

# Agenda



## Democratic Services Committee

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Date: Monday, 11 October 2021

Time: 10.00 am

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

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Item		Wards Affected
1	<u>Apologies</u>	
2	<u>Declarations of Interest</u> Annual report of the Head of Democratic Services.	
3	<u>Minutes of Meeting held on 22 July 2021</u> (Pages 3 - 12)	
4	<u>Annual Report of the Head of Democratic Services</u> (Pages 13 - 22)	
5	<u>Annual Report of the Democratic Services Committee</u> (Pages 23 - 38)	
6	<u>Participation Strategy (Presentation Update)</u>	
7	<u>Role Descriptions for Members (Verbal Update)</u>	
8	<u>Independent Remuneration Panel for Wales Draft Annual Report Consultation - February 2022</u> (Pages 39 - 120)	
9	<u>Date of next Meeting</u> 17 February 2022	
10	<u>Live Event</u> <a href="#">Click here to access the Live Event</a>	

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Date of Issue: Monday, 4 October 2021

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# Minutes



## Democratic Services Committee

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Date: 22 July 2021

Time: 10.00 am

Present: Councillors C Ferris (Chair), M Whitcutt, J Clarke, T Watkins, K Thomas, G Giles and M Evans

Gareth Price (Head of Law and Regulation), Leanne Rowlands (Democratic Services Manager), Pamela Tasker (Governance Officer), Felicity Collins (Governance Officer)

Apologies: Councillors P Hourahine, C Evans and C Townsend

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### 1 Apologies

Apologies received from Councillor C. Evans, Councillor P. Hourahine and Councillor C. Townsend.

### 2 Declarations of Interest

None.

### 3 Minutes of the Last Meeting 29 April 2021

The minutes of the last meeting were agreed and approved as an accurate record.

### 4 Local Government & Elections (Wales) Act 2021 - Implementation

The Head of Law and Regulation introduced Leanne Rowlands the new Democratic Services Manager to the committee and informed members that she would assume the role of Head of Democratic Services and will be accountable to the Democratic Services Committee in terms of governance support and democratic processes. Following on from the previous meeting, the two items on the agenda are interconnected matters on where the council is with the Local Government and Elections (Wales) Act 2021 and the Public Participation Strategy, and the New Working Model with its implications for the new incoming Members.

The Democratic Services Manager provided members with a verbal update on the matter through presentation. The lead officer highlighted the two requirements of the legislation regarding public participation and engagement:-

s.39 - Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person

s.40 - Prepare and publish a strategy on encouraging people to participate (as above) and review the strategy following every local government election. Members were advised that the strategy must be in place before May 2022.

The Council has carried out some work in advance with the participation element of the act. The officers in the working group have been focusing on the 5 requirements on the road mapping document with clear links to equality plans and previous strategies. Members were informed that these officers are considering what the council already has in place on how residents can make representations and access meetings and decisions, such as the website, digital forms, complaints.

Panels such as the citizen and youth panels are deemed useful forums for public decision making. It was mentioned that social media accounts such as the Facebook and Twitter pages are used by the council in putting out information to the residents however the Council are looking to see where they can improve on different platforms and fill the gap to encourage engagement with the public.

The officer informed members that the council want to determine what democratic processes the residents are already aware of and how to enhance the transparency with its residents so will use this roadmap as a basis of what they might need. The main issue that has been considered by officers, is that there are particular members of society that are hard to reach, therefore they are thinking of inclusive strategies on how to support them, encourage them to become a councillor and participate in decision-making.

It was explained that the next step after this, will be for the council to come up with a much more detailed plan for public consultation, engaging with underrepresented groups and drafting the strategy for this consultation.

Head of Law and Regulation assured the committee that the officer working group are doing the leg work so the council is not starting completely from scratch on the strategy in order to build upon what the council is already doing with the support of consultation and working with the partnership team.

The Democratic Services Committee's role is to offer suggestions on what the council could do better, and for instance, guidance on how to communicate better with communities. The officers welcomed a steer from the elected members in order to make progress with the officer group work.

The Democratic Services Manager opened up questions from the committee on the strategy.

The Committee asked the following:

- The Committee commented on the low amount of viewing on the Full Council's streaming facility and suggested that officers could look at how other councils perform and how they encourage public engagement for where they can raise questions to the Members. Members acknowledged the drawbacks of this as it could risk the same individuals raising complaints/concerns to councillors. Members queried if the officers could find out what other councils are doing, how they manage open public questions at council meetings and how this could be made suitable for Newport City Council.

The Head of Law and Regulation responded by stating that there was no best practice or exemplar model on what the council should or should not do. This means that the council will ultimately decide which strategy suits it and the decision making process. The officer confirmed they were keen to report this feedback back but would not want to suggest there is a model out there as an exemplar as good practice as it should be tailored to the needs of each local authority.

- A Member mentioned that the issue also could lie within how the council represents itself to the residents. For example, looking at the photographs of councillors, with visual representation, the council should be inclusive by including all age ranges, ethnicities and backgrounds of life. The committee commented that should the council wish to attract people from all works of life, they would need representation that they feel affiliated to and the members queried if this could be a high priority. The Members also expressed concern that some individuals may not be interested in becoming a Councillor due to the social media abuse from the public that they could receive such as racist and sexist abuse. Therefore, Members asked if the working panels would help in promoting how to become a Member.

In response, the Lead Officer clarified that there is no panel as such, and confirmed that it is an officer working group which is largely operational in making those changes. They have set out identified elements of the plan and such pieces of work need the Members' input. The officer assured the members that they will update them on the operational work with the changes made but the participation strategy would need to be guided by the members for what would be included for the first draft before going to public consultation. It was reiterated that this is the start of the conversation and mentioned that the Committee may need to organise extra meetings from now before next May as there will be regular updates for the Members.

- Members asked if they could have a copy of the presentation provided by the Democratic Services Manager and queried if the council would consider installing televisions within public places like the museum, library and the Riverfront Theatre to show council meetings taking place. Members mentioned perhaps the council chambers/foyer could be made accessible for people to watch what is being discussed like they do with the Welsh Government meetings.

The Head of Service confirmed in terms of television screens the council can do that and they could cover this in the next agenda item with regard to live streamed screens, which will be subject to licensing requirements in council buildings but however the officer confirmed that this could be done by May 2022. The Officer also confirmed that they can have a copy of the presentation emailed to them.

- A Member of the Committee asked for confirmation on when the hybrid meetings and legislation have to be implemented by.

In response, the Head of Service confirmed that it has to be implemented by May 2022.

- A Member of the Committee commented on how important it is for the council and politicians to be as transparent as possible for reasons of efficiency as well as some wards have experienced significant issues with complaints on certain things not being reported in the same way anymore. For instance, residents cannot see if a car is legally parked within its street or not without parking permits being used more. Therefore, Members asked if the council has considered the pressure this could put on certain areas of Newport.

Head of Law replied that it would be depending on how the council chooses to engage with their constituents or not and also a matter for city services with regard to the permits but whole point of legislation to encourage transparency,

in order to get people to stand as councillors with a working relationship by listening to members of the public.

- The committee then queried whether the officer could confirm that the officers of the working group, are diverse to ensure all points are covered.

In response, the Lead Officer asserted that as it is an officer working group, the group is not taking any decisions or changing anything as the stage they are currently in is just the nuts and bolts, right at the start of the process. This is where the Democratic Services come into the discussion as a cross party forum for that to communicate if there is any disengagement in terms of elected members and the people they represent in tackling the main question of how can that be improved.

Members were advised that at an officer level, they can only take it so far on what to put forward for consultation so ultimately it is up to members to decide what kind of engagement they want to encourage.

- A Member expressed their concern with regard to the online abuse that they could face for being in the public eye and asked for the council to emphasize what people need to be aware of what they are signing up to and one member argued that the staff are protected more so than the councillors, and that this could deter members of the public stepping forward to become a councillor.

Members were reminded by the Head of Service that in the council meeting before the last, the Diversity Resolution was passed which entails a number of actions on this to encourage people to come to council as a member which also covers discussions about online abuse. Members were advised that the council is conscious of encouraging members to use social media as a means of communication but also acknowledge that it can be a double edged sword as it makes them open to being abused online. The officer refuted the member's claims that staff are more protected as the same type of abuse can happen to an employee but it is more about members in the public eye and need to be made aware of what their rights are and how they are protected. There has been changes such as not having Members' personal details on the website but instead publishing the civic address.

- A Member of the Committee asked if the council would run an introductory seminar for those who are interested to go over protections and their personal rights.

The Head of Service stressed that in terms of legal protection, the same law applies in terms of social media usage for both employees and members. If anything is posted that is threatening toward the individual, the officer explained that there is not much that can be done from their end except to ask the social media providers to get posts taken down and users reported and blocked. Members were informed that they have examples of both officers and members receiving threatening emails and under such acts, the protections in place are always considered, however, a seminar can be considered to ensure members of the public would be aware.

- The Committee Member went on to ask with regard to this work on the strategy, how would this affect the regional partnership board? And if so, what does the council need to do about that and how will the Regional Partnership Board affect what they discuss and set up?

In response, the Head of Service clarified that the public services board meet on regional basis and that as it went through council on Tuesday, this would not affect it. It was explained that the partnership board is not decision making in that respect and that they will adopt the plan on whole of Gwent but clarified that it stands with the individuals within their wellbeing and in terms of decision making and engagement that will be on a local level. Therefore the public participation strategy will not affect that at all, as the Local Boards end in 2023, the Public Services Board whether regional or local, is a board of legislative bodies that set wellbeing objectives and policies of the region; not a decision making body.

The Committee was advised that it would be more for the local authorities to decide on how to steer this strategy within their area and up to Newport City Council on what they can do to meet the wellbeing objectives.

- A Member of the Committee queried if the participation strategy will only be valid until the elections next year, would the council consider having a non-political 'meet the councillors' drop in session at the civic centre foyer just to talk to people. It could give the public an opportunity to see first-hand what members experience on a day to day basis, and dispel any myths of how politicians mostly go out for lavish meals. The committee asked if so, this could be organised for October/November 2021.

The Head of Service responded by pointing out that come early next year the council will be into the early election period so this session could be misconstrued as political canvassing so reminded members that they must be careful about meet and greet sessions before any big elections. It was explained to the committee that this has to be reviewed after every election every 5 years, sometime within that period, the committee and the council would review it.

In terms of communicating with residents, by using social media you can reach far more members of the community via that channel rather than a foyer for a set time within the civic centre. For example, discussing ward meetings as a way to get residents to engage with the council. The council has to use social media to get messages out and the council has not fully developed the Members' annual reports and members were reminded that they can add more to in before it is published in terms of explaining to residents what they do.

- A Member of the committee acknowledged the issue of the logistics about a drop in session but also asked the council to acknowledge that there are some parts of society who are not on social media as not everyone is confident on technology. Members agreed that it is difficult as people are generally not engaged if they do not have access to knowledge of the council. Therefore Members queried what would be the best way to overcome this hurdle and could the candidates' convention be organised for after the election?

The Head of Service replied by stating that the team will try and find out what other councils do and maybe look into putting on a seminar to discuss members' usage of social media and protections from this. With regard to the drop in session, the council can have a look at that as it would be for potential candidates.

It was stressed to Members that this would be need to be subject to social distancing, and non-political.

The officer raised a slight concern on the current council members and potential members on meeting members of public, however, if it would be more of a recruitment drive then the WGLA could be behind that. This is because there would be nobody better to talk to than to talk to current members.

Members were advised that the working team could look at that with the useful points and look to build them in the strategy which will be brought back to the councillors for more deliberation.

## 5 **New Working Model**

The Democratic Services Manager gave an overview of the New Working Model in order to open up dialogue for input from the Members. It was explained that the current position was that Cabinet considered the paper on 7 July which was approved in principle, pending consultation with the staff and trade unions and therefore the final report will be presented to Cabinet in autumn. Members were advised that this includes the four areas that underpin the new model and the relevance to the Democratic Services Committee.

The New Working Model considers the implications of working remotely for the staff, it covers the well-being side of the home working policy with an allowance for those allowed to work from home one day a week but the model looks to back the investment in well-being considering those especially with long term health conditions and for supporting mental health post pandemic.

With regard to the remote working, there will be different techniques to continue being engaged with a dispersed workforce.

Members were advised that within the model the council are looking at determining the optimum usage for the civic centre and council buildings for them to meet the council's objectives. The officers are ensuring that this would meet the requirements for the public and look for opportunities to increase the usage of the building to also help with the ongoing costs and ensure flexible working opportunities.

The Democratic Services Manager assured the Committee that the Civic Centre will remain as the main administration area, zoned in particular groups of staff, meeting rooms and reception publically available. Members were informed that there are other areas that could be opened up on the premises to others and also are looking at new technology solutions such as how room bookings can be supported by the track and trace facility.

Members were informed how the council want to make sure that the equipment meets the IT needs of the council under the new working model and how it could support the development within the Digital Strategy Refresh on how hybrid meetings can be implemented.

The Committee was assured that the Members discussion will be catered for in order to meet the requirements of the Local Government Elections Act and part 3 places duty on the Council to make provisions for access to these meetings. This flexibility was intended to attract a more diverse group of members into Local Government. There are plans for hybrid meetings to be in place for next year as the council are working with the current supplier to advise on what needs to be implemented within the Council Chamber.

On a last note the officer mentioned the wellbeing of the Council's relations with the members and acknowledged the impact of dispersed working has had on both staff and its members. It was reiterated that staff and members have the same access to e-learning and support. Therefore, the committee were asked whether the council should enhance this model as the cabinet has recently agreed that any member specific intervention should be considered within the Democratic Services Committee.

The Democratic Services Manager welcomed any questions from the Committee.

The Committee asked the following:

- A Member of the Committee expressed their concern as the civic centre is a wonderful historic centre and argued that it would be inappropriate for staff working at the civic centre to have members of the public walking around. There would be a huge cost to modernising the building but said it is great to see work being done but the committee queried whether there are individuals asking to use space at the civic.

The Head of Service replied by explaining that this would be technically more for the work stream for the dispersed staffing model, the report to Cabinet made it clear that the main driver of this idea was not to make savings or generate income from the building. In response to concerns, the changes to the civic centre were due to the working life balance and a way to deliver services, the spare capacity in the civic centre is a by-product of the new working model.

Members were informed that the long term issue that the council needs to address within the implementation plan to discuss with the unions on how that will work with flexible working patterns. For example, what will be confirmed – how many people are allowed within the civic at one time in designated areas how to restrict numbers and look at the logistics of that.

If the Council has a number of spare rooms, then the Council would need to consider would could be the use of those once all of the prior points have been agreed.

For example, the Public Services Hub could be used for in terms of efficiency of shared use, it could be impractical but it is a long term ambition to look at this. However, the officer stressed that the focus is more on the staff and to see to the arrangements for the staff.

Commercialisation was considered years ago and is certainly not one of the objectives behind the working model as the council has no current plans to sublet the civic centre. They wish to think best about the accommodation of the building, however it was explained that it is difficult to update the committee on the plans because it will be one of the last parts of the model to be looked at.

- The Committee acknowledged that the old normal is not going to return as things will not be the same again and thanked the Democratic Services team for the work undertaken during the pandemic. Members asked if the Democratic Services Manager could distribute the presentation with the members of the committee so they know what is on the agenda as far as these issues are concerned with at the moment.

The Democratic Services Manager confirmed that they will send across the presentation to the Members.

- A Member of the Committee referred to the members section of the Local Government Act, with the Remuneration and IT support, the Councillors do not have

much say in that unless the Welsh Government send it into consultation. Therefore the technology updates need to be put forward on a more regular basis to Members so they are kept updated. The committee highlighted that Members are experiencing difficulties on the systems used and the quality of equipment that they have as they have to get every 4 months to bring in Councillors to check business developments within the IT system, now and again the Members stressed that Members experience confusion over the usage of systems and updates of software.

In response, the Head of Service commented that with relation to the remuneration, it depends on the context of what they are being looked at, for instance, members allowances are fixed by the remuneration panel so there is no discretion with that. Within the report, the Local Government Elections Act, no matter what model the council will adopt, the legislation stipulates that the local authority must have a facility within the civic centre for members to dial in to meetings.

Members were advised that logistically, there will be issues and how we run these meetings, this will be a hurdle for the Democratic Services team to consider closer to the time.

As there will be a new way of working, Members themselves will not be present within the civic centre as often as before, so they would like to discuss what would be best for the Members' wellbeing, as the Democratic Services Committee to advise the council of the impact of this dispersed working model.

The officer went on to explain that the impact of hybrid meeting will be on how heavily reliant the council will be on the operations of IT systems. For instance, when remuneration comes into it, the Committee was asked to consider whether the IT member package was good enough for what will be needed going forward. In the past, members agreed to be given a tablet and a laptop plus mobile phones for senior members but the committee will have to reconsider what devices members will need in order to be able to read agenda items whilst being logged onto a Teams meeting.

Therefore it was explained to the Members that now is the time to look at Member IT support and see what can be enhanced. The Council pays for IT support that the Members need, and it was noted that issues previously have been about concerns relating to the broadband that Members had in their homes – whether it was adequate or not was considered. Should it not be adequate, it was queried whether the council should pay for Members' broadband bill for upgrading. The officer stressed that those issues are the kind that the council want opinions on directly from the Members.

- A Member of the Committee queried whether there is scope for an IT champion to assist Councillors with their digital equipment.

In response, the Head of Service confirmed that this would be Councillor Mayer in non-technical terms. As it comes under the Cabinet Member's portfolio for technical solutions through resources. However, with regard to the equipment, if what the Members have got is not fit for purpose, the council what to be informed so the digital team can look at what the options are.

Discussion ensued amongst Members on how they found working remotely. Most members agreed that the equipment was a good standard, but they experience lots of issues with the system being used. As a majority of the members experience their systems crashing and therefore the system needs looking into.

The Members recognised their higher workload but not down to meetings, more down to the combination of increased public complaints. The members acknowledged the

positive of not having travel time so they tend to attend more meetings. The positive is that they also are better prepared for busy meeting days as they do not lose out on downtime before attending.

In response, the Democratic Services Manager noted the Members' comments and assured the committee that the digital team are looking at a comparison paper at the moment for future consideration of how to go about this.

- Members mentioned that the Council has adapted very well with technology despite there were concerns expressed, about how difficult it can be to attend a meeting if there are technical issues, as it then affects the councillor's attendance record when it would be no fault of their own which has a knock-on effect for the public when they check attendance records.

Discussion ensued and a Member noted that they can feel isolated at times but also relish in the fact that the system is good to use as a central point and hub for communication but would like the council to look at if there would be any other platforms to use for meetings apart from Microsoft Teams, as the council has experienced issues with strategic stakeholders such as members of the Police not being able to attend important Teams meetings.

- Therefore the Members asked if it could be possible to log attendance differently by logging who tried to log in but experienced issues so they would not be marked as absent.

Head of Law and Regulation responded by explaining that it is not that easy unfortunately with the Regulations, attendance is remote attendance, therefore intending or trying to dial-in is not good enough for the record. Members were reminded they need to get online 15 minutes prior to the meeting. If there is a connection and if logged in successfully but the Member is experiencing glitches – the record would have them down as attended.

But if a Member called the Democratic Services team and said that they could not get on the meeting yet asked if they could log them as present, then that is not allowed. Therefore if the Member is experiencing IT difficulties, it gives the team a few minutes to provide support.

- A Member of the Committee mentioned that the link is broken down as sometimes when they try and phone through to the team, they cannot get an answer.

The Democratic Services Manager replied that the shared duty system has been distributed in the newsletter for the Democratic Services. For a rota shared line, they only deal with one call at a time on the generic line that day.

- A Member asked if the Democratic Services Manager could send on the generic number so they can have the right direct number.

The officer agreed to this but reminded the Members emailed the structure of the team out with the contact details already this month but will send it out again to ensure receipt.

Referring back to the IT kit, Head of Law confirmed if the Members are happy with the kit provided then it's the reliability and support that the council can look into discussing with the Digital Team.

- A Member of the Committee welcomed the Democratic Services Manager's earlier mention that there is a report about the efficiency of Microsoft Teams.

In response, the Head of Service said that while looking at a comparison of IT systems, the corporate policy is to use Microsoft Teams initially due to the security issues in terms with Zoom. The Council do not mind individuals using it to access other meetings but the Council has a problem with the data security for this, such as for hosting Council meetings but the report will go into that in more detail.

A further issue mentioned was also the cost of the licence for all of the operating systems, as Microsoft Teams is included within the cost. Members were advised that the Council pays corporately for more licences, and it would be £100k+ for additional licenses with security issue and cost charge issues. However, all of this will be within the report put forward by the digital team.

Therefore due to the lack of secure platforms, the Digital team group are more qualified for information within that report.

Agreed:

The Committee acknowledged this and noted that in terms of resolving issues, the support from the officers has been excellent, and this was not a criticism of Democratic Services or Shared Resources Services.

The Committee also requested that a direct phone number for the officer running the meeting to be mentioned at the bottom of agendas for future assistance if issues did arise.

**6 Date of Next Meeting**

In terms of the future dates, depending on how well progressed the Council is on the Public Participation Strategy, it depends on progress of the draft. It was recommended by the Head of Service that it might be useful to have an earlier meeting in September to make some progress on this legislative piece of work.

The Committee agreed to looking at future dates when the time is right.

Meeting terminated 11:40am.

**7 Webcast of Committee**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YjE3ZWUxOTgtODc4NC00MDdjLTgwMmUtYjBiNDQxYzc2ZDMY%40thread.v2/0?context=%7b%22id%22%3a%222c4d0079-c52c-4bb3-b3ca-d8eaf1b6b7d5%22%2c%22Oid%22%3a%22b61021cb-bb83-40c1-ad67-58a6c6a2b187%22%2c%22IsBroadcastMeeting%22%3a%22true%7d&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjE3ZWUxOTgtODc4NC00MDdjLTgwMmUtYjBiNDQxYzc2ZDMY%40thread.v2/0?context=%7b%22id%22%3a%222c4d0079-c52c-4bb3-b3ca-d8eaf1b6b7d5%22%2c%22Oid%22%3a%22b61021cb-bb83-40c1-ad67-58a6c6a2b187%22%2c%22IsBroadcastMeeting%22%3a%22true%7d&btype=a&role=a)



# Report

## Democratic Services Committee

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### Part 1

Date: 11<sup>th</sup> October 2021

Item:

**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 & Regulation/Democratic Services Manager

**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 and Democratic Services Manager 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 Democratic Services Manager 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 and Democratic Services Manager  
**Timetable** Immediate

This report was prepared after consultation with:

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

## Background

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

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

The Democratic Services and Communications Manager was the designated Head of Democratic Services and fulfilled this statutory role in accordance with the requirements of the 2011 Measure. Following the resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, 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 Democratic Services Manager is responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and is 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.

As advised in the last Annual Report, the two previous 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.

The new Democratic Services Manager was appointed in May 2021, the first Scrutiny Adviser post was filled in January 2021 and the second Scrutiny Adviser was recruited in June 2021. Therefore, there is now a full complement of staff within the Democratic Services team.

## Financial Summary

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

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non-compliance with the requirements of the Local Government Measure	M	L	This report allows the Committee to consider and review the adequacy of staff, accommodation and resources in line with the requirements of the Measure.	Democratic Services 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 and Democratic Services Manager 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 Democratic Services Manager 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: 4<sup>th</sup> October 2021



# Head of Democratic Services Annual Report 2021

## 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 Democratic Services Manager is responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and is 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) Act 2021 removes 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. However, given that the current arrangements are working satisfactorily, then it is not considered necessary for the Committee to review the allocation of functions and responsibilities at the present time.

### **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 were deleted and replaced by a new combined post of Democratic Services Manager.

### **4. Scrutiny and Governance**

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

Leanne Rowlands was appointed to the post of Democratic Services Manager and Head of Democratic Services in May 2021 and the remaining Scrutiny Adviser post was filled in June 2021. There is now a full complement of staff within the Democratic services team. 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.

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 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) Act 2021 particularly in relation to hybrid remote meetings and member training and development.

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 first remote Council AGM in July 2020, 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” working model 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.

The Local Government & Elections (Wales) Act 2021 requires the Council to introduce the technology to hold “hybrid” meetings as from May 2022, as part of its democratic decision-making processes, and this requirement will apply regardless of any new operating model. This flexibility for members to join meetings remotely is part of the diversity agenda, to encourage a more representative make-up of the Council.

The current arrangement uses Microsoft Teams solutions to delivery fully remote meetings but grant funding of £52k has been secured from the Welsh Government Digital Democracy Fund to develop and upgrade the technology in the Council Chamber and Committee rooms to deliver “hybrid” multi-location meetings. The Public-i webcasting system will also be upgraded to enable these hybrid meetings to be broadcast live. A project team has been established to take this work forward and progress reports will be presented to Democratic Services Committee as the work develops. The intention is to use the current Microsoft Teams platform, with linkage to the Public-i webcasting system, in relation to meetings based in the Council Chamber and the main Committee rooms. Screens will need to be upgraded in the meeting rooms to enable members who are dialling-in remotely to be seen and heard at all times by those members who are sitting in the meeting rooms.

In addition, significant work is underway to develop the statutory Public Participation and engagement strategy that the Council is required to publish and review in accordance with the 2021 Act.

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:

- The impact of the Local Government & Elections (Wales) Act 2021
- The local government elections in May 2022 and the delivery of a successful induction training programme for the new elected members
- 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

Finally, we 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 our personal gratitude for their unstinting support.

**Head of Law & Regulation and Democratic Services Manager**





# Report

## Democratic Services Committee

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### Part 1

Date: 11<sup>th</sup> October 2020

Item:

**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 & Democratic Services Manager

**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 2020/21. 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 & Democratic Services Manager

**Timetable** Immediate

This report was prepared after consultation with:

- 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.

## 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?
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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: 4<sup>th</sup> October 2020



# **Democratic Services Committee Annual Report 2020-21**

## 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)
- Councillor Mark Whitcutt
- Councillor Phil Hourahine
- Councillor James Clarke
- Councillor Trevor Watkins
- Councillor Kate Thomas
- Councillor Gail Giles – as from May 2021(replacing Councillor Jason Hughes)
- Councillor Matthew Evans
- Councillor Chris Evans
- Councillor Carmel Townsend

Councillor Jason Hughes also served as members of the Committee from until May 2021.

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 2020-21**

This Annual report covers the period from November 2020 to November 2021.

The Committee has met on four occasions during this period

- 18<sup>th</sup> February 2020
- 29<sup>th</sup> April 2021
- 22<sup>nd</sup> July 2021
- 11<sup>th</sup> October 2021

All of these committee meetings were conducted remotely 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) Review of Standing Orders.**

Council meeting on 26th January 2021 resolved that Democratic Services Committee Should review both the impacts of the Local Government and Elections (Wales) Act 2021, and any proposed changes to the standing orders together in line with the work plan of the Committee within their normal reporting to full Council.

A notice of motion was tabled and moved at Council to amend Council Standing Order 4.2(b) to change the time limit for Questions at Council to the Leader from 15 minutes to 30 minutes. This was proposed on the basis that the current time limit did not afford a sufficient opportunity for Opposition members to ask questions of the Leader in Council. However, the matter was referred to the Committee to undertake a review of these standing orders in the context of our wider review of the Council's governance arrangements to meet the requirements of the new legislation.

The Local Government and Elections (Wales) Act 2021 contains a number of measures that will require changes to the Council's governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The Committee noted that the following provisions were of particular relevance to the current Standing Orders and the way in which business is conducted and managed in Council meetings:-

- (a) Duty to encourage local people to participate in local government decision making to include;
- (b) the making of decisions in partnership or in conjunction with any other person (Section 39);
- (c) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
- (d) Duty to make and publish a petition scheme and review the scheme from time to time(Section 42);
- (e) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
- (f) Electronic broadcasts of meetings open to the public (Section 46);
- (g) Remote Attendance at local authority meetings (Section 47).

The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme would also have to enable public petitions to be submitted electronically and provide a mechanism for responding. In addition, a bid had already been submitted to the local Government Digital Democracy Fund for £52k grant funding to develop and upgrade the technology in the Council Chamber and Committee rooms to provide for "hybrid" meetings, to enable some members to dial-in remotely to face-to-face meetings.

The Committee noted that Council Standing Orders will need to be reviewed and updated to accommodate these changes in governance processes. There may also be other provisions within existing Standing Orders that the Committee would wish to review and reconsider.

Therefore, the Committee agreed that the time limit for questions to the Leader in full Council should not be reviewed in isolation and should form part of this more comprehensive governance review.

## **(ii) Competency Framework and Induction Training**

The Committee considered the draft Competency Framework and Induction Curriculum for Members following the May 2022 local elections.

The WLGA issued revised drafts of the updated competency framework for Councillors and the new induction curriculum for members following the May 2022 local elections. Both have been updated since they were last revised in 2017 to reflect the changes in members' roles and new legislative requirements. The draft documents were presented at a meeting of the Lead Members and Officers for Member Support and Development Network on 2<sup>nd</sup> February 2021, which was attended by the Chair of the Democratic Services Committee and Governance Support officers.

The revised draft competency framework for elected members outlines the knowledge and behaviours required by Councillors and has been developed by elected members and officers working with the WLGA. It will be used by councils when providing member support and training and to assist individual members in identifying their priorities for continuing personal development. It is not intended to be exhaustive or prescriptive, and can be adapted to reflect the priorities of different councils.

The Framework links to the *Wales Charter for Member Support and Development*, which provides councils with a structure for local self-assessment and provision of member development. The framework also fits with the WLGA model role descriptions and the induction curriculum for new members. It takes account of legislative requirements for members including those set out in the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021. The Framework includes a range of generic competencies required by all Councillors and separate sections for specific roles on the Council. For each theme, the framework sets out the information that Councillors need to know, understand, and be able to do (knowledge and skills), together with examples of how they should act (behaviours).

The draft induction programme for new elected members, leading up to and following the local elections in 2022, sets out the potential local and national activities to support potential and new members. It is not designed to be prescriptive as the needs of each Council and Councillor are different. It should however provide a guide for what should be considered when developing local programmes. The Induction Framework has been developed by Local Authorities working with the WLGA. It has been designed to fit with the *Development Framework for Members*, a competency framework for members which provides more information about the subjects which should be covered in both induction and ongoing member development. It also fits with the *Wales Charter for Member Support and Development* and takes account of the legislative requirements for members including those set out in the Local Government (Wales) measure 2011 and the Local Government and Elections (Wales) Act 2021.

Following the delivery of an induction programme, further development for councillors should be informed by personal development review. Councils will seek to procure and share

learning opportunities with each other and with community and town councils wherever possible.

Most of the induction training modules will be delivered by way of remote on-line learning. With this in mind, the WLGA raised specific questions about the NHS learning @Wales Platform which hosts the e-learning modules for members:-

The Committee felt that the proposed induction programme of training and competency framework was very comprehensive and would help to support members in carrying out a very demanding role. There was concern about the level and intensity of the training, with 37 separate training modules being developed, although we were advised that not all of the modules were mandatory and members should identify the training that was specific to their development needs.

With regard to the e-learning platform, we took the view that training should not be carried out exclusively on-line as there were many councillors who were not IT literate and may need support or who would prefer face-to-face tuition and interaction. Any e-learning platform should be easy to access and navigate.

In addition, more tailored local training will need to be developed for specialist mandatory areas such as the members Code of Conduct, Planning and Licensing, as these will need to reflect the specific arrangements in Newport.

### **(iii) Democracy Handbook**

The Welsh Government has identified the new legislation as an opportunity to revisit all the existing guidance on local democracy produced over the years. The ultimate aim is to revisit and review this guidance and to bring it together in the form of a "Democracy Handbook" – a suite of material which will provide a one-stop resource for councillors and officers, but also local people seeking to better understand their rights and how councils work. The Centre for Governance and Scrutiny has been commissioned by Welsh Government to assist in the first phase of this project. They will be reviewing the primary legislation, statutory instruments and guidance which apply to councils on matters relating to democracy, and setting out a roadmap for how the Handbook can be developed. They will also be leading on the drafting of a piece of substantive guidance on local authority meetings, which will ultimately form a part of the Handbook. The Chair of Democratic services committee has attended one of the engagement sessions with councils to help develop this Democracy Handbook.

### **(iv) Audit Committee – changes to terms of reference.**

The Committee considered a report regarding the changes to the title and terms of reference of Audit Committee made by the Local Government & Elections (Wales) Act 2021 and recommended to Council that the relevant parts of the Constitution should be amended accordingly.

Sections 115-118 of the Act amend the Local Government (Wales) Measure 2011 and extend the role of Audit Committees and re-name them Governance and Audit Committees. In addition to their existing functions, Audit Committees will be required to scrutinise the Council's governance and performance arrangements, considering and making recommendations about the Council's self-assessment report, and its response to panel performance assessment and special inspection reports. Lay membership requirements will also be strengthened, so that one third of members would be required to be lay members. These changes came into effects as from 1<sup>st</sup> April 2021 and, therefore, amendments were required to the current terms of reference within the Council's constitution to reflect the

legislative requirements. The provisions relating to the appointment of additional lay members and the performance self-assessment arrangements will need to be implemented from May 2022.

The recommended to Council that the title of the Committee should be changed to the Governance and Audit Committee and that its terms of reference should be amended as from 1<sup>st</sup> April 2021 to include

- reviewing performance assessment
- reviewing and assess the authority's ability to handle complaints effectively;
- making reports and recommendations in relation to the authority's ability to handle complaints effectively

We also recommended that the role description for the Chair of Governance and Audit Committee should be amended accordingly.

These recommendations were subsequently approved and adopted by full council and the relevant changes have been made to the Constitution.

The membership of the new Governance and Audit Committee will also need to be reviewed in due course, and prior to May 2022. The Committee currently comprises 9 members, including 1 lay representative and 8 elected members (politically balanced). There is only one lay member of the Committee, who acts as the independent Chair. The Chair must be appointed by the Committee itself. The statutory guidance recommends that councils follow a public recruitment exercise, similar to that used to appoint members of standards committees, to recruit their lay members. It is recommended that a lay member should not be appointed for more than two full terms of a local authority. Any lay member with voting rights is subject to the provisions of the authority's Code of Conduct for Members.

The current Chair will have served two terms of office by May 2022 and, therefore, a recruitment process will need to be undertaken to appoint a replacement. In addition, at least one-third of the Committee will need to be lay members. If the membership remains at 9 members, then that will require three lay members, including the Chair, and therefore additional independent members will also have to be recruited. The remaining 6 seats will then have to be allocated to the political groups in proportion to their representation on the new Council.

The Act will also require the appointment of a Deputy Chair of Governance and Audit Committee. The Deputy Chair does not need to be a lay member but cannot be a member of the Council's executive. Again, it will be for the Governance and Audit Committee to make the appointment. If it is an elected member, then no senior salary will be payable.

We recommended that the recruitment process for the new lay members should be commenced as soon as possible, to secure the best possible candidates. In terms of succession planning and ease of transition, it was possible for the additional lay members to start before next May, without affecting the balance on the Committee, as there is already a discretion to have up to one-third lay membership. However, the make-up and composition of the committee will need to be reviewed after next May.

#### **(v) Draft Guidance – Multi-location meetings**

The Local Government and Elections (Wales) Act 2021 ("the Act") makes provision for remote attendance at local authority meetings and electronic broadcasts of meetings open to the public, in order to achieve greater accessibility and improved public participation in local

government. Section 47 of the Act requires the Council to make arrangements for remote access to meetings. This section of the Act will come into effect as from 1st May 2021.

The Committee has considered a report on the preparations for the delivery of hybrid, multi-location meetings. The current arrangement uses Microsoft Teams solutions to delivery fully remote meetings but grant funding of £52k has been secured from the Welsh Government Digital Democracy Fund to develop and upgrade the technology in the Council Chamber and Committee rooms to deliver “hybrid” multi-location meetings. The Public-i webcasting system will also be upgraded to enable these hybrid meetings to be broadcast live. A project team has been established to take this work forward and progress reports will be presented to Democratic Services Committee as the work develops. The intention is to use the current Microsoft Teams platform, with linkage to the Public-i webcasting system, in relation to meetings based in the council Chamber and the main Committee rooms. Screens will need to be upgraded in the meeting rooms to enable members who are dialling-in remotely to be seen and heard at all times by those members who are sitting in the meeting rooms.

The Act provides for the Welsh Government to issue statutory guidance regarding the conduct and management of these multi-location meetings. They have commissioned the Centre for Governance and Scrutiny, Public Governance Wales and Cardiff University to undertake a joint project to draft this guidance. We considered and commented on the draft guidance that they have produced.

The Committee felt that the draft guidance was very comprehensive and it was helpful to access all of the relevant guidance in one document. However, there were concerns about the length of the document and unnecessary commentary and repetition. Also, we felt that it would be helpful if the guidance could be re-arranged with basic information for each theme and links to more detail for each subject. This would be especially helpful for elected members. An executive summary would also be helpful. The Committee also considered that greater clarity was required regarding which parts of the guidance are mandatory and which elements are purely advisory and considered to be good practice.

With regard to the use of Teams software, Committee members did identify concerns regarding technical issues with connectivity and we considered whether Zoom was a viable alternative. We were advised that there had been security issues regarding Zoom and this would also require the purchase of additional licences, whereas the Teams function was already included within Microsoft Office 365. The Committee as welcomed the Welsh language commitment within the Guidance and felt that this was an opportunity for the potential to extend the use of Welsh language.

#### **(vi) Local Government & Elections (Wales) Act 2021 – Implementation Timetable**

The Committee received a comprehensive report regarding the timetable for the implementation of the new legislation.

The Local Government & Elections (Wales) Act 2021 received Royal Assent on 20<sup>th</sup> January 2021 and the various sections of the new legislation will be brought into force on a phased basis through a series of commencement orders, with secondary legislation and guidance provided by Welsh Government. We considered an implementation schedule setting out all of the separate legislative provisions contained within the Act, and when those provisions will come into force. It will be used for the purposes of allocating tasks and work-streams and for establishing key milestones and target dates for the development and implementation of the necessary governance changes to meet the requirements of the Act.

An officer working group has been established, under the management and direction of the Head of Law and Regulation and the Head of People and Business Change, to deliver the implementation programme. The individual tasks will be allocated to specific sub-groups and progress will be monitored against the delivery dates. Progress reports will be submitted on a regular basis to the Senior Responsible Officers and, where the work impacts on the Council's internal governance arrangements, updates will be provided to Democratic Services Committee.

The Act contains a number of measures that will require changes to the Council's governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will, therefore, need to be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The following provisions are of particular relevance to the Committee:-

- (a) Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39);
- (b) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
- (c) Duty to make and publish a petition scheme and review the scheme from time to time (Section 42);
- (d) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
- (e) Electronic broadcasts of meetings open to the public (Section 46);
- (f) Remote Attendance at local authority meetings (Section 47);
- (g) The new self-assessment performance management framework, which will require an annual self-assessment report, with a peer review by an external independent panel (section 89-94).

The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme will enable public petitions to be submitted electronically and provide a mechanism for responding. The new self-assessment performance management framework will have an impact of the Council's approach to performance management and the role of Scrutiny and Governance and Audit Committees.

We also noted other provisions within the legislation, such as job sharing for executive members and the move to alternative voting systems for council elections.

#### **(vii) Public Participation & Engagement Strategy.**

One of the key requirements of the 2021 Act is for the Council to prepare and publish a Strategy on engagement with the public and encouraging people to participate in decision-making. There is a statutory requirement to review the strategy at least once following every local government election. The Committee will oversee the preparation of this strategy and will agree the draft version for public consultation prior to being recommended to council for adoption prior to May 2021.

We received a presentation from the Head of Democratic Services, outlining the work being undertaken by an officer working group to develop this strategy based on current practices and procedures in relation to public engagement and participation, such as the website, Citizen's panel, Youth Council, budget consultation etc.

Some of the key requirements for the Strategy are

- setting out how the council intends to promote awareness of the council's functions to the public
- promoting how to become a member of the council or a related authority
- facilitating greater access to information for members of the public
- providing ways for members of the public to make representations to principal councils
- promoting awareness of the benefits of using social media by members of the council

The next stage will be to develop a detailed plan which will include a range of options for public consultation, documenting data that supports the key requirements and engagement of under-represented groups.

We were particularly keen to promote greater understanding about the role of elected members and what becoming a Councillor involved, to encourage greater participation in elections.

#### **(viii) New Working Model**

In conjunction with the review of the democratic processes, we received a presentation regarding the New Working Model approved by Cabinet and the implications for elected members. Cabinet had approved a new working model for council services which involved a hybrid model of face-to-face service delivery together with more agile, flexible home-working for staff. This would be underpinned by greater use of technology and also assist with the rationalisation of the use of Council buildings.

It is the role of this Committee to ensure that elected Members and the democratic process are catered for within this New Working Model and that it meets the requirements of the Local Government and Elections Act. The Council has a duty to promote access to local government, which requires us not only to ensure an electronic broadcast of Council meetings but also to make provision for remote access to those meetings by elected members. The 2021 Act requires the Council to introduce the technology to hold "hybrid" meetings as from May 2022, as part of its democratic decision-making processes, and this requirement will apply regardless of any new operating model. This flexibility for members to join meetings remotely is part of the diversity agenda, to encourage a more representative make-up of the Council.

Also, the Committee considered the adequacy of the current well-being arrangements for elected members, should the new model of working be adopted. Although the Council has no employment relationship with elected members we still need to consider how the dispersed working model impacts on Members, in a similar way to staff. The Council provides a broad well-being service for staff. Elected members are also able to avail themselves of this support (this excludes attendance at specific staff networks but does include attendance at relevant training and/or well-being sessions). In the event that the Council enhances this well-being programme in line with a new operating model, then elected members would be supported through this.

The Committee also considered whether the current support packages for elected members are sufficient, particularly in relation to IT devices. In particular, we discussed whether the move to hybrid meetings and home working would require a review of the current policy in relation to member broadband, particularly if upgrades were required for the purposes of Council business. It was noted that the IRP report is clear that members should not be required to pay for IT support out of their basic salaries or allowances. The selection of member devices, including laptops, tablets and smart phones is also being reviewed in readiness for May 2022.

#### **(ix) 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 Manager is the designated Head of Democratic Services and fulfils 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 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.

Pending recruitment to the new post, The Head of Law and Regulation assumed a more direct management role and oversight of the service and was 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 Covid-19 lockdown and the new post-holder started in June 2020.

Leanne Rowlands was appointed to the post of Democratic Services Manager and Head of Democratic Services in May 2021 and the remaining Scrutiny Adviser post was filled in June 2021. There is now a full complement of staff within the Democratic services team. Therefore, the Committee endorsed the view of the Head of Democratic Services 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. The Committee also asked Democratic Services Manager 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.

#### **(x) 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. The IRP proposed a significant reset for all members' allowances as from May 2022 in the light of significant socio-economic change and the previous levels of salaries not keeping pace with inflation.

The Committee had no comments on the draft report, as it was felt inappropriate to comment on the levels of salaries and allowances being recommended by the IRP

The final IRPW report will be published later in February 2022 and will need to be adopted as the Council Scheme of allowances at the Annual General Meeting in May 2022.

## **5. Work Planned for 2021-22**

The work programme was agreed at the Democratic Services Committee held on the 18<sup>th</sup> February 2021. The Committee endorsed the draft work programme included in last year's Annual report, as presented to Council in November 2020, which included the following priorities

### **(a) Constitution Review**

The Committee has continued with the work of systematically reviewing the various parts of the Council's Constitution, with a view to changing to the new modular style of document previous agreed by the Committee. The Constitution will also need to be amended to reflect the requirements of the new legislation and the revised Member Code of Conduct. The new legislation will also require the Council to publish an abridged guide to the Constitution, to provide an explanation of the governance structure and decision-making processes.

### **(b) Local Government & Elections (Wales) Act 2021**

The Committee has continued to review the current governance arrangements regarding the conduct of remote meetings and future governance arrangements, to meet the requirements of legislative changes in the Local Government and Elections (Wales) Act, for example in relation to hybrid meetings, remote access and live broadcasting and public participation and engagement.

### **(c) Covid-19 Recovery Aims and Objectives**

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

### **(d) Annual Reports**

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 make recommendations, where necessary.

## **6. Democratic Services Annual Report**

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**

**Leanne Rowlands**  
**Democratic Services Manager**



# Independent Remuneration Panel for Wales

## Annual Report

DRAFT

February 2022

# ANNUAL REPORT 2022/2023

## FOREWORD

The Covid pandemic continues to impact on the work of the Panel in that we have been unable to meet with authorities and their representative organisations face to face. However, we have continued to meet regularly and have meaningful discussions to meet our statutory obligations via Microsoft Teams or Zoom.

It has been a difficult time for the public sector but local authorities in Wales have demonstrated their resilience and capabilities over the past 18 months. 2022 is an election year for local government and the new five year term provides the opportunity to reset the basic salaries of elected members to align with the average earnings in Wales. This has been eroded in successive years, primarily as a result of austerity measures. We consider that it is important that the payments to elected members of principal councils be fair and at a level that is not a disincentive to potential candidates for election.

We have undertaken a major consultation exercise in respect of the Remuneration Framework for community and town councils and the outcome is contained in [Section 13](#) of this draft Report. I would like to express my appreciation to all the councils and individual members and officers for their involvement in the exercise.

There have been changes to the membership of the Panel. Ruth Glazzard joined the Panel in April and Helen Wilkinson replaced Claire Sharp in July. My personal thanks to Claire for her contribution to the work of the Panel.

The consultation period for this draft Report ends on **26 November 2021**. The Panel would appreciate comments which will be considered prior to the production of the final Report.

John Bader  
Chair

Panel Membership  
John Bader, Chair  
Saz Willey, Vice Chair  
Joe Stockley  
Ruth Glazzard  
Helen Wilkinson

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

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## Timescale for Implementation of the Panel's Determinations

The Local Government (Wales) Measure 2011 requires the Panel's Annual Report to take effect from 1 April. In most years, this is in line with financial and administrative arrangements of all authorities. However, when new councils are elected some of the Panel's determinations are to be effective for the new municipal term.

On 9 May 2022, new municipal arrangements will come into effect following local government elections. This Annual Report therefore has two different effective dates as set out below:

1. For the period 1 April 2022 to 8 May 2022, all of the Determinations contained in the Independent Remuneration Panel for Wales' [Annual Report 2021/2022](#) will continue to apply in respect of principal councils and community and town councils.
2. For national park authorities and Welsh fire and rescue authorities the determinations in Sections [7](#) and [8](#) of this Report will apply from the new financial year, 1 April 2022.
3. With effect from 9 May 2022, (the new municipal year) the determinations set out in this Report in Sections [3](#) and [13](#) will apply to principal councils and community and town councils.

## Executive Summary

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

1. As Wales emerges from the Covid pandemic, local democracy and public services will have a vital role to play in strengthening the resilience of our local communities and economies. 2022 is a milestone year because of this overarching context.
2. As a Panel our firm belief is that this is a reset moment for Welsh democracy and for valuing our public services; an important opportunity to future proof our democracy and public services. We have therefore taken time to engage with stakeholders, pause and reflect on the impact of the decisions we take and the messages we are communicating in making this year's determinations.
3. From inception, the Panel has consistently and vigorously expressed that local democracy and the governance of public services are not cost free and need to be valued if we are to enable everyone to participate. Levels of remuneration need to be set at a level sufficient to encourage a diversity of willing and able people to undertake local governance through elected, appointed or co-opted roles. It is important to promote a culture which encourages take up of remuneration to ensure that people from all walks of life can participate confidently in our democracy. However, the Local Government (Wales) Measure 2011 requires the Panel to have regard to the financial implication of its decisions. We have discussed the issue of affordability with representatives of the WLGA and the general consensus is that in the context of a council's income and expenditure the Panel's determinations do not have a significant impact. We consider that the proposals set out in this draft Report meet the legislative requirement.
4. Since 2009, remuneration of elected members of local government in Wales has not kept pace with measures of inflation or other possible comparators. These include Retail Prices Index, Consumer Prices Index, NJC (public sector employees), National Living Wage (NLW), [the Living Wage Foundation's Living Wage \(LWF\) rates](#), Members of Senedd Cymru, and MPs and also the Annual Survey of Hourly Earnings (ASHE). This is the result of austerity and pressure on public finances. This has the potential to perpetuate socio-economic disadvantage, adding to perceptions of a democratic deficit.

**Yearly percentage increases to basic salary, benchmarks and alternative measures 2013 to 2021**

<b>Annual Report Year</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>IRPW Basic</b>	<b>0.00</b>	<b>0.00</b>	<b>0.95</b>	<b>0.00</b>	<b>0.00</b>	<b>0.75</b>	<b>3.49</b>	<b>2.52</b>	<b>1.06</b>
<b>ASHE*</b>	4.00	0.60	1.00	2.70	1.00	2.10	5.10	0.60	<b>Oct-21</b>
<b>NLW</b>	1.90	3.00	3.10	7.50	4.20	4.40	4.90	6.20	<b>2.18</b>
<b>LWF</b>	3.47	2.68	2.61	5.10	2.42	3.55	2.86	3.33	<b>2.15</b>

5. During this period, decision-making and local governance has increased in complexity with increased responsibilities flowing from legal, social, economic, cultural and technological changes. People’s lifestyles (and expectations) have also changed in the last decade with increased requirements and expectations for a flexible approach to support people with family and care pressures to participate and contribute at work and in public life, through job sharing, flexibility and family leave. The diversity in democracy agenda has gained traction, underpinned by the Equality Act with an increased expectation that people with protected characteristics should be encouraged and empowered to participate. Future proofing our democracy and governance also means that young people, those in work and those who are socially and economically disadvantaged are positively encouraged and empowered to participate as it is clear that our public services should be accountable to and delivered by people who reflect the communities they serve. There is evidence that greater diversity will ensure decision-making takes account of a wide variety of perspectives.
6. The Covid pandemic has put unprecedented pressure on our politicians and public servants. It has also highlighted the importance of our local and community infrastructure in developing rapid and innovative solutions. As Wales emerges from the pandemic, there is increased awareness that our nation needs to draw on a diverse talent pool to meet the scale of the ongoing challenges facing the nation. Local governance needs to engage lived experience and knowledge of local people.
7. As noted in this report, payments for councillors in the 22 principal councils in Wales have not kept pace with comparators such as ASHE. Financial constraints on the public sector and particularly on local authorities over many years meant that the link with average Welsh earnings could not be maintained. The Panel considers that this has undervalued the worth of elected members and that it is now time to restore this link as the most appropriate comparator. Members in these 22 principal councils will receive, proportionately, the same as the overall average amount that a Welsh constituent received in 2020. We believe this puts a fair value on the contribution made by local politicians. We hope that over time this will encourage greater diversity and enable potential candidates to consider putting themselves forward for election.
8. Local elections in Wales will take place on 5 May 2022 for a new municipal term and potentially many new local politicians. The 9 May 2022 is therefore the best date in our view to enact this ‘significant reset’ and invest in local democracy in

Wales. Our proposed increase in remuneration levels will therefore come into effect on this date. Further details can be found in [Section 3](#).

9. As a Panel, we are concerned that payment information provided by relevant authorities shows that very few members are utilising the provision in the framework for financial support in respect of care. We believe it is vital that Democratic Services Committees continue to encourage and facilitate greater use of this element of the Remuneration Framework so that members are not financially disadvantaged.
10. We also believe that encouraging take up of this financial support for members with caring responsibilities will send a positive signal that members with these responsibilities are welcome and valued. We hope that it will encourage others with caring responsibilities to consider standing for election.
11. Payments for members of national park authorities and Welsh fire and rescue authorities will increase as a result of the uplift proposed for elected members of principal councils. As indicated above these increases will be effective from 1 April 2022, the new financial year. The Panel considered the alternative for implementation following the annual meeting of each authority, but this could mean a significant delay in individuals receiving the new payments. This would not be equitable.
12. Early in 2021 the Panel commenced a major review of the Remuneration Framework in respect of community and town councils and undertook a comprehensive consultation exercise with the sector. We appreciated the level of engagement from individual councils and their representative organisations. The Covid pandemic limited the Panel's opportunities for face to face engagement in 2020/2021. However, the Panel's digital engagement was considerable. 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. Our recommendations for reform and the proposed new framework are set out in [Section 13](#).
13. In reaching our conclusions we have also taken account of:
  - the overarching framework of the [Wellbeing of Future Generations Act](#);
  - the ethos and principle of the [socio-economic duty](#), implemented in Wales in 2020;
  - Welsh Government's ongoing commitment to [equality](#) and [diversity in democracy](#);

## **2022-2023 Determinations**

14. The table below summarises the new and updated determinations in this year's Annual Report informed by our belief and rationale for investing in local democracy and public services and by the principles outlined above.

[Annex 1](#) outlines all of the Panel's determinations for 2022/23.

<b>Summary of new and updated determinations contained in this report</b>
<b>Principal Councils</b>
<b><i>Determination 1:</i></b> The basic salary in 2022/23 for elected members of principal councils shall be £16,800.
<b><i>Determination 2:</i></b> Senior salary levels in 2022/23 for members of principal councils shall be as set out in Table 4.
<b><i>Determination 3:</i></b> Where paid, a civic head must be paid a Band 3 salary of £25,593 in accordance with Table 4.
<b><i>Determination 4:</i></b> Where paid, a deputy civic head must be paid a Band 5 salary of £20,540 in accordance with Table 4.
<b><i>Determination 5:</i></b> Where appointed and if remunerated, a presiding member must be paid £25,593 in accordance with Table 4.
<b>Assistants to the Executive</b>
<b><i>Determination 13:</i></b> The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the executive.
<b>National Park Authorities</b>
<b><i>Determination 23:</i></b> The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.
<b><i>Determination 24:</i></b> The senior salary of the chair of a NPA shall be £13,531 with effect from 1 April 2022.
<b><i>Determination 25:</i></b> A NPA senior salary of £8,478 must be paid to a deputy chair where appointed.
<b><i>Determination 26:</i></b> Committee chairs or other senior posts can be paid. This shall be paid at £8,478.
<b>Fire and Rescue Authorities</b>
<b><i>Determination 30:</i></b> The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.
<b><i>Determination 31:</i></b> The senior salary of the chair of a FRA shall be £11,162 with effect from 1 April 2022.
<b><i>Determination 32:</i></b> A FRA senior salary of £6,109 must be paid to the deputy chair where appointed.
<b><i>Determination 33:</i></b> Chairs of committees or other senior posts can be paid. This shall be paid at £6,109.
<b>Community and Town Councils</b>
<b><i>Determination 48:</i></b> Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.  Councils that intend to introduce a system of attendance allowances must set out the details of the scheme and publish on their website.

# **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 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 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 Heads of Paid Service**

- 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 13	page 28	page 32	N/A <sup>2</sup>
Senior Roles	page 16	page 28	page 32	page 45
Committee Chairs	page 14	page 28	page 32	N/A
Opposition Groups	page 16	N/A	N/A	N/A
Civic Heads and Deputies	page 17	N/A	N/A	page 47
Presiding Members	page 18	N/A	N/A	N/A
Mileage	page 41	page 41	page 41	page 46
Other Travel Costs	page 41	page 41	page 41	page 46
Subsistence Costs	page 42	page 42	page 42	page 46
Contribution towards Costs of Care and Personal Assistance	page 35	page 35	page 35	page 35
Family Absence	page 26	N/A	N/A	N/A
Sickness Absence	page 39	page 39	page 39	N/A
Joint Overview and Scrutiny Committees	page 24	N/A	N/A	N/A
Pension	page 25	N/A	N/A	N/A
Co-optees	page 33	page 33	page 33	N/A
Specific or Additional Allowances	page 20	N/A	N/A	N/A
Payments to Community and Town Councillors	N/A	N/A	N/A	page 43
Compensation for Financial Loss	N/A	N/A	N/A	page 46
Statement of Payments	page 78	page 78	page 78	page 78
Schedule of Remuneration	Page 76	Page 76	Page 76	N/A
Salaries of Head of Paid Services	Page 53	N/A	Page 53	N/A

<sup>2</sup> Not Applicable

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

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

- 3.1 In 2009 the Panel decided the average work commitment of an elected councillor of a principal council was three working days. The maximum basic salary was set at £13,868. This reflected three fifths of the then median gross earnings of full-time male employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE) published by the Office of National Statistics. The Panel considered it was appropriate to use this figure, as it was comparable with constituents' pay, adjusted for the part-time nature of the work of a member with no senior responsibilities. At the introduction of austerity measures, the basic salary was reduced to £13,175 and the link to ASHE was broken. Since then, there has been no connection between councillor and constituent pay. In 2019, the Panel took steps to stop the gap widening and reviewed options to move towards reinstating the link with ASHE or another suitable benchmark. A detailed explanatory paper setting out the historical context and analysis is available on the Panel's [website](#). The key issues are:
- 3.1.1 Since 2009, the Panel has met its duty to take account of affordability and acceptability and set amounts for the basic salary that varied but have not kept pace with measures of inflation or other comparators. Table 1 shows the percentage increases to the basic salary and a selection of alternative benchmarks from 2013 to 2021.
- 3.1.2 From 2013 to 2020 the basic salary of other Welsh elected members increased by 9% (£13,175 to £14,368). A Senedd Cymru member's salary increased by 28.6% (£53,852 to £69,272) and an MP's salary increased by 23.4% (£66,396 to £81,932). MS salaries were realigned in 2017 and MPs in 2015.
- 3.1.3 Examining other parts of the United Kingdom, councillors in Scotland receive £18,604 a year and in 2018 councillors in Northern Ireland received £15,486. Comparison with England is more difficult as the structure of local government is different, although there are examples where members are paid significantly more than their Welsh counterparts.
- 3.1.4 Table 1 shows the basic salary of backbench councillors has fallen significantly behind the Welsh average (median) salary and public sector pay.

**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
ASHE*	4.00	0.60	1.00	2.70	1.00	2.10	5.10	0.60	Oct-21
NJC **	1.00	0.43	2.05	1.00	1.00	2.00	2.60	2.75	1.75
MS	0.00	0.00	0.00	1.00	17.70	2.10	3.50	0.00	2.40
MP	1.00	1.00	10.30	1.30	1.40	1.80	2.70	3.10	0.00
RPI***	3.00	2.40	1.00	1.80	3.60	3.30	2.60	1.50	3.80
CPI ****	2.60	1.50	0.00	0.70	2.70	2.50	1.80	0.90	2.00
NLW	1.90	3.00	3.10	7.50	4.20	4.40	4.90	6.20	2.18
LWF	3.47	2.68	2.61	5.10	2.42	3.55	2.86	3.33	2.15

\*\* NJC final employers offer July 2021; \*\*\* RPI and CPI\*\*\*\* are for July 2021.

Wales Median Average (median) gross weekly earnings by Welsh local areas and year (£) (gov.wales)

MS [Remuneration Board](#)

MP [Independent Parliamentary Standards Authority](#)

RPI all items [Retail Price Index](#)

CPI [Consumer Price Inflation](#)

NLW [National Living Wage](#)

LWF [Living Wage Foundation](#)

**Table 2 - Basic yearly salary and actual full time and 3 day (60%) equivalents of Welsh national average pay 2013 to 2021**

Year	IRPW basic salary	Wales Median ASHE	
		full time	3 day
2013	13,175	24,499	14,699
2014	13,175	24,655	14,793
2015	13,300	24,915	14,949
2016	13,300	25,643	15,386
2017	13,300	25,904	15,542
2018	13,400	26,476	15,886
2019	13,868	27,828	16,697
2020	14,218	27,974	16,784
2021	14,368	October 2021	October 2021

- 3.2 When making determinations for this Annual Report, the Panel considered the progression of the variety of benchmark figures outlined above for the period from 2013 to 2021 and the increases.
- 3.3 As outlined in the Executive Summary, the Panel believes that local elections in May 2022 provide an opportune time to rectify the imbalance between the basic salary of councillors and the average salaries of their constituents. The basic salary of councillors of principal councils elected in the May 2022 local elections will be reset to align with the 2020 ASHE. This will be £16,800.

**Determination 1: The Basic Salary in 2022/23 for elected members of principal councils shall be £16,800.**

### **Senior Salaries**

Senior salaries are payments to members who are executive, chairs of committees and the leader of the opposition.

### **Number of Senior Salaries**

- 3.4 The limit on the number of senior salaries payable (“the cap”) will remain in place and remains unchanged. In 2022-2023 the maximum number of senior salaries payable within each council will be as set out in Table 3.

### **Senior Salary Payments**

- 3.5 All senior salaries include the basic salary payment.
- 3.6 The Panel recognises that years of no or low increases has meant the pay of senior salary holders is significantly and increasingly lower than many relevant comparators.

### **Leaders**

- 3.7 It is widely recognised that the role of leader of a principal council is highly complex and carries a large and increasing level of responsibility. Leaders’ pay is at the lower end of sector market comparators.
- 3.8 The Panel has heard arguments that a leader’s pay should be at or above a backbench MS or a Health Board Chair. The Panel has considered these arguments, but has concluded that although the roles have some similarities, there are significant and crucial differences which are not helpful in making comparisons.
- 3.9 The Panel is very concerned that the current payment levels are often financially

unattractive and are seen as a barrier to participation. For many willing and well-qualified people, a senior salary might necessitate a significant reduction in earnings. This is not in the spirit of diversity, inclusion, or democracy, or efficient for the effective running of principal councils. To start to address this, the Panel has re-set all senior salary payments for 2022-2023. The salary of a leader of the largest (Group A) council will be £63,000. All other payments have been decided in reference to this and are set out in Table 4.

## **Executive**

- 3.10 The Panel continues to take the view that executive members should be considered to be working the equivalent of full time (around 40 hours per week) but flexibly, and not necessarily nine to five. Continued discussions with members and officers in recent years have reinforced this conclusion.

## **Chairs of Committees**

- 3.11 The Panel recognises that there is a significant variance in the responsibilities and functions of chairing different committees. Councils do not have to pay chairs of committees. Each council can decide which, if any, chairs of committees they pay. This allows councils to take account of differing levels of responsibility.
- 3.12 The Panel has considered the role element of the chair's salary. The move to a single level of chair payment in 2019 reduced the differentials with other senior payments. To reset this, the Panel has decided not to change the role element at the 2021 figure of £8,793 for 2022-2023. The basic salary increase will apply.

**Determination 2: Senior salary levels in 2022/23 for members of principal councils shall be as set out in Table 4.**

**Table 3:** Maximum numbers of council membership eligible for payment of a senior salary

<b>Council</b>	<b>Number of councillors</b>	<b>Number of senior salaries</b>
<b>Group A (populations over 200,000)</b>		
Cardiff	75	19
Rhondda Cynon Taf	75	19
Swansea	72	19
<b>Group B (populations of 100,000 to 200,000)</b>		
Bridgend	54	18
Caerphilly	73	18
Carmarthenshire	74	18
Conwy	59	18
Flintshire	70	18
Gwynedd	75	18
Neath Port Talbot	64	18
Newport	50	18
Pembrokeshire	60	18
Powys	73	18
Vale of Glamorgan	47	18
Wrexham	52	18
<b>Group C (populations of up to 100,000)</b>		
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

**Table 4:** Salaries payable to Basic, Senior, Civic and Presiding Members of Principal Councils:

<b>Basic salary (payable to all elected members) £16,800</b>			
	<b>Group A</b> Cardiff, Rhondda Cynon Taf, Swansea	<b>Group B</b> Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham	<b>Group C</b> Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey
<b>Senior salaries (inclusive of basic salary)</b>			
<b>Band 1</b> Leader	£63,000	£56,700	£53,550
Deputy Leader	£44,100	£39,690	£37,485
<b>Band 2</b> Executive Members	£37,800	£34,020	£32,130
<b>Band 3</b> Committee Chairs (if remunerated):		£25,593	
<b>Band 4</b> Leader of Largest Opposition Group <sup>3</sup>		£25,593	
<b>Band 5</b> Leader of Other Political Groups		£20,540	

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

**Table 4 notes:**

- a. The Panel considers that leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability. A deputy leader salary is set at 70% of their leader and an executive member at 60% of their leader.
- b. The Panel considered arguments for and against changing council groupings. Options included removing or increasing the number of groups

and changing the banding levels. The Panel concluded that 'size of population' remains a major factor in influencing levels of responsibility and has retained the three population groups (A, B and C). For information: Group A Population 200,000 and above; Group B Population 100,001 to 199,999; Group C Population up to 100,000.

- c. Salaries for B group councils will be at 90% of Group A salaries. Salaries for C group councils have been set at around 80% of Group A. Although Group C councils have significantly smaller populations and budgets they face similar duties and challenges as Group A and B councils and they do so with fewer resources. The Panel has therefore decided to reduce the Group differentials. In 2022/2023 salaries for Group C will be at 85% of Group A salaries. The salaries are set out in Table 4.
- d. Committee chairs will be paid at Band 3. A council can decide which, if any, chairs of committees are remunerated. This allows councils to take account of differing levels of responsibility.
- e. The stipulation that an opposition group leader or any other group leader must represent at least 10% of the council membership before qualifying for a senior salary remains unchanged.
- f. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- g. The Panel has determined that, if remunerated, a Band 5 senior salary must be paid to leaders of other political groups.

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

- 3.13 A council may decide not to pay any civic salary to the posts of civic head and or deputy civic head. If paid, civic heads must be remunerated at Band 3 level and deputy civic heads at Band 5. (Determinations 5, 6, 7 and 8).
- 3.14 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).
- 3.15 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.

**Determination 3: Where paid, a Civic Head must be paid a Band 3 salary of £25,593 in accordance with Table 4.**

**Determination 4: Where paid, a Deputy Civic Head must be paid a Band 5 salary of £20,540 in accordance with Table 4.**

- 3.16 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.
- 3.17 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and official 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.
- 3.18 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.

### **Presiding Members**

- 3.19 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.

**Determination 5: Where appointed and if remunerated, a presiding member must be paid £25,593 in accordance with Table 4.**

**Determination 6: The post of deputy presiding member will not be remunerated.**

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

- 3.20 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. It is based on a full time equivalent of three days a week.
- 3.21 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 decline 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 decline salaries is avoided.

The following must be applied:

**Determination 7:**

- 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 8: 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 9: 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. Where this situation applies, it is the responsibility of the individual member to comply.**

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

- 3.22 The Panel expects support provided should take account of the specific needs of individual members. Democratic Services Committees are required to periodically review the level of support provided to members to carry out their duties. The Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is required. Any proposals should be made with due regard to Determinations 10 and 11 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.
- 3.23 The Panel considers it is necessary for each elected member to have ready use of email 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. Access to electronic communications is

essential 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 inappropriate for facilities required by members only to be available within council offices within office hours.

- 3.24 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.
- 3.25 As a result of their role as a councillor an elected member's personal security may become adversely affected. 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 funding 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.
- 3.26 For co-opted members the support requirements are set out in [Section 9](#) and Determination 42.

**Determination 10: 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 11: 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**

- 3.27 The Panel has allowed for greater flexibility which allows 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, on the basis that it supports diversity and

inclusion, and the process is set out in Paragraph 3.29.

**Determination 12: Principal councils can apply for specific or additional senior salaries that do not fall within the current Framework.**

- 3.28 Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:
- a. The total number of senior salaries cannot exceed fifty percent<sup>4</sup> of the membership.
  - b. Applications will have to be approved by the authority as a whole (unless this has been delegated within Standing Orders) prior to submission to the Panel.
  - c. There must be clear evidence that the post or posts have additional responsibility demonstrated by a description of the role, function and duration.
  - d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

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

### **3.29 Job Sharing Arrangements**

Section 58 of the Local Government and Elections Act (Wales) 2021 established new arrangements for job sharing for executive leaders and executive members. The Act makes provision:

- a) requiring local authorities to include in their executive arrangements provision for enabling two or more councillors to share an office on an executive, including the office of executive leader
- b) changing the maximum number of members of an executive when members of the executive share an office and
- c) about voting and quorum where members of an executive share office.

For members of an executive: Each job sharer will be paid an appropriate proportion of the salary group as set out in Table 3.

The statutory maximum, as set out in the Act, 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. Where the arrangements would mean that the statutory maximum would be exceeded the Panel would need to seek the approval of Welsh Ministers.

### **3.30 Assistants to the Executive**

The Local Government and Elections Act also provides for principal councils to be able to appoint elected members to assist the executive in discharging its functions.

Such appointments are made by the leader of the council and can include:

- the number of assistants that may be appointed
- the term of office of the assistants
- the responsibility of the assistants

There are exclusions to the appointments as set out in the legislation and assistants are not members of the cabinet.

The Panel has given initial consideration to matters of remuneration for members appointed as assistants to the executive but has concluded that until there is more information in respect of the responsibilities attached to the posts it is not possible to decide on additional payments, if any. It is therefore

proposed that this will be further considered when a council decides to make appointments and details of the specific responsibility is available.

To give effect to this without the requirement for a further formal report the following determination will apply.

**Determination 13: The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the executive.**

Note: If a senior salary payment is made, each will count towards the cap, however, the cap will be increased by the number of assistants receiving payments subject the statutory maximum of 50 per cent of the council's membership.

## **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 3.27 and 3.28. The current JOSCs in operation will continue without need for further confirmation. The applicable salaries are set out in the following determinations.

**Determination 14: The salary level for a chair of a Joint Overview and Scrutiny Committee shall be £8,793.**

**Determination 15: The salary level for a vice chair of a Joint Overview and Scrutiny Committee shall be £4,396.**

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

## 6. Entitlement to Family Absence

This section applies to elected members of principal authorities.

- 6.1 The Regulations relating to Family Absence for elected members of principal councils were approved by the National Assembly for Wales in November 2013<sup>5</sup> and cover maternity, new-born, adoption and parental absences from official business.
- 6.2 The Panel considered the implications for the remuneration of such members who are given absence under the terms of the Welsh Government Regulations and the Panel's determinations are set out below.

**Determination 17: An elected member is entitled to retain a basic salary when taking family absence under the original regulations or any amendment to the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.**

**Determination 18: When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.**

**Determination 19: 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 20: 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 21: 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 22: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.**

<sup>5</sup>[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 a National Park Authority (NPA) for each 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 5.

**Table 5: Membership of Welsh National Park Authorities**

National Park Authority	Total Membership	Principal Council Members	Welsh Government appointed Members
<b>Brecon Beacons</b>	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
<b>Pembrokeshire Coast</b>	18	12: Pembrokeshire County Council – 12	6
<b>Snowdonia</b>	18	12: Conwy County Borough Council – 3 Gwynedd Council – 9	6

- 7.4 Standards Committees of NPAs also have independent co-opted members whose remuneration is included in the Framework as set out in [Section 9](#).
- 7.5 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 MS' with whom they have regular meetings. The role requires a high level of commitment and time.

### **Basic and senior salaries**

- 7.6 The time commitment on which the remuneration of members is based is 44 days. The salary for members of NPAs will increase to £4,738.
- 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 £13,531.
- 7.8 NPAs can determine the number of senior posts it requires as appropriate to its governance arrangements.
- 7.9 The Panel has made the following determinations:

**Determination 23: The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.**

**Determination 24: The senior salary of the chair of a NPA shall be £13,531 with effect from 1 April 2022.**

**Determination 25: A NPA senior salary of £8,478 must be paid to a deputy chair where appointed.**

**Determination 26: Committee chairs or other senior posts can be paid. This shall be paid at £8,478.**

**Determination 27: Members must not receive more than one NPA senior salary.**

**Determination 28: A NPA senior salary is paid inclusive of the NPA basic salary.**

**Determination 29: 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. Where this situation applies, it is the responsibility of the individual member to comply.**

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 6.

**Table 6: 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 remuneration is based is 22 days. The salary for members of FRAs will increase to £2,369.

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 £11,162.

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 £6,109 and must be paid if the authority appoints a deputy chair.

8.9 FRAs determine the number of senior posts it requires as appropriate to its governance arrangements. Committee chairs and any other senior post if remunerated will be aligned with Band 5. This will increase to £6,109.

### **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 31 or 32 cannot be used exclusively for this role.

8.11 The Panel has made the following determinations:

**Determination 30: The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.**

**Determination 31: The senior salary of the chair of an FRA shall be £11,162 with effect from 1 April 2022.**

**Determination 32: A FRA senior salary of £6,109 must be paid to the deputy chair where appointed.**

**Determination 33: Chairs of committees or other senior posts can be paid. This shall be paid at £6,109.**

**Determination 34: Members must not receive more than one FRA senior salary.**

**Determination 35: A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.**

**Determination 36: 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. Where this situation applies, it is the responsibility of the individual member to comply**

## 9. Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities<sup>6</sup>

- 9.1 The Panel has determined that a daily or half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights.
- 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 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 38 to 41.
- 9.5 The determinations are set out below. 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 37: Principal Councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights (Table 7).**

**Table 7:** 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 38: 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 39: 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 40: 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 41: 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 42: 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.**

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

## 10. Contribution towards Costs of Care and Personal Assistance (CPA)

- 10.1 This section applies to all members of principal councils, NPAs, FRAs 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 set out in Table 8.
- 10.3 The Panel reviewed the arrangements for this financial support and has made the following changes:
- a) As payments are taxable under the current HMRC rules, full reimbursement is not possible so for clarity this is 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) Reimbursement may be claimed for member’s own care or support needs 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 Independence 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 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 paid as evidenced.

- Informal (unregistered) care costs to be paid up to a maximum rate equivalent to [hourly rates as defined by the Living Wage Foundation](#) 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 8**

**The Panel’s principles relating to Care and Personal Assistance (CPA)**

<b>The Minimum Authorities should do</b>		<b>How this could be done</b>
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>Claims for personal support 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 accessible 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 email and or training. Signpost to Panel’s <a href="#">Payments to Councillors</a> leaflets.
Promote a Positive Culture	Ensure all members understand the reason for CPA 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 CPA can be claimed	<p><b>Meetings</b> – 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><b>Travel</b> – in connection with meetings.</p> <p><b>Preparation</b> – 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 Panel’s 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"> <li>• book and pay for sessions in advance</li> <li>• commit to a block contract: week, month or term</li> <li>• pay for sessions cancelled at short notice</li> </ul> <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	<p>Members should know how to claim.</p> <p>The claim process should be clear, proportionate and auditable.</p>	<p>Check members understand how to claim and that it is easy to do so.</p> <p>Flexibility to accept paperless invoices</p> <p>Online form</p> <p>Same or similar form to travel costs claim</p>
Comply with Panel's Publication rules	<p>The Panel's Framework states:</p> <p>"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."</p>	

**Determination 43: All relevant authorities must provide a payment 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 paid as evidenced.**
- **Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the [hourly rates as defined by the Living Wage Foundation](#) at the time the costs are incurred.**

**This 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. Payment shall only be made on production of receipts from the care provider.**

## 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, NPAs and FRAs 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 NPAs.

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

- 12.1 This section applies to members of principal councils, NPAs, FRAs 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 NPAs and FR As 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	Motorcycles
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. This and the fact that not all electoral areas have councils, has made establishing remuneration arrangements more difficult to achieve than for other relevant authorities. For this reason, the Panel decided to undertake a fundamental review ready for implementation effective from the elections on 5 May 2022.
- 13.2 The Panel decided that in carrying out the review it was vital to engage comprehensively with community and town councils and representative organisations together with a commitment to consult on the proposals emanating from the review. The result of this consultation was a significant degree of support for the new proposals and therefore the Panel has decided to introduce the new Framework as set out in this section.
- 13.3 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.
- 13.4 Under the Local Government (Wales) Measure 2011, community and town councils are relevant authorities for the purpose of remuneration.
- 13.5 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.
- 13.6 Members should receive monies to which they are properly entitled as a matter of course.
- 13.7 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.
- 13.8 The Panel considers that any member who has personal support needs or caring responsibilities should be enabled to fulfil their role. Therefore, the Panel continues to make the contribution towards costs of care and personal allowance mandatory for all members of community and town councils as set

out in Determination 43.

- 13.9 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.
- 13.10 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.
- 13.11 Table 12 sets out the actions that community and town councils must take annually in respect of each determination that follows.

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

The current groups are:

<b>Community and Town Council Group</b>	<b>Income or Expenditure in 2020-2021 of:</b>
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

- 13.12 These are based solely on finance. We acknowledge the view of many respondents that this was restrictive and limiting. Therefore 5 Groups will be established based on the size of the council's electorate.

### **Table 10**

<b>Group number</b>	<b>Size of Electorate</b>
Group 1	Electorate in excess of 14,000
Group 2	10,000 to 13,999
Group 3	5,000 to 9,999
Group 4	1,000 to 4,999
Group 5	Under 1,000

- 13.13 In addition, there will be a second factor for determining which group the council will be placed. Where income or expenditure exceeds £200,000 a year, it will be moved upwards to the next group.

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

- 13.14 The Panel continues to mandate a payment of £150, except for councils in

Group 5 where it will be optional, as a contribution to costs and expenses for members of community and town councils.

13.15 Receipts are not required for these payments.

**Determination 44: 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, with the exception of those councils in Group 5 where the payment is optional.**

### **Taxation**

13.16 The issue of the taxation of the £150 payment has been raised on many occasions and included in the responses to the recent consultation. As has been made clear the Panel has no remit in respect of matters of taxation but has been kept informed of the discussions between the Welsh Government and HMRC to establish a possible exemption applying to all community and town councils. If there is a positive outcome, it will not be within the timescale of this draft Report. However, if it is achieved before the publication of the final Report the Panel will take the opportunity to restructure the arrangements for this payment and if appropriate adjust by determination the amount to be paid.

### **Senior roles**

13.17 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 set out the determinations for senior role in table 11 below.

13.18 In all cases, a councillor can only have one payment of £500 regardless of how many senior roles they hold within their Council.

13.19 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**

13.20 The purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel's determinations in [Section 10](#) apply to Community and Town Councils.

### **Reimbursement of travel costs and subsistence costs**

13.21 The Panel recognises there can be significant travel and subsistence costs associated with the work of community and town council members, especially

where the council area is geographically large and/or when engaging in duties outside this area. Each council has an option to pay travel and subsistence costs including travel by taxi if this is the only, or most appropriate, method of transport. Where a council does opt to pay travel and subsistence costs, the following determinations apply.

**Determination 45: Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.<sup>7</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:**

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

**Determination 46: If a community or town Council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:**

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

### **Compensation for financial loss**

13.22 The Panel has retained the facility which councils may pay as compensation to their members where they incur 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.

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

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

<sup>7</sup> 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.

## **Attendance Allowance**

- 13.23 One of the points raised in the responses to the consultation should be the inclusion of an attendance allowance. The Panel acknowledges that in some cases this might be a valuable addition to support the work of a council. It is therefore included as an option for all councils.

**Determination 48: Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss compensation will not be entitled to claim attendance allowance for the same event.**

**Councils that intend to introduce an attendance allowance must set out the details of the scheme and publish them on their website.**

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

- 13.24 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.
- 13.25 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and official clothing – we consider these to be the council’s civic budgets.
- 13.26 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.
- 13.27 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 official clothing are not matters of personal remuneration for the individual holding the senior post. These should be covered by the civic budget.
- 13.28 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.
- 13.29 This is a personal payment to the individual and is entirely separate from covering the costs set out above.
- 13.30 The Panel has determined that the maximum payment to a chair or mayor of

a community or town council is £1,500. The maximum payment to a deputy mayor or chair is £500.

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

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

**Determination 51: The application of the Remuneration Framework by relevant Group.**

**Table 11**

<b>Type of payment</b>	<b>Requirement</b>
<b>Group 1</b>	<b>(Electorate over 14,000)</b>
Basic Payment	Mandatory for all Members
Senior Role Payment	Mandatory for 1 member; optional for up to 7
Attendance Allowance	Optional
Financial Loss	Mandatory
Travel and Subsistence	Optional
Costs of Care	Mandatory
<b>Group 2</b>	<b>(Electorate 10,000 to 13,999)</b>
Basic Payment	Mandatory for all members
Senior Role Payment	Mandatory for 1 member; optional up to 5
Attendance Allowance	Optional
Financial Loss	Mandatory
Travel and Subsistence	Optional
Cost of Care	Mandatory
<b>Group 3</b>	<b>(Electorate 5,000 to 9,999)</b>
Basic Payment	Mandatory for all members
Senior Role Payment	Optional up to 3 members
Attendance Allowance	Optional
Financial Loss	Mandatory
Travel and Subsistence	Optional
Cost of Care	Mandatory
<b>Group 4</b>	<b>(Electorate 1,000 to 4,999)</b>
Basic Payment	Mandatory for all members
Senior Role Payment	Optional up to 3 members
Attendance Allowance	Optional
Financial Loss	Mandatory

Type of payment	Requirement
Travel and Subsistence	Optional
Cost of Care	Mandatory
<b>Group 5</b>	<b>(Electorate less than 1,000)</b>
Basic Payment	Optional
Senior Role Payment	Optional
Attendance Allowance	Optional
Financial Loss	Mandatory
Travel and Subs	Optional
Cost of Care	Mandatory

### Making Payments to Members

- 13.31 Table 12 sets out each of the above determinations and if a decision is required by the council in respect of each one.
- 13.32 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.
- 13.33 Where a decision is required by the council, this should be done at the first meeting following receipt of the Annual Report.
- 13.34 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.
- 13.35 When payments take effect from is set out in paragraphs 13.37 to 13.39 below.
- 13.36 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 12**

Determination Number	Is a decision required by council?
<b>44</b> 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, with the exception of those councils in Group 5 where the payment is optional.	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.  This does not apply to councils in Group 5. The council must decide whether to adopt the payment and if so, it must be available for all members.
<b>45</b> 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.

<b>Determination Number</b>	<b>Is a decision required by council?</b>
<p><b>46</b> If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members.</p>	<p>Yes – the payment of overnight subsistence expenses is optional.</p>
<p><b>47</b> Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties.</p>	<p>Yes – the payment of financial loss compensation is mandatory if claimed</p>
<p><b>48</b> Determination 47: Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30.</p> <p>A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.</p> <p>Councils that intend to introduce a system of attendance allowances must set out the details of the scheme and publish on their website.</p>	<p>Yes – the payment of attendance allowance is optional.</p>
<p><b>49</b> Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500.</p>	<p>Yes – the payment to a civic head is optional.</p>
<p><b>50</b> Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum amount of £500.</p>	<p>Yes – the payment to a deputy civic head is optional.</p>
<p><b>51</b> The application of the Remuneration Framework by relevant Group</p>	
<p><b>52</b> Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is leader, deputy leader or executive member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.</p>	<p>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.</p>

13.37 All members are eligible to be paid the £150 as set out in Determination 44 and Table 11 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.

13.38 Other amounts payable to members in recognition of specific responsibilities or as a civic head or deputy civic head as set out in Determinations 49 and 50 are payable from the date when the member takes up the role during the financial year.

13.39 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.

13.40 Payments in respect of Determinations 45, 46, 47 and 48 are payable when the activity they relate to has taken place.

13.41 As stated in paragraph 13.7 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 52: 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**

13.42 There is a requirement on community and town councils to publish details of all payments made to individual members in an annual Statement of Payments for each financial year. This information must be published on council noticeboards and or websites (with easy access) and provided to the Panel by email or by post no later than 30 September following the end of the previous financial year. The Panel draws attention to the requirements stipulated at [Annex 4](#). The Panel is concerned that a significant number of councils are still in breach of this requirement.

## 14. Compliance with Panel Requirements

### The Panel's remit under the Measure

- 14.1 Section 153 of the Measure empowers the Panel to require a relevant authority<sup>8</sup> to comply with the requirements imposed on it by an Annual Report of the Panel and further enables the Panel to monitor the compliance of relevant authorities with the Panel's determinations.
- 14.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting or a date specified within the Annual Report.

### Monitoring compliance

- 14.3 The Panel will monitor 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.**

<sup>8</sup> Interpretation of "Relevant Authority" provided in the Independent Remuneration Panel for Wales (IRPW) Regulations, Part 1, 'Interpretation'.

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

- 15.1 Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting section 143A. This enables the Panel to take a view on anything in the Pay Policy Statements of these authorities that relates to the salary of the head of paid service (normally the 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 as long as these comply with any guidance issued by the Welsh Government. 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

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 executives of principal councils – Panel decisions 2021**

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

<b>Name of Local Authority</b>	<b>Proposal</b>	<b>Panel decision</b>
Wrexham County Borough Council	Chief Executive pay proposal	Approved
Ceredigion County Council	Review of Chief Executive salary	Approved

## Annex 1: The Panel's Determinations for 2022/23

Principal Councils	
1.	The Basic Salary in 2022/23 for elected members of principal councils shall be £16,800.
2.	Senior salary levels in 2022/23 for members of principal councils shall be as set out in Table 4.
3.	Where paid, a civic head must be paid a Band 3 salary of £25,593 in accordance with Table 4.
4.	Where paid, a deputy civic head must be paid a Band 5 salary of £20,540 in accordance with Table 4.
5.	Where appointed and if remunerated, a presiding member must be paid £25,593 in accordance with Table 4.
6.	The post of deputy presiding member will not be remunerated.
7.	<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>
8.	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.
9.	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. Where this situation applies, it is the responsibility of the individual member to comply.
10.	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.

11.	Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.
<b>Specific or Additional Senior Salaries</b>	
12.	Principal councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
<b>Assistants to the Executive</b>	
13.	The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the executive.
<b>Joint Overview and Scrutiny Committees (JOSC)</b>	
14.	The salary level for a chair of a JOSC shall be £8,793.
15.	The salary level for a vice chair of a JOSC shall be £4,396.
<b>Local Government Pension Scheme</b>	
16.	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
<b>Family Absence</b>	
17.	An elected member is entitled to retain a basic salary when taking family absence under the original regulations or any amendment to the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
18.	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
19.	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.
20.	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.
21.	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.

22.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
<b>National Park Authorities</b>	
23.	The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.
24.	The senior salary of the chair of a NPA shall be £13,531 with effect from 1 April 2022.
25.	A NPA senior salary of £8,478 must be paid to a deputy chair where appointed.
26.	Committee chairs or other senior posts can be paid. This shall be paid at £8,478.
27.	Members must not receive more than one NPA senior salary.
28.	A NPA senior salary is paid inclusive of the NPA basic salary.
29.	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. Where this situation applies, it is the responsibility of the individual member to comply.
<b>Fire and Rescue Authorities</b>	
30.	The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.
31.	The senior salary of the chair of a FRA shall be £11,162 with effect from 1 April 2022.
32.	A FRA senior salary of £6,109 must be paid to the deputy chair where appointed.
33.	Chairs of committees or other senior posts can be paid. This shall be paid at £6,109.
34.	Members must not receive more than one FRA senior salary.
35.	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
36.	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. Where this situation applies, it is the responsibility of the individual member to comply.
<b>Co-opted Members</b>	
37.	Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 7.

38.	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.
39.	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).
40.	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.
41.	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.
42.	Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.
<b>Contribution towards costs of Care and Personal Assistance</b>	
43.	<p>All relevant authorities must provide a payment 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"> <li>• Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced.</li> <li>• Informal (unregistered) care costs to be paid up to a maximum rate equivalent to <a href="#">hourly rates as defined by the Living Wage Foundation</a> at the time the costs are incurred.</li> </ul> <p>This 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. Payment shall only be made on production of receipts from the care provider.</p>
<b>Community and Town Councils</b>	
44.	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, with the exception of those councils in Group 5 where the payment is optional.

45.	<p>Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties. <sup>9</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</p> <ul style="list-style-type: none"> <li>• 45p per mile up to 10,000 miles in the year.</li> <li>• 25p per mile over 10,000 miles.</li> <li>• 5p per mile per passenger carried on authority business.</li> <li>• 24p per mile for private motor cycles.</li> <li>• 20p per mile for bicycles.</li> </ul>
46.	<p>If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> <li>• £28 per 24-hour period allowance for meals, including breakfast where not provided.</li> <li>• £200 – London overnight.</li> <li>• £95 – elsewhere overnight.</li> <li>• £30 – staying with friends and or family overnight.</li> </ul>
47.	<p>Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>• Up to £55.50 for each period not exceeding 4 hours.</li> <li>• Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
48.	<p>Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.</p> <p>Councils that intend to introduce a system of attendance allowances must set out the details of the scheme and publish on their website.</p>
49.	<p>Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
50.	<p>Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
51.	<p>The application of the Remuneration Framework by relevant Group.</p>

52.	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.
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<sup>9</sup> 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**

### **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.
- “Contribution to Costs of Care and Personal Assistance” has the same meaning as set out in paragraph 21 of these Regulations.
- “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.
- “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 “Principal council Senior Salary” to refer to the senior salary of a member of a principal council; “National Park Senior Salary” to refer to the senior salary of a member of a national park authority; or “Fire and Rescue authority Senior Salary” to refer to the senior salary of a member of a Fire and Rescue authority.
  - “Sickness absence” means the arrangements as set out in the Annual Report.

- “Supplementary report” has the meaning contained in section 146(4 to 8) of the Measure.
- “Travelling and subsistence 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 Contribution to Costs of Care and Personal Assistance**

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 or 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 or co-opted member has to make separate arrangements for the care of different children or dependants.

22. The arrangements in respect of the contribution to cost of care and personal assistance payable by an authority is to be determined by the Panel in its Annual or Supplementary Reports.
23. 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) the part of the contribution to the cost of care and personal assistance 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 arrangements regarding 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 contribution to costs of care and personal assistance 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.
10. Retention. The time limit for the schedule to be retained should be consistent with the council's policy on document retention.

## **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.
3. Retention. The time limit for the publications to be retained should be consistent with the council's policy on document retention.

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

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

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

<b>Summary of new and updated determinations contained in this report</b>
<b>Principal Councils</b>
Determination 1: The basic salary in 2022/23 for elected members of principal councils shall be £16,800.
Determination 2: Senior salary levels in 2022/23 for members of principal councils shall be as set out in Table 4.
Determination 3: Where paid, a civic head must be paid a Band 3 salary of £25,593 in accordance with Table 4.
Determination 4: Where paid, a Deputy Civic Head must be paid a Band 5 salary of £20,540 in accordance with Table 4.
Determination 5: Where appointed and if remunerated, a presiding member must be paid £25,593 in accordance with Table 4.
<b>Assistants to the Executive</b>
Determination 13: The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for Assistants to the Executive.
<b>National Park Authorities</b>
Determination 22: The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.
Determination 23: The senior salary of the Chair of a NPA shall be £13,531 with effect from 1 April 2022.
Determination 24: A NPA senior salary of £8,478 must be paid to a Deputy Chair where appointed.
Determination 25: Committee Chairs or other senior posts can be paid. This shall be paid at £8,478.
<b>Fire and Rescue Authorities</b>
Determination 29: The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.
Determination 30: The senior salary of the Chair of a FRA shall be £11,162 with effect from 1 April 2022.
Determination 31: A FRA senior salary of £6,109 must be paid to the Deputy Chair where appointed.
Determination 32: Chairs of Committees or other senior posts can be paid. This shall be paid at £6,109.
<b>Community and Town Councils</b>
Determination 47:

<b>Summary of new and updated determinations contained in this report</b>
Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.
Councils that intend to introduce a system of Attendance Allowances must set out the details of the scheme and publish on their website.
Determination 51: The application of the Remuneration Framework by relevant Group.

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**[Independent Remuneration Panel for Wales](#)**