



DEMOCRATIC SERVICES COMMITTEE – 17TH NOVEMBER 2016

**SUBJECT: DRAFT INDEPENDENT REMUNERATION PANEL FOR WALES
ANNUAL REPORT 2017/18**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To report and seek the views of Members on the Independent Remuneration Panel for Wales' (the Panel) draft determinations relating to councillors and co-opted members for 2017/18 so that a response to their consultation can be sent.
- 1.2 The Panel's final determinations for 2017/18 will be published in February 2017, following which a report will be presented to Full Council.

2. SUMMARY

- 2.1 The Panel is a statutory body established by Welsh Government in January 2008 to determine the scope and salaries, allowances and expenses payable to Councillors and Co-opted Members. The Local Government (Wales) Measure 2011 gave the Independent Remuneration Panel for Wales, additional powers to prescribe Members' remuneration. This was a significant change to the well-established practice of Members determining their own scheme of allowances within the maximum sums prescribed by the Panel. This report reflects the Panel's draft determinations for 2017/18. A copy of the Panel's draft Annual Report is attached as Appendix 1.
- 2.2 The Panel subsequently received further powers following the introduction of the Local Government (Democracy) (Wales) Act 2013, including the ability to make recommendations about the pay of heads of paid service for county and county borough councils and fire and rescue authorities. .
- 2.3 The Panel determinations include a modest 0.75% increase in the basic salary for Councillors for 2016/17. This is the first increase for 3 years and represents a £100 increase in the basic salary for councillors to £13,400. The effective date will be will be the 5th May 2017 following the local government elections on 4 May 2017 and subject to the member having signed the declaration of acceptance.
- 2.4 The Panel's determinations in relation to Senior Salaries for 2017/18 remain the same subject to the £100 increase in the basic salary. The salary for the Leader remains at £48,100 and Deputy Leader will be £33,600. However where local authorities decide to appoint two or more Deputy Leaders the senior salary is calculated by the difference between the Deputy Leader salary and the Cabinet Member Salary and divided by the number of Deputy Leader posts. This amount is then added to the cabinet member salary.

- 2.5 The Panel have determined that for 2017/18 there will again be a choice of two levels of salary for Cabinet Members and Committee Chairs, (subject to the increase in the Councillor basic salary of £100). Councils will have the option to appoint Cabinet Members at either Level 1 salary of £29,100 or Level 2 at £26,200. Committee Chairs at either Level 1 at £22,100 or Level 2 at £20,100. The Leader of the largest opposition group is also increased to £22,100.
- 2.6 Full Council decided to apply level 2 salaries for 2016/17 and the Panel have stated that Councils will have to determine this again for 2017/18. The Panel suggest that which Executive Members and Committee Chairs are entitled to which level of pay within these two levels based upon the portfolios, level of responsibility and workload. The Panel's determinations will take effect from the date of the Council's Annual General Meeting in 2017. Members or Co-opted Members may forego any part of their remuneration entitlement by giving notice in writing to the Chief Executive.

3. LINKS TO STRATEGY

- 3.1 Elected Members establish strategic direction and decide upon all policies and strategies so that the Council can achieve all of its objectives, as well as monitoring performance against those objectives. Members are entitled to receive remuneration prescribed by the Independent Remuneration Panel for Wales ("the Panel").
- 3.2 The Independent Remuneration Panel for Wales' draft determinations relating to councillors and co-opted members for 2017/18 contributes to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 by ensuring that Members are remunerated and supported to carry out their role. The determinations include a basic allowance for all councillors, support for carers, and family absence arrangements with the aim to encourage a broader spectrum of people, and thereby contribute to the following goals:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities.

4. REPORT

- 4.1 The Independent Remuneration Panel for Wales is suggesting an small increases in basic salary payments made to Councillors for 2017/18. However, there are reductions to senior salaries as outlined below. The Panel also recognises that there is an unpaid public service contribution.

BASIC SALARY

- 4.2 All Members are entitled to receive the Basic Salary. The Panel originally determined in 2009 that the payment of the basic salary would be aligned to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings. They state in their draft report that although they are unable to maintain this alignment due to continued pressures on public sector funding, the Panel consider that a modest increase in the basic salary is justified. The proposed Basic Salary for 2017/18 will increase to £13,400, which represents an increase of £100.

SENIOR SALARIES

- 4.3 Senior Salaries are payable to Members that hold certain prescribed roles and, for Caerphilly are limited to a maximum of 18 posts and are paid inclusive of the Basic Salary. Previously, Senior Salaries of Council Leaders and Executive Members are based on the assumption that

the roles are equivalent to full time. To underline this, the Panel have kept their determination that no Cabinet Member (including the Leader and Deputies) can receive a salary from any National Park Authority or Fire and Rescue Authority to which they have been appointed in addition to their Senior Salary. In addition, a Member cannot receive more than one Senior Salary (there are certain exceptions for Chairs of Joint Scrutiny Committees and their sub committees) nor a Senior Salary and a Civic Salary.

- 4.4 The Panel's determinations in respect of Senior Salaries have remained the same as 2016/17 (subject to the £100 uplift in the basic salary). The Leader shall be paid £48,100 and Deputy Leader will be £33,600. There will be two senior salary levels within Group B for Cabinet Members and Committee Chairs. Cabinet Members shall be paid at Level 1 or 2 with a salary of £29,100 or £26,200 respectively and Committee Chairs shall be paid at Level 1 or Level 2 with a salary of is £22,100 or £20,100 respectively. The Panel has also determined that the Leader of the largest opposition group shall be £22,100.
- 4.5 The Panel confirm on pages 13 to 14 of their draft annual report that all Executive Members should be considered as working the equivalent of full time (up to 40 hours per week) but not necessarily nine to five because there are a number of different cabinet arrangements across different local authorities. The Panel note in their annual report that many councils operate as Caerphilly does, with a cabinet of 10, the statutory maximum, but that there are differences in the individual cabinet portfolios of different cabinet members. The Panel state they have given further consideration to this issue and have concluded that this should be reflected in the remuneration framework but it is not the role of the Panel to determine the structure of cabinets of local authorities.
- 4.6 Where an authority has two or more remunerated Deputy Leaders the Panel has determined that the difference between the senior salary for Deputy Leader and Cabinet Member salary is divided and added to the basic Cabinet Member Senior Salary. Therefore the following would apply, should two deputy leaders be appointed:
- Two Deputy Leaders and a Level 1 Cabinet Member Salary - £31,350
 - Two Deputy Leaders and a Level 2 Cabinet Member Salary - £29,900.
- 4.7 The proposed Senior Salaries for 2017/18 are outlined below:

| Role | Proposed Senior Salaries 2016/17 £ |
|--|---|
| Leader | 48,100 |
| Deputy Leader | 33,600 |
| Cabinet Members | |
| Level 1 | 29,100 |
| Level 2 | 26,200 |
| Committee Chairs (if remunerated) | |
| Level 1 | 22,100 |
| Level 2 | 20,100 |
| (e.g. Scrutiny, Planning, Licensing, Audit, Democratic Services) | |
| Leader of the Largest Opposition Group | 22,100 |
| Leaders of other Political Groups (not less than 10% of members). This is currently not payable by the Council due to the political make up of members. | 17,100 |

- 4.8 Full Council decided to apply level 2 salaries for 2016/17 to both Executive Members and Committee Chairs. The salaries for 2017/18 will take effect from the date of the Council's Annual General Meeting in 2017. However as in previous years Members and/or Co-opted Members may forego any part of their remuneration entitlement by giving notice in writing to the Chief Executive.

CIVIC SALARIES

- 4.9 Payments made to the Mayor and Deputy Mayor are also under the remit of the Panel but are not included as part of the Council's 18 Senior Salary posts. Civic Salaries are paid inclusive of the Basic Salary. The Panel are not proposing a change to their determination in respect of Civic Salaries which remain the same for 2017/18 (subject to the £100 Basic salary uplift):

| | Mayor | Deputy Mayor |
|---------|--------------|---------------------|
| Level 1 | £24,100 | £18,100 |
| Level 2 | £21,600 | £16,100 |
| Level 3 | £19,100 | £14,100 |

- 4.10 Last year and the year before, the Council determined to pay Civic Office holders Level 2. The Panel is proposing to continue to allow local determination for Civic Salaries as activity and responsibilities of the Civic Office holders vary greatly across the country. The Council will therefore have to confirm which level is appropriate once the final determinations are received. The Panel have not changed their determination in respect of Presiding Members who would be entitled to a band 3 level 1 senior salary of £22,100, this would however count towards the cap of 18 senior salaries.

PANEL'S OTHER DETERMINATIONS

- 4.11 The Panel are not proposing to amend the detail of their determinations for 2017/18 in respect of senior salaries for chairs of joint overview and scrutiny committees, in that Chairs will be paid £6,700. Chairs already in receipt of an allowance would be paid £3,350 and Chairs of sub-committees would be paid £1,675, Chairs of subcommittees already in receipt of a payment would be paid £837.
- 4.12 The Panel have reaffirmed the entitlement of elected members to join the Local Government Pension Scheme and entitlement to Family absence and are not proposing changes to their determinations in this respect.
- 4.13 The Panel is keen to promote the care allowance. This relates to dependent children below the age of 15 where costs are incurred in providing care while Members or Co-opted Members are engaged on Council business and, to a dependent over the age of 15 years who requires care while Members or Co-opted Members are away from their home on Council business. However the Panel recognises that there is some sensitivity concerning the publication of this legitimate expense and has therefore set out two options;
- The details of the amounts reimbursed to named members.
 - The total amount reimbursed by the authority during the year but not attributed to any named member.
- 4.14 It is proposed for 2017/18 the maximum care expenses payable remain at £403 per month. The monthly maximum is considered a reimbursement of care expenses and cannot be annualised. Care expenses are only be payable for actual and receipted costs.
- 4.15 The Panel is not proposing to make changes to their determinations in respect of payments to co-opted members. The Council must make payments to co-opted members with voting rights. Co-opted members can receive a payment for attending committee meetings, authorised training events, conferences, pre-meetings with officers, other formal meetings where co-opted members are requested to attend, travel time to and from a meeting and reasonable preparation time. Payments to co-opted members remain as a daily fee (with provision for a ½ day payment) and are set at the rates paid to members of Welsh Government Band 2 sponsored bodies. Fees for co-opted members (with voting rights) are, as follows:

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

4.16 The Council must determine the maximum number of meetings co-opted members can be paid. To date the Council has determined that co-opted members can be paid for a maximum of 10 days per annum. There are co-opted members with voting rights on the following committees:

- Audit Committee - met on four occasions in 2015/16.
- Education for Life Scrutiny Committee - met on eight occasions in 2015/16.
- Standards Committee - met on four occasions in 2015/16.

4.17 The Panel have considered concerns about long term sickness of senior salary holders and the perceived unfairness when compared with the arrangements for family absence. Councils are faced with the dilemma of either operating without the individual member but still paying the senior salary or replacing the member, who therefore loses the salary. The Panel is therefore proposing to provide a framework with specific arrangements for long term sickness. Long term sickness is defined as certified absences in excess of 4 weeks, with a maximum length of 26 weeks, or until the term of office ends (whichever is sooner). Within these parameters a senior salary holder on long term sickness, can, if the authority decides continue to receive their senior salary. The authority can appoint a substitute member who will be eligible to receive the senior salary, and if the substitution exceeds the maximum number of senior salaries an addition will be permitted subject to the Panel being informed within 14 days of the decision and the Schedule of Remuneration must be amended. This does not apply to basic salary holders who can continue to receive their basic salary for 6 months irrespective of attendance with any extension beyond this a matter for the authority.

4.18 The Panel are not proposing to change their determinations in respect of claims for travel and subsistence rates, which will remain the same as 2016/17. In 2012 the Panel introduced an additional definition of 'official business' to allow for the reimbursement of travel claims for Members undertaking constituency business (official business is defined as 'a duty undertaken by members of principal councils in connection with constituency or ward responsibilities which arise from the discharge of local authority functions). Allowing travel claims for journeys made within Members wards is a matter for local determination. To date the Council made the decision not to allow such travel claims.

4.19 The Panel has made some new determinations in respect of Community and Town Council's and provided a guidance note. This has been passed to the relevant clerks in the Caerphilly County Borough.

SUPPORT FOR MEMBERS

4.20 The Panel expects every Member 'to undertake such training and personal development opportunities as are required to properly discharge the duties for which they are remunerated'. Members will be aware of the extensive training programme, which was agreed by Council and which will be reviewed shortly, and of the application for the WLGA Charter. This is in addition to the Annual training needs analysis and individual training requests, which are considered. The Council has committed valuable resources in this area to ensure that members receive suitable and appropriate training. A system of performance appraisals has also been introduced.

- 4.21 The Panel has repeated its determination that each Council, through its Democratic Services Committee, must ensure that all its members are given as much IT, telephone and other support as is necessary to enable them to fulfil their duties effectively. The Council has also committed resources to ensure that Members have options regarding IT support and adequate telephone/email facilities. The Council also provides Members with group rooms, meeting rooms and office equipment at Penallta House. Members will also be aware that the Council has invested in and implemented the Modern.Gov system to provide easier electronic access to Members and members of the public to all committee documents.
- 4.22 The Council has also made specific arrangements for any Members that have additional needs that may be linked to exceptional circumstances or for Members covered by the Equality Act 2010. This is in line with the Panel's recommendation that the support provided should take account of the specific needs of individual members. No deductions have been made from Member's salaries by the Council to fund this support. A specific budget is allocated to the Democratic Services functions and an annual report was presented to the Democratic Services Committee on 25 May 2016 detailing the support provided.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This draft Panel report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act to encourage more diverse representation among Councillors and Co-opted Members. A more representative group should be better able to take into account the Wellbeing Goals when reviewing services and policies and consider the positive and negative impacts upon future generations, long term community resilience and economic, environmental and social capital.

6. EQUALITIES IMPLICATIONS

- 6.1 An EqIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out. In addition, the Panel consider equality implications as part of their draft determinations.

7. FINANCIAL IMPLICATIONS

- 7.1 Members' salaries and expenses will be funded from the Democratic Services budget for 2017/18. Council must determine if it will apply level 1 or 2 salary for calculating Deputy Leader(s) salary and whether to apply Level 1 or 2 salaries to Cabinet Members and Committee Chairs and also level 1, 2 or 3 to Mayor and Deputy Mayor.
- 7.2 There will be additional costs incurred due to the £100 uplift in basic salary for 2017/18, this will be an additional £7,300 per annum. Should Council determine that the lowest salary level as agreed by Council for 2016/17 is applied again for 2017/18 to the senior salaries for executive members and committee chairs, there will be no other additional costs.
- 7.3 If however all senior salaries are set at the higher level, and the Leader did not give a voluntary 5% reduction in their salary, there would be the following potential increased costs:

| Senior Salary | 2016/17 – Caerphilly | 2017/18 Panel Level 2 salary | Increased cost |
|----------------------|----------------------------------|---------------------------------|----------------|
| Leader | £45,600 (5% voluntary reduction) | £48,100 | £2500 |
| Deputy Leaders (2) | £29,800 | £31,350 | £3100 |
| Cabinet Members (7) | £26,100 | £29,100 | £21,100 |
| Committee Chairs (7) | £20,000 | £22,100 | £14,700 |
| Leader of Opposition | £22,000 | £22,100 | £100 |
| Total | | | £41,500 |

- 7.4 For 2016/17 level 3 civic salaries were agreed by Council, at £21,500 and £16,000 for the Mayor and Deputy Mayor respectively. If Council should determine to apply the higher level civic salaries for 2017/18, this would incur an additional cost of £4,700 per annum.
- 7.5 Therefore should the higher salaries be applied for 2017/18 the total increased costs, would be as follows:

| Salaries | Increase |
|---|-----------------|
| Basic Salary increase – 73 Members less 18 senior salaries | £5,500 |
| 18 Senior Salaries – level 1 (inclusive of basic salary increase) | £41,500 |
| Civic Salaries – level 1 | £4,700 |
| Total | £51,700 |

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATION

- 9.1 There are no consultation responses that have not been reflected in the recommendations of this report.

10. RECOMMENDATIONS

- 10.1 Democratic Services Committee Members are asked to comment on the Panel's draft determinations for 2017/18.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 The comments will be used to make representations to the Panel's before 28 November 2016. Individual Members or political groups may also make representations to the Panel.

12. STATUTORY POWERS

- 12.1 Local Government and Housing Act 1989, the Local Government Act 2000, Local Government Wales Measure 2011, Local Government (Democracy) (Wales) Act 2013 and Family Absence for Members of Local Authorities Wales Regulations 2013.

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 Stephen Harris, Acting Head of Corporate Finance
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Background papers:

Report to Council 8 March 2016 Independent Remuneration Panel for Wales Annual Report 2016/2017
 Report to Democratic Services Committee 25 May 2016 Annual Report for Democratic Services
 Report to Democratic Services Committee 21 September 2016 Update on Members Training and Support programme
 Cabinet Member role descriptions (Available on Members Portal/on request)
 Chair of Scrutiny Committee role description (Available on Members Portal/on request)

Appendices:

Appendix 1 Draft Annual Report of the Independent Remuneration Panel for Wales 2017/18