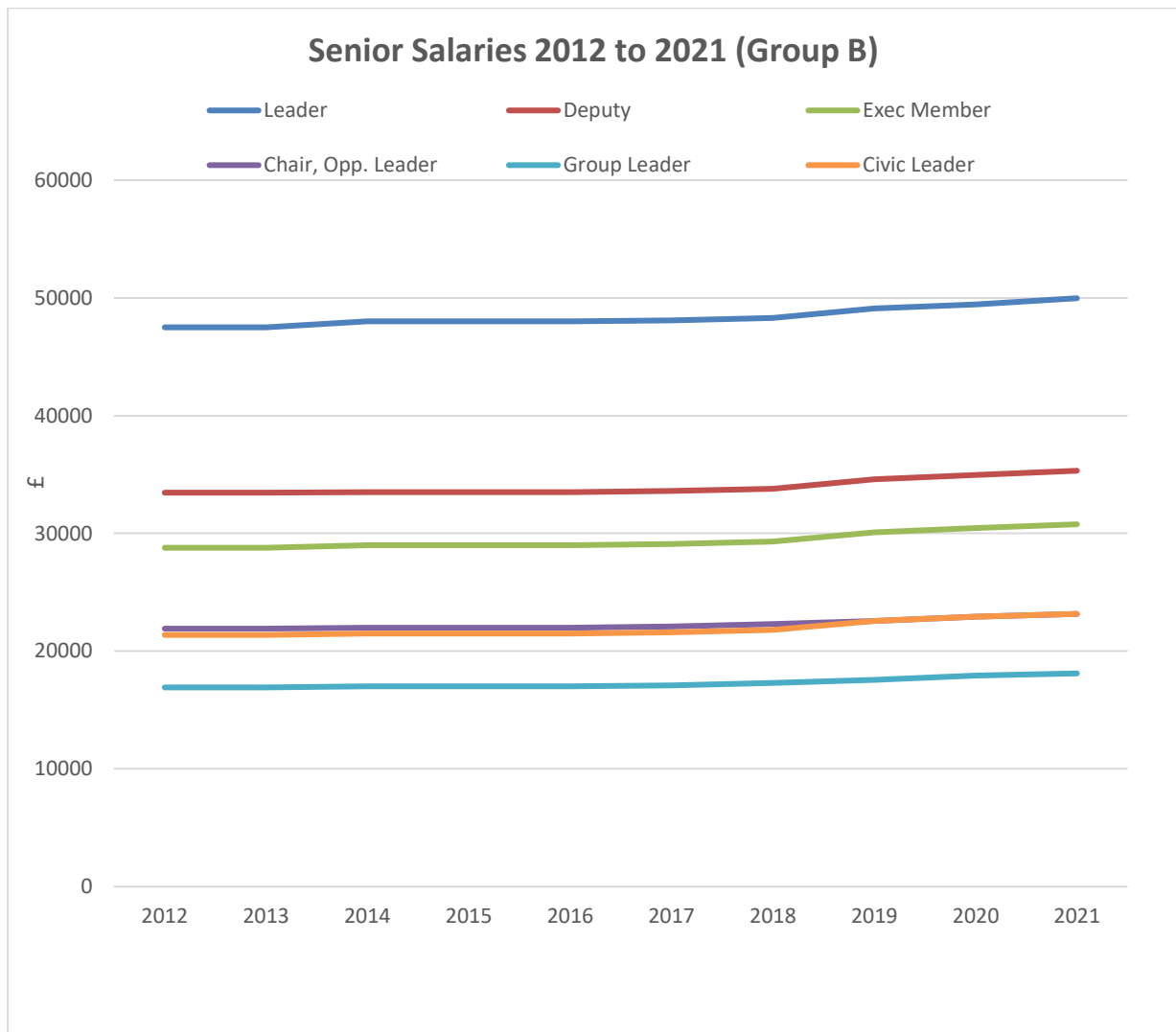
Determination 1: The Basic Salary in 2021/22 for elected members of principal councils shall be £14,368 with effect from 1 April 2021.

Senior Salaries

Payments to members of the executive, chairs of committees and the leader of the opposition.

- 3.6 In 2021 senior salaries will be increased at the same rate (1.06%) as basic salaries.

Graph 2: Senior salaries 2012 to 2021



3.7 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2021/22 the maximum number of senior salaries payable within each council will not be altered and will be as set out in Table 2 below.

Table 2: Maximum numbers of council membership eligible for payment of a senior salary

| Council | Number of councillors | Number of senior salaries |
|--|------------------------------|----------------------------------|
| Group A (populations over 200,000) | | |
| Cardiff | 75 | 19 |
| Rhondda Cynon Taf | 75 | 19 |
| Swansea | 72 | 19 |
| Group 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 |
| Group C (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 |

The Executive

- 3.8 The Panel continues to take the view 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.
- 3.9 Senior salaries are set out in Determination 2.

Chairs of Committees

- 3.10 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.
- 3.11 Where chairs of committees are paid, the remuneration is: £23,161.

The Senior Salary Bands

Determination 2: Senior salary levels in 2021/22 for members of principal councils shall be as set out in Table 3 with effect from 1 April 2021.

Table 3: Basic salary and senior salaries payable to members of principal councils

| Basic salary (payable to all elected members) £14,368 | | | |
|--|--|--|---|
| | Group A Cardiff, Rhondda Cynon Taf, Swansea | Group B Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham | Group C Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey |
| Senior salaries (inclusive of basic salary) | | | |
| Band 1 Leader | £55,027 | £49,974 | £44,921 |
| Deputy leader | £38,858 | £35,320 | £31,783 |
| Band 2 Executive members | £33,805 | £30,773 | £27,741 |
| Band 3 Committee chairs (if remunerated): | | £23,161 | |
| Band 4 Leader of largest opposition group ³ | | £23,161 | |
| Band 5 Leader of other political groups | | £18,108 | |

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

Table 3 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. 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.
- c. 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.
- d. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- e. The Panel has determined that, if remunerated, a Band 5 senior salary must be paid to leaders of other political groups.

Payments to Civic Heads and Deputies (Civic Salaries)

- 3.12 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 £23,161 for a civic head and at the Band 5 salary of £18,108 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.
- 3.13 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).

Determination 3: Where paid, a Civic Head must be paid a Band 3 salary of £23,161 and, where paid, a Deputy Civic Head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021.

- 3.14 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.
- 3.15 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.
- 3.16 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.
- 3.17 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

- 3.18 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 £23,161.

Determination 4: Where appointed and if remunerated, a Presiding Member must be paid a Band 3 senior salary of £23,161.

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

Key factors underpinning the Panel's determinations:

- 3.19 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.
- 3.20 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 contribution towards costs of care and personal assistance from the NPA or FRA.

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. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community or Town Council.

Supporting the work of local authority elected members

- 3.21 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.
- 3.22 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.

- 3.23 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.
- 3.24 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 the selection of required provision.
- 3.25 For co-opted members the support requirements are set out in section 9 and determination 38.

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

- 3.26 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 3.28.

Determination 11: Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.

3.27 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 percent⁴ 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.

⁴Local 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.

3.28 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 3.

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 3.26 and 3.27. 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 2013⁵ 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.

⁵[The Family Absence for Members of Local Authorities \(Wales\) Regulations 2013](#)

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 4.

Table 4: Membership of Welsh National Park Authorities

| National Park Authority | Total Membership | Principal Council Members | Welsh Government appointed Members |
|----------------------------|------------------|--|------------------------------------|
| Brecon Beacons | 18 | 12: Blaenau Gwent County Borough Council – 1 Carmarthenshire County Council – 1 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 1 Powys County Council – 6 Rhondda Cynon Taf County Borough Council - 1 Torfaen County Borough Council – 1 | 6 |
| Pembrokeshire Coast | 18 | 12: Pembrokeshire County Council – 12 | 6 |
| Snowdonia | 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 MSs with whom they have regular meetings. The role requires a high level of commitment and time.

Basic and senior salaries

- 7.6 In the time commitment on which the remuneration of members is based is 44 days. The salary for members of NPAs will increase to £4,053.
- 7.7 The Panel has 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 £12,845.
- 7.8 The Panel has previously determined that up to two other committee Chairs can be remunerated. If the NPA considered this was restrictive, there was an option to apply for additional Senior Salary. It is proposed that this restriction is removed and that NPAs determine the number of Senior posts it requires as appropriate to its governance arrangements. The determination relating to the application for additional senior salaries is removed.
- 7.9 The Panel has made the following determinations:

Determination 19: The basic salary for NPA ordinary members shall be £4,053 with effect from 1 April 2021.

Determination 20: The senior salary of the Chair of a NPA shall be £12,845 with effect from 1 April 2021.

Determination 21: A NPA senior salary of £7,792 must be paid to a Deputy Chair where appointed.

Determination 22: Committee chairs or other senior posts must be paid a salary of £7,792.

Determination 23: Members must not receive more than one NPA senior salary.

Determination 24: A NPA senior salary is paid inclusive of the NPA basic salary.

Determination 25: 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 each Fire and Rescue Service area.
- 8.3 The structure of the each of the three FRAs is set out in Table 5.

Table 5: Membership of Fire and Rescue Authorities

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

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

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

Basic and Senior Salaries

- 8.6 The time commitment on which the remuneration is based is 22 days. The salary for members of FRAs will increase to £2,026.
- 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 £10,818.
- 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 £5,765 and must be paid if the authority appoints a deputy chair.
- 8.9 The Panel has previously determined that up to two other committee Chairs can be remunerated. If the FRA considered this was restrictive, there was an option to apply for additional Senior Salary. It is proposed that this restriction is removed and that FRAs determine the number of Senior posts it requires as appropriate to its governance arrangements. The determination relating to the application for additional senior salaries is removed. Committee Chairs and any other senior post if remunerated will be aligned with Band 5. This will increase to £5,865.

Local Pension Boards

8.10 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 26 or 27 cannot be used exclusively for this role.

8.11 The Panel has made the following determinations:

Determination 26: The basic salary for FRA ordinary members shall be £2,026 with effect from 1 April 2021.

Determination 27: The senior salary of the Chair of an FRA shall be £10,818 with effect from 1 April 2021.

Determination 28: An FRA senior salary of £5,765 must be paid to the Deputy Chair where appointed.

Determination 29: Chairs of committees or other senior posts can be paid. This shall be paid at £5,765.

Determination 30: Members must not receive more than one FRA senior salary.

Determination 31: A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.

Determination 32: 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 Authorities⁶

- 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.
- 9.2 The number of days in any one year for which co-opted members may be paid varies and reflects the specific work discharged by the relevant committee. This context for payment therefore differs from that for elected members of principal councils which provides a monthly payment. Many elected members of principal councils report that they rely on this as part of a core income without which they would be unable to continue in the role.
- 9.3 In dialogue with the Panel, co-opted members acknowledge the importance of fees they receive but do not identify these payments as an income for living upon which they depend. Panel determinations in relation to co-opted member fees occur in this context and any uplifts are therefore not comparable with the changes to salaries of elected members.
- 9.4 The Panel proposes an increase of £12 to £210 daily rate for ordinary co-opted members and for those with additional responsibility.
- 9.5 Recognising the important role that co-opted members discharge, 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 34 to 37.
- 9.6 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 33: Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights (Table 6).

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

| | |
|---|--|
| Chairs of standards, and audit committees | £268 (4 hours and over) £134 (up to 4 hours) |
| Ordinary members of standards committees who also chair standards committees for community and town councils | £238 daily fee (4 hours and over) £119 (up to 4 hours) |
| Ordinary members of standards committees; education scrutiny committee; crime and disorder scrutiny committee and audit committee | £210 (4 hours and over) £105 (up to 4 hours) |

| | |
|--|--|
| Community and town councillors sitting on principal council standards committees | £210 (4 hours and over) £105 (up to 4 hours) |
|--|--|

Determination 34: 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 35: 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 36: 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 37: 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

Determination 38: 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.

⁶This section does not apply to co-opted members to community and town councils.

10. Contribution towards costs of care and personal assistance

- 10.1 This section applies to all members of principal councils, National Park Authorities, Fire and Rescue Authorities and to Co-opted members of these authorities. The same provision applies to Community and Town Councils.
- 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. The Panel has adopted specific principles related to support for the costs of care which were the subject of a Supplementary Report published in February 2020. These principles are replicated in the [supplementary report](#).
- 10.3 The Panel has reviewed the arrangements for this financial support and proposes the following changes:
- a) As payments are taxable under the current HMRC rules, full reimbursement is not possible so for clarity this will be retitled to “Contribution towards the costs of care and personal assistance”. It will still require receipts to accompany claims.
 - b) Claims can be made in respect of a dependant under 16 years of age, or a minor or adult who normally lives with the member as part of their family and who cannot be left unsupervised.
 - c) Clarification in respect of a member’s own care or support needs: Reimbursement may be claimed where the support and or cost of any additional needs are not available or are not met directly by the authority such as Access to work, Personal Payments, Insurance. These could arise when the needs are recent and or temporary.
- 10.4 Members, including co-opted members are entitled to claim towards the costs of care and personal assistance, for activities that the individual council has designated official business or an approved duty which might include appropriate and reasonable preparation and travelling time. It is a matter for individual authorities to determine specific arrangements to implement this; each authority must ensure that any payments made are appropriately linked to official business or approved duty.
- 10.5 The Panel has reviewed the maximum monthly payment in recognition that this has not changed for several years. Information indicates that monthly costs and claims vary considerably. These can depend on the number of dependants, their ages and other factors. Therefore the monthly cap will be replaced with the following arrangements:
- Formal (registered with Care Inspectorate Wales) care costs to be

reimbursed in full.

- Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.

For clarification, care costs cannot be paid to someone who is a part of a member's household

10.6 The Panel continues to recognise the issues relating to the publication of this legitimate expense and has retained 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 contribution towards costs of care and personal assistance.

Table 7

The Panel's principles relating to care and personal assistance

| The Minimum Authorities should do | | How this could be done |
|--|--|--|
| Be clear who it is for | <p>Members with primary caring responsibilities for a child or adult and or personal support needs where these are not covered by statutory or other provision.</p> <p>For personal support. This might also include a short term or recent condition not covered by the Equality Act 2010, access to work, Personal Payments, insurance or other provision.</p> | A Confidential review of the needs of individual members annually and when circumstances change |
| Raise Awareness | Ensure potential candidates, candidates and current members are aware that financial support is available to them should their current or future circumstances require. | Ensure clear and easily found information is available on website and in election and appointment materials, at Shadowing and at induction and in the members' "handbook". Remind serving members via e-mail and or training. Signpost to IRPW Payments to Councillors leaflets. |
| Promote a Positive Culture | Ensure all members understand the reason for RoCoC and support and encourage others to claim where needed. | Encouragement within and across all parties of Relevant Authorities to support members to claim. |

| The Minimum Authorities should do | | How this could be done |
|--|---|--|
| | | Agree not to advertise or make public individual decisions not to claim. |
| Set out the approved duties for which CCCPA can be claimed | <p>Meetings – formal (those called by the Authority) and those necessary to members’ work (to deal with constituency but not party issues) and personal development (training, and appraisals.)</p> <p>Travel – in connection with meetings.</p> <p>Preparation – reading and administration are part of a member’s role. Some meetings and committees require large amounts of reading, analysis or drafting before or after a meeting.</p> <p>Senior salary holders with additional duties may have higher costs.</p> | <p>Approved duties are usually a matter of fact. Interpretation of the IRPW Regulations are set out in the Annual Report.</p> <p>“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.”</p> |
| Be as enabling as possible about the types of care that can be claimed | <p>Members should not be “out of pocket” subject to the limit set in the Annual Report.</p> <p>Models of care and needs vary. Members may use a combination of several care options.</p> <p>Patterns of care may alter over the civic and academic year.</p> <p>Not all care is based on hourly (or part hourly) rates.</p> <p>Where a whole session must be paid for, this must be reimbursed even where the care need is only for part of a session.</p> <p>Members may need to:</p> <ul style="list-style-type: none"> • book and pay for sessions in advance • commit to a block contract: week, month or term • pay for sessions cancelled at short notice <p>Where care need straddles two sessions both should be reimbursed.</p> | |

| The Minimum Authorities should do | | How this could be done |
|---|--|--|
| Have a simple and effective claim process | Members should know how to claim. The claim process should be clear, proportionate and auditable. | Check members understand how to claim and that it is easy to do so. Flexibility to accept paperless invoices Online form Same or similar form to travel costs claim |
| Comply with IRPW Publication rules | The IRPW Framework states: “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.” | |

Determination 39: All relevant authorities must provide for the reimbursement of the contribution towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:

- **Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.**
- **Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.**

Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. 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 business or approved 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 or an approved duty 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 7.

Table 8: Community and Town Council Groupings

| Community and Town Council Group | Income or Expenditure in 2020-2021 of: |
|---|---|
| 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 contribution towards costs of care and personal allowance for all members of community and town councils as set out in Determination 39.
- 13.10 Each community and town council must ensure that it does not create a climate which prevents persons accessing any monies to which they are entitled that may support them to participate in local democracy. Payments should be made efficiently and promptly.
- 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 contribution towards costs of care and personal assistance. However, this does not preclude them from holding a senior role (Leader, Deputy Leader) without payment.
- 13.12 Table 9 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 40: 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 41: 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 42: 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 community or town council, they are eligible to receive the £150 and, if appropriate, £500 from each council of which they are a member.

Contribution towards costs of care and personal assistance

- 13.18 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's determinations in section 10 apply to Community and Town Councils.

Reimbursement of travel costs and subsistence costs

- 13.19 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 43: Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties. ⁷ 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 44: 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

13.20 The Panel has retained the facility which councils may pay as compensation to their members where they suffer financial loss when attending approved duties. 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.

⁷ Where a member who is on official business or an approved duty 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 45: 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

Civic Head and Deputy Civic Head

- 13.21 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.
- 13.22 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.
- 13.23 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.
- 13.24 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.
- 13.25 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.
- 13.26 This is a personal payment to the individual and is entirely separate from covering the costs set out above.
- 13.27 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 46: 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 47: 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

- 13.28 Table 9 sets out each of the above determinations and if a decision is required by the council in respect of each one.
- 13.29 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.
- 13.30 Where a decision is required by the council, this should be done at the first meeting following receipt of the Annual Report.
- 13.31 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.
- 13.32 When payments take effect from is set out in paragraphs 13.36 to 13.38 below.
- 13.33 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 9

| Determination Number | Is a decision required by council? |
|---|---|
| 40 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. |
| 41 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. |
| 42 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. |
| 43 Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties. | Yes – the payment of travel costs is optional. |

| Determination Number | Is a decision required by council? |
|---|---|
| 44 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. |
| 45 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. |
| 46 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. |
| 47 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. |
| 48 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 contribution towards costs of care and personal assistance. | 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 contribution towards costs of care and personal assistance; if they are eligible to claim, and wish to do so. |

13.34 All members are eligible to be paid the £150 as set out in Determination 40 from the start of the financial year; unless they are elected later in the financial year, in which case they are eligible for a proportionate payment from that date.

13.35 Other amounts payable to members in recognition of specific responsibilities or as a civic head or deputy civic head as set out in Determinations 41,42, 46 and 47 are payable from the date when the member takes up the role during the financial year.

13.36 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.

13.37 Payments in respect of Determinations 41, 42, 43 and 44 are payable when the activity they relate to has taken place.

13.38 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 48: 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 contribution towards costs of care and personal assistance.

Publicity requirements

13.39 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 authority⁸ 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 notified 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 also be submitted to the Panel no later than that date.**

⁸ 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 Head of Paid Service 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. However, this function ceased on 31 March 2020.
- 15.2 The Welsh Government issued amended guidance to the Panel which can be found at [Amended Guidance to the Independent Remuneration Panel for Wales Under Section 143A of the Local Government \(Wales\) Measure 2011 and Section 39 of the Local Government \(Wales\) Act 2015](#). 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 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.

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.

Changes to the salaries of chief officers of principal councils – Panel decisions 2020

Letters issued to the Local Authorities notifying them of the Panel decision can be found on the Panel's website [Panel website](#)

| Name of Local Authority | Proposal | Panel decision |
|--------------------------------|--|----------------------------------|
| Neath Port Talbot Council | Head of Children and Young People's Services | Referred for further information |

Annex 1: The Panel's Determinations for 2021/22

| Principal Councils | |
|--------------------|---|
| 1. | Basic salary in 2021/22 for elected members of principal councils shall be £14,368 with effect from 1 April 2021. |
| 2. | Senior salary levels in 2021/22 for members of principal councils shall be as set out in Table 3 with effect from 1 April 2021. |
| 3. | Where paid, a civic head must be paid a Band 3 salary of £23,161 and, where paid, a deputy civic head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021. |
| 4. | Where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £23,161. |
| 5. | The post of deputy presiding member will not be remunerated. |
| 6. | <p>a) An elected member must not be remunerated for more than one senior post within their authority.</p> <p>b) An elected member must not be paid a senior salary and a civic salary.</p> <p>c) All senior and civic salaries are paid inclusive of basic salary.</p> <p>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.</p> |
| 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 contribution towards costs of care and personal assistance from the NPA or FRA. |
| 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. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community or Town Council. |
| 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. |
| Specific or Additional Senior Salaries | |
| 11. | Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework. |
| Local Government Pension Scheme | |
| 12. | The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils. |
| Family Absence | |
| 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. |
| National Park Authorities | |
| 19. | The basic salary for NPA ordinary members shall be £4,053 with effect from 1 April 2021. |
| 20. | The senior salary of the Chair of a NPA shall be £12,845 with effect from 1 April 2021. |

| | |
|------------------------------------|---|
| 21. | A NPA senior salary of £7,792 must be paid to a Deputy Chair where appointed. |
| 22. | Committee chairs or other senior posts must be paid a salary of £7,792. |
| 23. | Members must not receive more than one NPA senior salary. |
| 24. | A NPA senior salary is paid inclusive of the NPA basic salary. |
| 25. | 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. |
| Fire and Rescue Authorities | |
| 26. | The basic salary for FRA ordinary members shall be £2,026. |
| 27. | The senior salary of the chair of a FRA shall be £10,818. |
| 28. | A FRA senior salary of £5,765 must be paid to the Deputy Chair where appointed. |
| 29. | Chairs of Committees or other senior posts can be paid. This shall be paid at £5,765. |
| 30. | Members must not receive more than one FRA senior salary. |
| 31. | A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility. |
| 32. | 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. |
| Co-opted Members | |
| 33. | Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 6. |
| 34. | 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. |
| 35. | 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). |
| 36. | 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. |

| | |
|---|---|
| 37. | 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. |
| 38. | 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. |
| Contribution towards costs of care and personal assistance | |
| 39. | <p>All relevant authorities must provide for the reimbursement of the contribution towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> • Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full. • Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred. <p>Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer</p> |
| Community and Town Councils | |
| 40. | 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. |
| 41. | 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. |
| 42. | 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. |

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| 43. | <p>Community and Town councils can make payments to each of their members in respect of travel costs for attending approved duties. ⁹ 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"> • 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. |
| 44. | <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"> • £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. |
| 45. | <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"> • 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. |
| 46. | <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> |
| 47. | <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> |
| 48. | <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 contribution towards costs of care and personal assistance.</p> |

⁹ Where a member who is on official business or an approved duty 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.

Payments 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 April 2013.

Part 1

General

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

- b. These IRPW Regulations came into force on 1 April 2021 and replace those in force from 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 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.
- “Payment” means the actual or maximum amount which may be paid 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.
- “Authority” means a relevant authority in Wales as defined in Section 144(2) of the Measure and includes a principal council (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 council 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. The Panel must take account of these representations.
- “Constituent authority” – for national park authorities this is a principal council falling within the area of a national park authority; for Welsh fire and rescue authorities it is a principal council falling within the area of a fire and rescue authority.
- “Controlling group” means a political group in a principal council 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 remit of the committee on which they serve.
- “Co-opted Member payment” 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 principal council 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 the related Regulations
- “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 subcommittee 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.

- “Member” means a person who serves on an authority.
 - For a principal council or a community or town council a “Member” may be:
 - An “Elected Member” which means a person who has been elected to serve as a councillor for that authority. It is possible for a person to hold an elected office if, further to the completion of an election, no candidate has presented and a person holds that office subject to proper process.
 - A ‘Co-opted Member’ which means a person who has been placed into membership of a council committee or to discharge a function subject to proper process.
 - For a national park authority, a “Member” means a person appointed by a constituent authority and a person appointed by Welsh Ministers.
 - For Welsh fire and rescue authorities a “Member” means a person 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 reimbursement of care, travel and subsistence costs 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 other 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 principal council 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.
 - ‘Political group’ may be formed from members of a recognised political party or be a group of independent members unaffiliated to any recognised political party. “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” is as defined by the 1972 Act and means a county or county borough council.
 - “Proper officer” has the same meaning as in section 270(3) of the 1972 Act In community and town councils, the ‘Proper Officer’ may be the clerk or other official appointed for that purpose. “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 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 “IPrincipal 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 payment” 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 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 payments

Commencement of term of office

3. The term of office of:
 - An elected member of a principal council 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 their acceptance of that office further to being either elected or appointed as a chair or deputy chair of a national park authority.
 - 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 payments to members (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. Payment must also be withheld if directed by the Welsh Ministers (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, 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 an 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. Payment must also be withheld if directed by the Welsh Ministers.

Co-opted member payment

19. A relevant authority must provide for payments 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).

Payments

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 or co-opted member of the authority in relation to the care of the same child or dependant for the same episode of care.
 - 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 or 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. Payment must also be withheld if directed by the Welsh Ministers for reasons other than suspension (Section 155(1) of the Measure).
24. An authority's Schedule must stipulate the amount of the contribution towards costs of care and personal assistance payable and its arrangements for making claims, taking full account of the Panel's determinations in this respect.

Travel and subsistence payments

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 payments at rates determined by the Panel in its Annual or Supplementary Reports. Such payments 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 payment to a principal council member for the performance of official business within the boundaries of a county or county borough where they are 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 council who live outside that authority.
27. A principal council 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 payments payable to that member or 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. Payment must also be withheld if directed by the Welsh Ministers for reasons other than suspension (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 principal council members in its Annual or Supplementary Reports. Such determinations may:
- Define which members for whom the principal council 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.

Payments to support the function of an authority member

30. An 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.

Arrangements in relation to family absence

31. Part 2 of the Measure sets out the rights of principal council members in relation to family absence. The Panel will set out its determinations and the administrative arrangements in relation to these payments in its Annual or Supplementary Reports.

Sickness Absence

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

Part 4: Payments

Repayment of payments

33. An authority can require that such part of a payment be repaid where payment has already been made in respect of any period during which the member or co-opted member concerned:
- a. is suspended or partially suspended from that member's or co-opted member's duties or responsibilities in accordance with Part 3 of the 2000 Act or Regulations made under that Act.
 - b. ceases to be a member or co-opted member of the authority.

- c. or in any way is not entitled to receive a salary, allowance or fee in respect of that period.

Forgoing payments

- 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 payment 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.

Payments

- 36. Payments
 - 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 may 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 may reimburse subsistence costs 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 may 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 payments will be set out in the Annual or Supplementary Report of the Panel.
 - e) The council may make a payment to the chair or mayor and deputy chair or mayor of the council for the purposes of undertaking the role of that office. The payment will be set out in the Annual or Supplementary Report of the Panel.
 - f) The Annual Report or a Supplementary Report determines the arrangements for payments to members of a council who undertake senior roles 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 payment 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 payment 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 payments arise during which a claim for 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, subsistence or care costs in accordance with these Regulations (excluding claims for travel by private vehicle or bicycle) shall be accompanied by appropriate receipts proving actual cost.

Avoidance of duplication

43. A claim for a payment of travelling, subsistence or care costs must include, or be accompanied by, a statement signed by the member or co-opted member that the member or 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 payments

44. An authority must keep a record of the payments made in accordance with these Regulations. as set out in an Annual or Supplementary Report.

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, arrange for the Schedule's publication within the authority's area and to notify the Panel. **(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 **all relevant authorities** must publicise within the authority's area and notify the Panel:
- the total sum paid by it to each member or co-opted member in respect of basic salary, senior salary, co-opted member fee, travel and subsistence payments.
 - the total expenditure on contribution towards costs of care and personal assistance.
47. In the same timescale and in the same manner, an authority must publicise 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 and 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 the authority or a committee chair 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 and personal assistance, 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 reimbursement towards travel, subsistence and care and personal assistance 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.
9. Any changes to the schedule during the year must be promptly publicised in the above manner and all changes notified to Panel Secretariat promptly.

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

In accordance with Section 151 of the Wales (Local Government) Measure 2011 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 or 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 or chair and deputy mayor or deputy chair
 - Compensation for Financial Loss
 - Costs incurred in respect of travel and subsistence
 - c. All travel and subsistence expenses 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 contribution towards costs of care and personal assistance, relevant authorities are only required to

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.

| Summary of new and updated determinations contained in this report | |
|--|--|
| Principal Councils | |
| Determination 1: This Determination has been updated | Basic salary in 2021/22 for elected members of principal councils shall be £14,218 with effect from 1 April 2021. |
| Determination 2: The amounts payable under this Determination have been updated | Senior salary levels in 2021/22 for members of principal councils shall be as set out in Table 3 with effect from 1 April 2021. |
| Determination 3: This Determination has been updated | Where paid, a civic head must be paid a Band 3 salary of £23,161 and where paid a deputy civic head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021. |
| Determination 4: This Determination has been updated | Where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £23,161. |
| National Park Authorities | |
| Determination 19: This Determination has been updated | The basic salary for NPA ordinary members shall be £4,053 with effect from 1 April 2021. |
| Determination 20: This Determination has been updated | The senior salary of the Chair of a NPA shall be £12,845 with effect from 1 April 2021. |
| Determination 21: This Determination has been updated | A NPA senior salary of £7,792 must be paid to a Deputy Chair where appointed. Any additional senior posts that are paid must be at £7,792. |
| Fire and Rescue Authorities | |
| Determination 27: This Determination has been updated | The basic salary for FRA ordinary members shall be £2,026. |
| Determination 28: This Determination has been updated | The senior salary of the Chair of a FRA shall be £10,818. |
| Determination 29: This Determination has been updated | A FRA senior salary of £5,765 must be paid to the Deputy Chair where appointed. |
| Determination 30: This Determination has been updated | Chairs of Committees can be paid. This shall be paid at £5,765. Any additional senior posts that are paid must be at £5,765 |
| Contribution towards costs of care and personal assistance | |
| Determination 39: This Determination has been updated. | All relevant authorities must provide for the reimbursement of the contribution towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows: <ul style="list-style-type: none"> • Formal (registered with Care |

| Summary of new and updated determinations contained in this report | |
|---|--|
| | <p>Inspectorate Wales) care costs to be reimbursed in full.</p> <ul style="list-style-type: none"> • Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred. <p>Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer.</p> |

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The Report and other information about the Panel and its work are available on our website at:

[Independent Remuneration Panel for Wales](#)

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