

Minutes



Democratic Services Committee

Date: 20 November 2015

Time: 9.30 am

Present: Councillors C Ferris (Chair), D Harvey, J Mudd, K Thomas and T Watkins

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

Apologies: Councillors T Bond, M Evans and D Mayer

1 Apologies for Absence

Noted above.

2 Minutes of the last meeting

The minutes of the meeting held on 17 September 2015 were confirmed as a true record.

3 Independent Remuneration Panel Report 2016-2017

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 the Panel's draft Annual Report, including proposals which would have effect for the municipal year 2016-2017 has now been published on its website.

Previously the Committee had taken the view that the IRP should fix salaries nationally with no element of local discretion. Whilst the Committee did not wish to discuss salary levels they did want to discuss the underlying principles of the report.

The most significant change is the limit on the number of Cabinet Members who can receive the full salary. Essentially this would mean the Leader, Deputy and four Cabinet Members receiving the full salary with a reduced rate for the remainder of the Executive.

The Committee queried whether the IRP should dictate to the Council as to the suggested size of its Executive. Legislation under the Local Government Act 2000 stated that the Executive should not exceed 10 and this number would include the Leader of the Council.

The Monitoring officer pointed out that the rationale for the IRP's proposal is that some Cabinet Members are deemed to have greater responsibility than others. But some councils operate cabinet models with collective responsibility for decision-making with little or no delegation to individual cabinet members. Therefore, there's no distinction in terms of individual responsibility as they all participate equally in collective executive decisions taken at Cabinet meetings. This means that applying the IRP's proposal would be very difficult – unless the implication is that only 5 executive members are needed to take collective decisions.

This is further complicated as the Scheme of Members Allowances has to be approved by full Council, then the decision on which of the 5 posts attracts the higher salary would have to be made by Council, not the Leader – even though the Leader has delegated power to select his Cabinet and allocate their portfolios. The Committee considered this as a potential inconsistency.

The report also proposed a two-level approach to committee chairs with a reduced level being introduced. It says that the upper level should be paid only where there is “exceptional responsibility”. However, the Committee noted that there was no guidance on what qualified as ‘exceptional responsibility’.

The report proposed a reduction in the payment to the Leader of the Opposition but gave no reason as to why this reduction was proposed.

Reference was made to the ‘remit letter’ from the IRP’s ‘sponsor’ minister which was included in the report. Members took the view that the Independence of the Panel could be questioned when a letter such as this was included in the report.

The Committee agreed that the Head of Democratic should respond to the IRP and include the following observations:

- The Democratic Services Committee considers that the independent remuneration panel should fix salaries nationally with no element of local discretion
- The Committee is concerned about the independence of the report, given the remit letter provided by the minister
- The IRP accepts that the size and composition of Cabinets is a matter for each Council, but then they effectively rule that you shouldn’t need more than 5 full-time members of the Cabinet along with the Leader.
- The Scheme of Members Allowances has to be approved by full Council, then the decision on which of the 5 posts attracts the higher salary would have to be made by Council, not the Leader – even though the Leader has delegated power to select his Cabinet and allocate their portfolios. Members may consider this as a potential inconsistency.
- Clear guidance on what is meant by “exceptional responsibility” when considering the level of salaries to Chairs of Committees
- That reasons had not been given as to the reduction in the salary paid to the Leader of the Opposition.
- That it is not within the powers of the IRP to interfere with the structure of the Executive, which was effectively being done by prescribing that there is only a need for a Leader and 5 Cabinet members

Agreed

That the Head of Democratic Services reply to the IRP and supply copies to the Committee members.