



## COUNCIL – 17TH APRIL 2018

**SUBJECT: INDEPENDENT REMUNERATION PANEL ANNUAL REPORT 2018/19**

**REPORT BY: CORPORATE DIRECTOR OF SOCIAL SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 To report the Independent Remuneration Panel for Wales' (the Panel) final determinations relating to councillors and co-opted members for 2018/19.
- 1.2 To seek decisions on certain aspects of the Members remuneration scheme for 2018/19.

### **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 determinations for 2018/19. A copy of the Panel's 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 proposed basic salary in 2018/19 for elected members of principal councils shall be £13,600. This is an increase of £200 per member which is equivalent to 1.49% and is effective from April 2018.
- 2.4 The Panel have also proposed that the previous option to select salary levels to be removed and have set the salaries at the previous higher level, plus the £200 basic salary uplift. Therefore in that Caerphilly County Borough Council previously determined the senior salaries would be set at the lower band, there will be increased expenditure for senior salaries in 2018/19.

### **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' determinations relating to councillors and co-opted members for 2018/19 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. THE REPORT

4.1 The Independent Remuneration Panel for Wales is suggesting a small increase in basic salary payments made to Councillors for 2018/19 and have also removed the option to set different salary levels in respect of senior salaries. The Panel recognises that there is an unpaid public service contribution in respect of the work of elected members.

##### Basic Salary

4.2 **Determination 1** - The proposed basic salary in 2018/19 for elected members of principal councils shall be £13,600. This is an increase of £200 per member which is equivalent to 1.49% and is effective from April 2018. This will mean an overall increased cost of £14,600 to the local authority.

4.3 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 fulltime employees resident in Wales as reported in the Annual Survey of Hourly Earnings. They state in their report that although they are unable to maintain this alignment due to continued pressures on public sector funding, however the Panel consider that a modest increase in the basic salary is justified in order to help limit further the erosion of relative levels of remuneration.

##### Senior Salaries

4.4 The Panel have stated that they intend to retain the limit on the number of senior salaries for 2018/19. The 'cap' for Caerphilly County Borough Council will continue to be set at 18. The Panel have also determined that the previous option to select salary levels from two different levels (level 1 or 2) has been removed and have set the salaries at the higher level, plus the £200 basic salary uplift. Therefore in that Caerphilly County Borough Council previously determined the senior salaries would be set at the lower band, there will be increased expenditure for senior salaries in 2018/19.

4.5 Where there are two deputy leaders the Panel state that the difference between the cabinet member salary and the deputy leader salary should be divided by two and added to the cabinet member salary ( $£33,800 - £29,300 = £4,500/2 = £2,250 + £29,300 = £31,550$ ). Therefore the proposed senior salaries for 2018/19 will be as follows:

##### Determination 2

Role	2017/18 Salary per post	Proposed Senior Salary for 2018/19	Difference +/-
Leader	£48,100	£48,300	£200
Deputy Leaders x 2	£29,900	£31,550	£3,300
Cabinet Members x 6	£26,200	£29,300	£18,600
Committee Chairs x 7	£20,100	£22,300	£15,400
Leader of Opposition	£22,100	£22,300	£200
Total = 17			£37,700

## Civic Salaries

- 4.6 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 has determined in its report that there will be no increase in civic salaries aside from the increase in basic salary. In accordance with previous years civic salaries can be determined by individual local authorities from the following salary levels:

### Determination 3

Salary Levels	Mayor	Deputy Mayor
Level 1	£24,300	£18,300
Level 2	£21,800	£16,300
Level 3	£19,300	£14,300

- 4.7 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 Panel have not changed their determination (Determination 4), in respect of Presiding Members who would be entitled to a band 3 level 1 senior salary of £22,300, this would however count towards the cap of 18 senior salaries. The post of deputy presiding member would not be remunerated (Determination 5).

### Number of Senior Roles

- 4.8 The Panel have reiterated that an elected member must not be remunerated for more than one senior post within his or her authority (separate guidance on Joint Overview and Scrutiny Committee). In addition an elected member cannot be paid a senior salary and a civic salary and Members in receipt of a Band 1 or 2 senior salary (Leader, Deputy Leaders and Cabinet) cannot receive a salary from any National Park Authority or Fire and Rescue Authority to which they have been appointed nor any Community or Town Council of which they are a member.

### Support for Members

- 4.9 **Determination 6** - The Panel has reaffirmed in its report that each authority, through its Democratic Services Committee must ensure that all its members are given as much support as it 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.
- 4.10 **Determination 7** - The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from member's 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.
- 4.11 The Panel state that Democratic Services Committee would be expected to review the level of support and bring forward proposals as to what it considers as reasonable, taking into account the Panels determinations (see 6 & 7 above). The Council has also committed resources to ensure that Members have options regarding IT support at home. 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 for Members and members of the public to all committee documents.
- 4.12 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 of the WLGA Charter for Member Development. 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 personal development reviews has also been introduced.

- 4.13 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 is presented to the Democratic Services Committee detailing the support provided.

### **Specific or Additional Senior Salaries**

- 4.14 **Determination 8** - The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current remuneration framework. In this regard some local authorities have raised the possibility of operating some senior salaries on a 'job share' arrangement, the Panel have been supportive of this principle. There are specific arrangements in respect of any job share arrangements, whereby the statutory maximum for cabinet cannot be exceeded and both job sharers would count towards the maximum.
- 4.15 The Panel has set out its principles whereby the number of senior salaries cannot exceed 50% of the membership, and applications must be approved by the authority as a whole and clear evidence must be provided that the additional posts have additional responsibility and also include a timescale for a formal review of the role, by the authority as a whole.

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

- 4.16 The Panel has set out its determinations in respect of payments to Chairs and Vice Chairs of Joint Overview and Scrutiny Committees, Sub Committees and Task and Finish Groups, although it has been recognised that to date no council has made use of these arrangements. These are set out in the report on page 21 and range from **Determination 9 to 16**.

### **Pension Provision for Elected Members of Principal Councils**

- 4.17 **Determination 17** – The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.

### **Entitlement to Family Absence**

- 4.18 The regulations relating to family absence for elected members of principal councils were approved in 2013 and include maternity, new born, adoption and parental absences from official business. The determinations for 2018/19 are set out below:
- 4.19 **Determination 18** - An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
- 4.20 **Determination 19** - When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.

### **Substitution**

- 4.21 **Determination 20** - 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.

- 4.22 **Determination 21** - If the paid substitution results in the authority exceeding the maximum number of senior salaries (18 senior salaries), an addition to the maximum will be allowed for the duration of the substitution.
- 4.23 **Determination 22** - 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.
- 4.24 **Determination 23** - The Council's schedule of remuneration must be amended to reflect the implication of the family absence.

### Payments to Co-opted Members

- 4.25 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. 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:

### Determination 38

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

- 4.26 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 2017/18.
  - Education for Life Scrutiny Committee - met on eight occasions in 2017/18.
  - Standards Committee - met on two occasions in 2017/18.
- 4.27 **Determinations 39 & 40** – Reasonable time for pre-meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting. Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members up to the maximum of the daily rate).
- 4.28 **Determination 41** – The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- 4.29 It has previously been agreed at Caerphilly that the appropriate officer would be as follows:
- The Monitoring Officer continues to act as the 'appropriate officer' for co-opted members serving on the Standards Committee.
  - The Internal Audit Manager continues to act as the 'appropriate officer' for co-opted members serving on the Audit Committee.

- The Head of Democratic Services to act as the 'appropriate officer' for members serving on the Education for Life Scrutiny Committee.

4.30 **Determination 42** – Meetings eligible for the payment of fees includes other committees and working groups (including task and finish groups), pre-meetings with offices, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend,

### **Reimbursement of Care Costs**

4.31 The Panel is keen to encourage the promotion of the reimbursement of the costs of care. 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.

4.32 **Determination 43** - For 2018/19 the Panels determination states that all authorities must provide for the reimbursement of the necessary costs of dependent children and adults (provided by informal and formal carers) and for personal assistance needs up to a maximum of £403 per month.

4.33 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. Reimbursement must be for the additional costs incurred by members in order for them to carry out their approved duties. Care expenses are only payable for actual and receipted costs. The monthly maximum is considered a reimbursement of care expenses and cannot be annualised.

4.34 The Panel is keen to encourage the promotion of the reimbursement of the costs of care. 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; or
- The total amount reimbursed by the authority during the year but not attributed to any named member.

### **Sickness Absence for Senior Salary Holders**

4.35 The Panel have reiterated previous concerns about long term sickness of senior salary holders and the perceived unfairness when compared with the arrangements for family absence. Previously councils were 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. Therefore the Panel provided a framework with specific arrangements for long term sickness.

4.36 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 also 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.

## **Travel Expenses and Subsistence**

- 4.37 The Panel is not making changes to their determinations in respect of claims for travel and subsistence rates, which will remain the same as 2017/18 and are detailed on page 38 of the annual report. 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 has made the decision not to allow such travel claims.
- 4.38 All other claims for travel such as bus/train/taxi fares must be accompanied by appropriate receipts showing the actual expense. Members should always be mindful of choosing the most cost effective method of travel. Members should also be aware that tickets for public transport particularly for longer distances can be organised by Democratic Services staff.

## **FOREGOING PAYMENTS**

- 4.39 The Panel's determinations and recommendations contained in this report will take effect on April 2018. Individual Members or Co-opted Members may forego any part of their remuneration entitlement for the year ahead, by giving notice in writing to the Chief Executive.

## **SALARIES OF HEADS OF PAID SERVICE OF PRINCIPAL COUNCILS AND CHIEF OFFICERS OF PRINCIPAL COUNCILS**

- 4.40 Section 63 of the Local Government (Democracy) (Wales) Act 2013 section 143A enables the IRP to take a view on anything in the Pay Policy Statements of these authorities that relates to the salary of the head of paid service (normally the chief executive). Section 39 of the Local Government (Wales) Act 2015 further amended the Measure extending this function to include Chief Officers of Principal Councils.
- 4.41 If a principal council intends to change the salary of the head of paid service or chief officer, it must consult the Panel and have regard to the recommendation(s) of the Panel when reaching its decision.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This 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 determinations

## 7. FINANCIAL IMPLICATIONS

7.1 There will be the following financial implications for the local authority in respect of the proposals outlined in the IRP report:

7.2 The increase to the basic salary will be £200 per member which is equivalent to 1.49%, this will give a basic salary of £13,600. Therefore an overall increased cost of £10,800 for the 54 members in receipt of the basic salary.

7.3 The council has for the past two years agreed to select the lower senior salary level to calculate the salary for deputy leaders, and applied the lower level for cabinet members, and committee chairs. The panel has proposed to remove the choice for 2018/19 and has set the senior salaries at the previous higher level. Therefore this will result in the following increases for senior salaries, which also includes the £200 basic salary uplift:

Role	2017/18 Salaries	Proposed Senior Salary for 2018/19	Increased cost
Leader	£48,100	£48,300	£200
Deputy Leaders x 2	£29,900 x 2 = £59,800	£31,550 x 2 = £63,100	£3,300
Cabinet Members x 6	£26,200 x 6 = £157,200	£29,300 x 6 = £175,800	£18,600
Committee Chairs x 7	£20,100 x 7 = £140,700	£22,300 x 7 = £156,100	£15,400
Leader of Opposition	£22,100	£22,300	£200
Total = 17			£37,700

7.4 The level for Mayor and Deputy Mayor Salaries are also subject to council approval and in previous years these have been set at level 2 as detailed in the table below (in bold). There is no increase proposed for 2018/19, aside from the £200 basic salary uplift. Therefore the financial implications will depend on which salary level is agreed by full council.

Salary Levels	Mayor		Cost difference	Deputy Mayor		Cost difference
	2017/18	2018/19		2017/18	2018/19	
Level 1	£24,100	£24,300	£2700	£18,100	£18,300	£2200
<b>Level 2</b>	<b>£21,600</b>	<b>£21,800</b>	<b>£200</b>	<b>£16,100</b>	<b>£16,300</b>	<b>£200</b>
Level 3	£19,100	£19,300	(£2300)	£14,100	£14,300	(£1800)

7.5 Therefore the overall additional costs for 2018/19 (should the civic salaries remain at the same level) would be £48,900.

## 8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications associated with this report.

## 9. CONSULTATIONS

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

## 10. RECOMMENDATIONS

10.1 It is recommended that;

10.2 The Council note and agree to implement the determinations of the Panel including, the basic salaries, Leader and Deputy Leader salaries, Cabinet Members and Committee Chairs, the reimbursement of care costs, travel and subsistence allowances and fee payments to Co-opted Members.



- 10.3 The Council will determine which salary levels it will set for Civic Salaries for 2018/19 as stated at paragraph 4.6.

<b>Salary Levels</b>	<b>Mayor</b>	<b>Deputy Mayor</b>
Level 1	£24,300	£18,300
Level 2	£21,800	£16,300
Level 3	£19,300	£14,300

- 10.4 The Council agree that the maximum number of days payable to Co-opted Members of the Education for Life Scrutiny Committee, Co-opted (lay) Members of the Standards and Audit Committees, remains at 10 days per year as stated at paragraph 4.26.
- 10.5 The Council agree that officers listed at paragraph 4.29 continue to act as the 'appropriate officer' for Co-opted Members as indicated.
- 10.6 The Council determine whether to continue to not allow travel claims for journeys made within Members' wards as stated at paragraph 4.37.
- 10.7 The Council will determine one of the following options for publishing the costs of care expenses, there are two options:-

Option 1: The details of the amounts reimbursed to named members.

Option 2: The total amount reimbursed by the authority during the year but not attributed to any named member.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 In order for the Council to comply with the Local Government (Wales) Measure 2011.

## **12. STATUTORY POWER**

- 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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Consultees: Cllr David Poole, Leader of Council  
Cllr Barbara Jones, Deputy Leader Finance, Performance and Governance  
Cllr Colin Mann, Chair Democratic Services Committee  
Christina Harrhy, Interim Chief Executive  
David Street, Corporate Director Social Services  
Lynne Donovan, Interim Head of Human Resources  
Stephen Harris, Interim Head of Corporate Finance

### Background Papers:

Report to Council 18 May 2017 Independent Remuneration Panel for Wales Annual Report 2017/2018

Report to Democratic Services Committee 31 May 2017 Annual Report for Democratic Services

Report to Democratic Services Committee 28 September 2017 Members Training and Development Programme

Report to Democratic Services Committee 23 November 2017 Independent Remuneration Panel

Draft Annual Report 2018/19

### Appendices:

Appendix 1 Annual Report of the Independent Remuneration Panel for Wales 2018/19



# Independent Remuneration Panel for Wales

## Annual Report

February 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

## **ANNUAL REPORT 2018**

### **FOREWORD**

Elections to Principal Councils and Community & Town Councils took place in 2017 and as with our previous approach when new councils are formed the Panel visited all 22 of the unitary authorities. This provides us with an opportunity to discuss issues with a cross section of members and senior officers. In total we met with 142 executive members, 280 other elected members, 59 co-optees and 90 chief officers. The visits have helped us form the direction for future consideration. On behalf of my colleagues I wish to express our thanks to all councils for their engagement with the visits and the welcome and hospitality we received.

The visits and the resulting discussions assisted in continuing to ensure that we have a comprehensive understanding of the development of the role of a councillor and the workload pressures that appear to be increasing across the board.

The conclusions from our discussions have wherever possible been incorporated in our determinations and in particular our decision to provide a modest increase in the basic salary.

As a Panel we believe the overwhelming majority of the 1,254 elected members of the 22 councils are committed to serving their communities and put in many hours that the basic remuneration could not cover. Affordability is an issue for both the councils and tax payers and this restricts other than modest additional costs to the total payments to members. What we wish to prevent is further erosion of the link with the average Welsh earnings.

In our draft report we proposed several changes in respect of the remuneration of community & town councillors. We received a large number of responses in relation to these changes, most of which suggested that our draft proposals were a step too far. We have taken account of many of the points that were raised and modified the arrangements contained in the draft report. Our decisions can be found in Section 13 of this report. The Panel received several enquiries during the recent consultation on the draft report regarding tax queries for community and town councils. The question was raised as to whether the Panel could contact HMRC to see if they could receive a blanket dispensation for community councils. This issue is outside of the

Panel's remit and it is therefore a matter for each individual councillor or community council to resolve their own taxation issues.

My personal thanks to my fellow Panel members who constantly demonstrate the knowledge and enthusiasm to ensure we produce reports that are based on key information.

Also my appreciation of the work of our secretariat without which we could not function effectively.

**John Bader**  
**Chair**

### **Panel Membership**

John Bader – Chair  
Gregory Owens - Vice Chair  
Stephen Mulholland

Julie May  
Saz Willey  
Roger Symonds

Detailed information about the members can be found on the website:  
<http://gov.wales/irpwsb/home/?lang=en>

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## Introduction



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

1. As with all the Panel's Annual Reports the determinations on member remuneration are underpinned by the principles set out in Section 1.
2. The Panel has consistently expressed its view that maintaining the democratic values of local governance cannot be cost-free. Members of local authorities (including co-opted and appointed members) are there to represent the interests of local people, undertake the governance of local communities, and secure appropriate value-for-money public services for local tax-payers through effective scrutiny. These are significant and considerable tasks for members of the relevant authorities within the Panel's remit. Payments to members are made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.
3. In determining the level of payments to members of local councils, the Panel seeks to meet the principle of '*acceptability*' by ensuring that these are not '*so great as to require a significant diversion of resources from key council priorities*'. But Section 142(8) of the Measure is more explicit on '*affordability*' when it states that "*when setting an amount<sup>1</sup> ...the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities*". Meeting the requirement of the Measure in regard to affordability has been a challenge for the Panel, not least because of public interest in the payments made to members. The Panel acknowledges that the issue of affordability – in relation both to relevant authorities' service budgets and to the electorate's disposable incomes – is likely to impact on the public perception of any increases to members' payments.
4. As a charge on the public purse, payments to members for their time, worth and responsibility must be, and must be seen to be, fair to those undertaking the role but at the same time be affordable. The Panel's determinations in its 2009 Report aligned payments to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). The basic salary was set at three-fifths of the All Wales Median Salary and senior salaries were set at multiples of this annual median salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.

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

5. 2017 was an election year for councils in Wales and we visited all 22 principal councils as soon as practicable following the elections to provide an opportunity for members and officers to comment on the Remuneration Framework and to put forward ideas for future consideration. We appreciate the welcome that we received from every council and the useful discussions that arose during our visits.
6. One of the observations that many members expressed was that when the basic salary is compared with a traditional paid employment – ‘a job’ - the salary is too low to attract younger people and to encourage diversity. They also pointed out the significant differences between remuneration and support available to elected members in other levels of government in Wales. They proposed that the level of the basic salary should therefore be raised significantly in recognition of the importance of the role of an elected member of a principal council. However, it is recognised that elected members of principal councils are not employees and are not remunerated as such.
7. The financial constraints on the public sector and particularly local authorities has meant that the link with average Welsh earnings has not been maintained. The Panel considers that this has undervalued the worth of elected members. To avoid further erosion in relation to average earnings the Panel has decided to increase the basic annual salary to £13,600 (an increase of 1.49%). No increase is proposed for senior salaries but these post holders will receive the increase in the basic salary element.
8. The Annual Report 2016 introduced two levels of salary for members of councils’ executives and committee chairs of principal authorities, Fire and Rescue Authorities (FRAs) and National Park Authorities (NPAs). This was to provide flexibility to enable authorities to reflect, in their schedules of remuneration, variations in the level of responsibility of portfolios and chairs. However as far as the payments to members of executives is concerned this flexibility has not been used other than in one case. Similarly it has not been taken on board in respect of chairs of committees. It was clear from the discussions that arose during the Panel’s visits that almost all councils took the view that this arrangement was contrary to the desire for the Panel to be prescriptive in its determinations. The Panel accepts this and has therefore removed the two tier arrangement for executive members and for committee chairs.
9. From the discussions during our visits to the principal councils it is clear that very few members are utilising the provision in the framework to reimburse the costs of care. It appears that some members are still reluctant to claim all that they are entitled to support them in their role, because of concerns about the adverse publicity this can attract (see Annex 4 for the publication options). We urge Democratic Services Committees to take steps to encourage and facilitate greater use of this element of our framework so that members concerned are not financially disadvantaged.

10. The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. To take this a step further the Panel has produced a leaflet for prospective candidates on the remuneration of members of councils. We are pleased that several councils have added this leaflet to their website.
11. We believe there are still major issues to be addressed with community and town councils which we will be raising with individual councils and their representative organisations. However as a start to this process we are proposing to introduce grouping councils according to the level of income or expenditure. However, we received many responses to the draft report expressing concern about the form of the groups and other proposals. As a result we have made amendments to take account of some of the responses but retained mandatory payments to senior members in those councils in the highest group and the reimbursement of costs of care for all councils. The determinations for community and town councils are in Section 13.
12. The Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting Section 143A. This requires that any principal council or fire and rescue authority that intends to change the salary of its Head of Paid Service must consult the Panel unless the change is in keeping with changes applied to other officers. Section 143A also enables the Panel to take a view on anything in the Pay Policy Statement of an authority that relates to the salary of the Head of Paid Service (normally the Chief Executive or Chief Fire Officer). The Local Government (Wales) Act 2015 extended this responsibility, on a temporary basis to Chief Officers of principal authorities. The Panel's approach to its use of these powers is set out in Section 15 of this Report and accords with the guidance issued to the Panel by the Welsh Government.
13. Since assuming the additional responsibility in respect of changes to the salaries of chief officers of principal councils the Panel has dealt with several submissions. The Panel's decisions are attached at Section 15.



# **1. The Panel's Framework: Principles of Members' Remuneration**

## **Upholding trust and confidence**

- 1.1 Citizens rightly expect that all those who choose to serve in local authorities uphold the public trust by embracing the values and ethics implicit in such public service. These principles underpin the contribution that the work of the Panel and its Framework make towards upholding public trust and confidence.

## **Simplicity**

- 1.2 The Framework is clear and understandable. This is essential for the Panel to be able to communicate its determinations effectively to all those who are affected by, or who have an interest in its work.

## **Remuneration**

- 1.3 The Framework provides for payment to members of local authorities who carry a responsibility for serving their communities. The level of remuneration 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 salary. The Framework provides additional recompense for those who are given greater levels of responsibility.

## **Diversity**

- 1.4 Democracy is strengthened when the membership of local authorities adequately reflects the demographic and cultural make-up of the communities such authorities serve. The Panel will always take in to account the contribution its framework can make in encouraging the participation of those who are significantly under-represented at local authority level.

## **Accountability**

- 1.5 Taxpayers and citizens have the right to receive value for money from public funds committed to the remuneration of those who are elected, appointed or co-opted to serve in the public interest. The Panel expects all principal councils to make information readily and appropriately available about the activities and remuneration of their members.

## **Fairness**

- 1.6 The framework will be capable of being applied consistently to members of all local authorities within the Panel's remit as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable.

## **Quality**

- 1.7 The Panel recognises that the complex mix of governance, scrutiny and regulatory duties incumbent upon members requires them to engage with a process of continuous quality improvement. The Panel expects members to undertake such training and personal development opportunities as are required to properly discharge the duties for which they are remunerated.

## **Transparency**

- 1.8 Transparency of members' remuneration is in the public interest. Some members receive additional levels of remuneration by virtue of being elected or appointed to more than one public body. The framework serves to ensure that knowledge of all members' remuneration is made easily available to the public.

## **Remuneration of Officers**

- 1.9 The Panel applies these principles of fairness, accountability and transparency in all its determinations in relation to remuneration of members of all the authorities that fall within its remit. The same principles also apply when the Panel is required to make recommendations in relation to the remuneration of the paid officers of these authorities.

## 2. Annual Report Summary Page

Type of Payment	Type of Authority			
	Principal Councils	National Park Authorities	Fire and Rescue Authorities	Community and Town Councils
Basic Salary	page 11	page 26	page 30	N/A <sup>2</sup>
Senior Roles	page 14	page 26	page 30	page 41
Committee Chairs	page 14	page 26	page 30	N/A
Opposition Groups	page 14	N/A	N/A	N/A
Civic Heads and Deputies	page 15	N/A	N/A	page 44
Presiding Members	page 17	N/A	N/A	N/A
Mileage	page 38	page 38	page 38	page 43
Other Travel Costs	page 38	page 38	page 38	page 43
Subsistence Costs	page 39	page 39	page 39	page 43
Costs of Care	page 35	page 35	page 35	page 44
Family Absence	page 24	N/A	N/A	N/A
Sickness Absence	page 36	page 36	page 36	N/A
Joint Overview and Scrutiny Committees	page 21	N/A	N/A	N/A
Pension	page 23	N/A	N/A	N/A
Co-optees	page 33	page 33	page 33	N/A
Specific or Additional Allowances	page 19	page 27	page 31	N/A
Payments to Community and Town Councillors	N/A	N/A	N/A	page 40
Financial Loss Allowance	N/A	N/A	N/A	page 43
Statement of Payments	page 80	page 80	page 80	Page 80
Schedule of Remuneration	Page 78	Page 78	Page 78	N/A
Salaries of Chief Executives and Chief Officers	Page 47	N/A	Page 47	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 The Panel originally determined in its Annual Report 2009 that 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 (ASHE). Given the pressures on public expenditure it has not been possible for this alignment to be maintained. If this alignment had continued the basic salary would currently be significantly higher than the current prescribed amount, (close to £15,000 pa). This is calculated on an assumption that the basic activity required of an elected member (i.e. without the additional work required for a senior salary) is equivalent to three days' work.
- 3.2 The Panel remains aware that the core activities required of an elected member of a principal council vary. Duties undertaken should enable all members to discharge their core non-executive responsibilities in the governance of their council and in representing those living in their ward. As an elected role, such posts are not readily treated in the same manner as employment with precisely quantified hours. The work that arises in representing ward residents is particularly varied because it is influenced by the very diverse socio-economic conditions, demographics, levels of urbanisation and different ratios of residents to councillors. These circumstances can vary significantly within individual authorities as well as in comparisons of local authorities throughout Wales. Elected positions carry an expectation of a level of personal commitment to community that goes beyond defined remunerated hours. Elected members commonly report time spent that is well in excess of the notional three days (extra time worked and previously defined by the Panel as a 'public service discount').
- 3.3 In 2017 Panel members continued the practice of visiting all Welsh principal councils to meet with elected members to inform and update understanding of their activities. The WLGA Exit Survey of members who stood down in 2017 has also been considered. The general view from members and officers is that the workload has increased and most claimed that it was far in excess of 3 days. In ongoing dialogue with members, the Panel has particularly wished to learn of any impact on basic councillor duties arising from public 'austerity' programmes of recent years and also any changes in expectations from elected members arising from increased electronic communications and social media.
- 3.4 When making financial determinations for this Annual Report, the Panel has considered the progression of a variety of benchmark figures for the period from 2010 to 2017. As well as the ASHE median gross earnings figures for

Wales, the Panel also considered the Retail Price Index, the Consumer Price Index, NJC Pay Scales and Living Wage figures. It is noted that these figures show clear increases in the cost of living and earnings during this period. It is obvious that the gap between the level of basic remuneration for elected members of principal councils and relevant indicators of rises in income and costs of living indicators has continued to grow. The Panel believes this merits action to narrow the gap and limit the rate of erosion. Any adjustments must be in keeping with the Panel's principle that its determinations should be publicly affordable and acceptable.

- 3.5 Although public sector funding continues to be constrained, the Panel therefore considers that an increase in the basic salary is justified. It has determined there shall be an increase of £200 p.a. (which equates to 1.49%) effective from April 2018 to the basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the basic duties expected of all elected members.

### **Senior salaries for elected members of principal councils**

- 3.6 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2018/19 the maximum number of senior salaries payable within each council will not be altered (other than for the Isle of Anglesey Council. See note ii) and will be as set out in Table 1. The rate payable for senior salaries shall not be altered in 2018/19 except to reflect the increase in the basic salary.

**Determination 1: Basic salary in 2018/19 for elected members of principal councils shall be £13,600.**

### **Notes to Determination 1:**

- i. The responsibility element of senior salaries is not being increased but senior salary holders will receive the uplift to the basic salary.
- ii. The Cabinet Secretary for Finance and Local Government agreed in respect of the Isle of Anglesey Council to increase the number of posts that could be paid a senior salary beyond the fifty percent maximum contained in the Measure subject to a determination by the Panel. The Panel issued a Supplementary Report to give effect to this increase.

**Table 1:** Maximum numbers of council membership eligible for payment of a senior salary

<b>Council</b>	<b>Number of councillors</b>	<b>Number of senior salaries</b>
<b>Group A</b> (populations over 200,000)		
Cardiff	75	19
Rhondda Cynon Taf	75	19
Swansea	72	19
<b>Group B</b> (populations of 100,000 to 200,000)		
Bridgend	54	18
Caerphilly	73	18
Carmarthenshire	74	18
Conwy	59	18
Flintshire	70	18
Gwynedd	75	18
Neath Port Talbot	64	18
Newport	50	18
Pembrokeshire	60	18
Powys	73	18
Vale of Glamorgan	47	18
Wrexham	52	18
<b>Group C</b> (populations of up to 100,000)		
Blaenau Gwent	42	17
Ceredigion	42	17
Denbighshire	47	17
Isle of Anglesey	30	16
Merthyr Tydfil	33	16
Monmouthshire	43	17
Torfaen	44	17

### **Payments to members of the Executive, Chairs of committees and the Leader of the Opposition**

3.7 The Panel has not changed the previous decisions in respect of the senior salaries paid to these post holders.

(i) The Executive:

The visits to all principal councils by the Panel in 2009 produced the general conclusion that Executive members should be considered as working the equivalent of full time (up to 40 hours per week) but not necessarily nine to five. The recent visits and discussions with members and officers did not change this conclusion. In fact many executive members indicated that their workload has increased. There is still a variety of arrangements in both the structure and operation of cabinets dependent on the specific organisational requirements of each authority.

Many councils operate with a cabinet of 10, the statutory maximum, others choose to have smaller cabinets and therefore the range of individual portfolios is much greater. We have previously concluded that this should be able to be reflected in the remuneration framework. However, it is not the role of the Panel to determine the structure of cabinets of local authorities. The Panel's previous determinations contained flexibility for each council to decide the appropriate range of portfolios to meet local needs and adjust payments within the Executive to reflect responsibility. As a result of the strong views expressed during the visits that the Panel should be prescriptive in respect of the salaries of executive members this provision has been amended. Consequently there will be one salary level within each population group as set out in Table 2 (overleaf):

(ii) Chairs of Committees

The Panel has recognised the overwhelming support for its determinations to be prescriptive and therefore has removed the two tier arrangement for chairs of committees although we continue to take the view that the responsibility and function of chairing a committee is not generally influenced by population of the authority.

Where chairs of committees are paid, the remuneration is: £22,300.

## The Senior Salary Bands

**Determination 2: The Panel has determined that senior salary levels in 2018/19 for members of principal councils shall be as set out in table 2.**

**Table 2:** Basic salary and senior salaries payable to members of principal councils

<b>Basic salary (payable to all elected members) £13,600</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 Deputy leader	£53,300 £37,300	£48,300 £33,800	£43,300 £30,300
<b>Band 2</b> Executive members	£32,300	£29,300	£26,300
<b>Band 3</b> Committee chairs (if remunerated):	Level 1	£22,300	
<b>Band 4</b> Leader of largest opposition group <sup>3</sup>		£22,300	
<b>Band 5</b> Leader of other political groups		£ 17,300	

### Table 2 notes:

- a. The Panel considers that the leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability and that 'size of population' remains a major factor in influencing levels of responsibility and

<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".



the use of the three population groups (A, B and C) has therefore been retained. For information: Group A Population 200,000 and above; Group B Population 100,001 to 199,999; Group C Population up to 100,000.

- b. No increase is proposed for senior salaries but post holders will receive the uplift in the basic salary paid to all councillors.
- c. Committee chairs will be paid at Band 3, although an individual authority may determine not to pay particular chairs.
- d. The stipulation that an opposition group leader or any other group leader must represent at least 10% of the council membership before qualifying for a senior salary remains unchanged.
- e. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- f. The Panel has determined that, if remunerated, a Band 5 senior salary must be paid to leaders of other political groups.

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

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

- 3.8 The Panel maintains the view that it is appropriate for authorities to set remuneration levels which reflect activity and responsibility of civic heads and deputies rather than the local population. The Panel is aware but surprised that many councils have set the salaries for their civic heads and deputies to accord with the population groups rather than necessarily reflecting the specific responsibilities attached to the roles. For the removal of doubt, it should be noted that the three established groups of principal councils calculated by population are not required to be applied in relation to payments to civic heads and deputies.
- 3.9 The Panel has set three possible levels of civic salary - higher, mid and lower. Each authority must decide which level (if any) is to be paid for each of these roles according to local factors. For example, the civic head of a small council may be paid at the highest rate, whilst the civic head of a large council may be paid at the lowest rate, rates of payment to deputy civic heads may be similarly varied. This also allows for civic heads and their deputies in the same authority to be paid at different levels.
- 3.10 A council may decide not to apply any civic salary to the posts of civic head and/or deputy civic head.

**Determination 3: The Panel has determined that (where paid) civic salaries at the following levels are payable (Table 3) and will be applied by principal councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.**

**Table 3:** Civic salaries (where paid) shall be payable as follows to members of principal councils

<b>Remuneration of civic heads and deputy civic heads</b> <i>(inclusive of basic salaries)</i>		
Responsibility Level	Civic heads	Deputy civic heads
Level 1	£24,300	£18,300
Level 2	£21,800	£16,300
Level 3	£19,300	£14,300

**Table 3 notes:**

- a. The posts of civic head and deputy civic head are not included in the cap (with the exception of Isle of Anglesey and Merthyr Tydfil Councils).
  - b. The Panel's requirement that members should not have to pay for the cost of the support (see determination 7) that is needed to carry out their duties applies also in respect of civic heads. The Panel recognises the range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing.
- 3.11 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 authority's 'first citizen' and 'ambassador' representing the council to a wide variety of institutions and organisations. This requires the post holder to exemplify and promote good citizenship.
  - 3.12 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.
  - 3.13 The level of support given, the personal financial outlay and the level of activity during the year of office varies considerably between authorities and the size of authority does not necessarily relate to the commitment required, or given by, civic heads.
  - 3.14 All principal councils have a number of community councils within their areas and many also include town councils. Where a community council has a particularly active civic head this may have some impact on the workload of the principal council's civic head.

- 3.15 The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint a presiding member whose role is to chair meetings of the whole council. Where appointed, there would be a consequential reduction in the responsibilities of the respective civic head.

### **Payments to Presiding Members**

**Determination 4: The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Level 1 senior salary. This post will count towards the cap.**

**Determination 5: The Panel has determined that the post of deputy presiding member will not be remunerated.**

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

- 3.16 The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance for the time equivalent of three days a week. Any time commitment beyond three days is an unpaid public service contribution.
- 3.17 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the authority's proper officer to forego all or any element of the payment. It is fundamental that there is transparency in this process so any possible suggestion that members are put under pressure to forego some of the salaries is avoided.

The following must be applied:

- a) An elected member must not be remunerated for more than one senior post within his or her authority (but see section 4 on JOSCs).
- 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.
- e) 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.

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

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

- 3.18 Following the local elections in 2017 Panel members undertook visits to all principal authorities in Wales. These visits provided valuable opportunities for members and officers to discuss the variations that occur and to share and understand the benefits gained by properly supporting the ability of members to discharge their basic duties effectively.
- 3.19 The Panel expects the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable. Any proposals should be made with due regard to Determinations 6 and 7 below. For example, the Panel does not consider it appropriate that elected members should be required to pay for any telephone usage to enable them to discharge their council duties as a ward member, committee member or cabinet member.
- 3.20 The Panel considers it is necessary for each elected member to have ready use of e-mail services, and electronic access to appropriate information via an internet connection. The Panel does not consider it appropriate that elected members should be required to pay for internet related services to enable them to discharge their council duties as a ward member, committee member or cabinet member. This comprises the necessary provision for a member to be in proper contact with council services and to maintain contact with those they represent. Many councils in Wales are committed to 'paperless working' and without electronic access a member would be significantly limited in his or her ability to discharge their duties. It is not appropriate for facilities required by members to be available only within council offices within office hours.
- 3.21 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.

For co-opted members the support should be appropriate and proportionate.

**Determination 6: The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its 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 7: The Panel has determined that 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**

3.22 The Panel has allowed for greater flexibility through the provision for authorities to apply for specific or additional senior salaries that do not fall within the current remuneration framework, or which could not be accommodated within the maximum number of senior salaries relating to the authority. If the proposed addition is approved and results in the council exceeding its cap, this will be included in the approval (with exception of Merthyr Tydfil and the Isle of Anglesey Councils – see footnote 4). Some councils have raised the possibility of operating some senior salary posts on a “job share” arrangement. The Panel is supportive of this principle and the process is set out in Paragraph 3.24.

**Determination 8: The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

3.23 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 (this cannot be delegated) prior to submission to the Panel.
- c. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
- d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

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

### 3.24 Job Sharing Arrangements

For members of an executive: Each “sharer” will be paid 50% of the appropriate salary of the Population Group.

The statutory maximum for cabinets cannot be exceeded so both job sharers will count toward the maximum.

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

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

**The Panel’s determinations on Travel and Subsistence, Reimbursement of Costs of Care and Family Absence are now set out in separate sections of this Annual Report.**

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

4.1 Although to date no council has made use of these arrangements the Regulations are still in force. The Panel retains the arrangements for the remuneration of chairs of Joint Overview and Scrutiny Committees and Sub-committees<sup>5</sup>. The payments align with those of chairs of committees of principal councils set out in Section 3. In future they may be the basis for governance in respect of regional working.

The following determinations apply:

**Determination 9: The chair of a Joint Overview and Scrutiny Committee is eligible for an additional payment of £6,700.**

**Determination 10: In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the additional payment will be £3,350.**

**Determination 11: The chair of a sub committee of a JOSC is eligible for an additional payment of £1,675.**

**Determination 12: In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the additional payment will be £837.**

**Determination 13: Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.**

**Determination 14: Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).**

**Determination 15: A deputy chair of a JOSC or sub committee is not eligible for payment.**

**Determination 16: Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.**

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<sup>5</sup> [http://www.assembly.wales/Laid%20Documents/SUB-LD9311%20-%20The%20Local%20Authorities%20\(Joint%20Overview%20and%20Scrutiny%20Committees\)%20\(Wales\)%20Regulations%202013-02052013-245903/sub-ld9311-e-English.pdf](http://www.assembly.wales/Laid%20Documents/SUB-LD9311%20-%20The%20Local%20Authorities%20(Joint%20Overview%20and%20Scrutiny%20Committees)%20(Wales)%20Regulations%202013-02052013-245903/sub-ld9311-e-English.pdf)

- 4.2 The remuneration of chairs of JOSCs (or a sub-committee of JOSCs) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is paid, it must be at the level set out in section 4 of this report.



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

## 6. Entitlement to Family Absence

This section applies to elected members of principal authorities.

- 6.1 The Regulations relating to Family Absence for elected members of principal councils were approved by the National Assembly for Wales in November 2013<sup>6</sup> and cover maternity, new born, adoption and parental absences from official business.
- 6.2 The Panel considered the implications for the remuneration of such members who are given absence under the terms of the Welsh Government Regulations and the Panel's determinations are set out below.

**Determination 18: An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.**

**Determination 19: When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.**

**Determination 20: 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 21: 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 22: 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 23: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.**

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

## 7. Payments to Members of National Park Authorities

### Structure of National Park Authorities

- 7.1 The 3 National Parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia were formed to protect spectacular landscapes and provide recreation opportunities for the public. The Environment Act 1995 led to the creation of the 3 corresponding National Park Authorities (NPAs). In managing the National Park, the Authority has 3 main purposes:
- to protect the natural beauty of the Park;
  - to help visitors enjoy and understand it; and
  - to foster the wellbeing of local people.
- 7.2 National Park Authorities have a committee of 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 3 national parks is set out in Table 4.

**Table 4: Membership of Welsh National Park Authorities**

National Park Authority	Total Membership	Principal Council Members	Welsh Government appointed Members
<b>Brecon Beacons</b>	24	16: Blaenau Gwent County Borough Council – 1 Carmarthenshire County Council – 2 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 2 Powys County Council – 8 Rhondda Cynon Taf County Borough Council - 1 Torfaen County Borough Council - 1	8
<b>Pembrokeshire Coast</b>	18	12: Pembrokeshire County Council - 12	6
<b>Snowdonia</b>	18	12: Conwy County Borough Council – 3 Gwynedd Council – 9	6

- 7.4 In addition, Standards Committees of NPAs have Independent Co-opted members whose remuneration is included in the framework as set out in Section 9.

- 7.5 In considering remuneration of members of NPAs, the Panel has based its determinations on the following key points:
- NPAs manage their work via formal authority meetings, committees and task and finish groups. Each has a Development/Management/Planning Committee, and other committees include Performance and Resources and Audit and Scrutiny. Ordinary NPA members are members of at least one committee as well as being involved in site visits and inspection panels.
  - There is an expectation that members will participate in training and development.
  - The chair of an NPA has a leadership and influencing role in the authority, a representational role similar in some respects to that of a civic head and a high level of accountability. The chair is not only the leader of the authority but is also the public face of the particular national park and is the link with the Minister and AMs with whom they have regular meetings. The role requires a high level of commitment and time.

### **Basic and senior salaries**

- 7.6 The Panel has previously determined that the role of ordinary members of an NPA should be aligned to the basic salary of a member of a principal council, and that the time commitment required is a notional 42 days per year. This remains the basis of the Panel's determinations.
- 7.7 Although public sector funding continues to be constrained the Panel considers that a modest increase in the basic salary is justified and has determined there shall be an increase of £200 (which equates to 1.49%) from 1 April 2018 in the level of basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of members.
- 7.8 Therefore, there is a corresponding increase of £50 (rounded) on the basic salary for members of NPAs from 1 April 2018.
- 7.9 The Panel has also previously determined that the remuneration of an NPA chair should be aligned to that part of a Band 3 Level 1 senior salary received by a committee chair of a principal council.
- 7.10 The Panel has provided local flexibility so that an NPA can decide at which of two levels the roles of deputy chair and up to 2 other committee chairs can be remunerated. An NPA may choose to pay its deputy chair and/or committee chairs a salary of either £7,375 or £6,075, commensurate with the significant and sustained duties to be discharged in a particular role.
- 7.11 During 2016, the Panel met with members and officers of the 3 NPAs. Feedback was received during the Panel's visits about the importance of members' attendance at meetings and the impact non-attendance can have.

## **Additional Senior Salaries**

- 7.12 Feedback was also received during the Panel's visits to NPAs that its determination that up to two NPA Committee Chairs could receive a senior salary could be restrictive in the NPAs discharging their governance requirements.
- 7.13 The Panel allows principal councils greater flexibility to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework. The Panel is extending this provision to NPAs as reflected in the following principles:
- a. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
  - b. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
  - c. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.
- 7.14 The Panel has made the following determinations:

**Determination 24: The basic salary for NPA ordinary members shall be £3,675.**

**Determination 25: The senior salary of the chair of an NPA shall be £12,375.**

**Determination 26: An NPA senior salary can be paid to a Deputy Chair and up to two committee chairs where there is significant and sustained responsibility. This can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility: £6,075 or £7,375.**

**Determination 27: The Panel has determined to include a provision for NPAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.**

**Determination 28: Members must not receive more than one NPA senior salary.**

**Determination 29: An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility.**

**Determination 30: 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.**

**The Panel's determinations on Travel and Subsistence, Reimbursements of Costs of Care and Family Absence are now set out in separate sections of this Annual Report.**

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

### Structure of Fire and Rescue Authorities

- 8.1 The 3 Fire and Rescue Services in Wales: Mid and West Wales, North Wales and South Wales and Fire and Rescue Authorities (FRAs) were formed as part of Local Government re-organisation in 1996.
- 8.2 FRAs comprise of elected members who are nominated by the Principal Councils within the Fire and Rescue Service area.
- 8.3 The structure of the each of the 3 FRAs is set out in Table 5.

**Table 5: Membership of Fire and Rescue Authorities**

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

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

8.5 In considering remuneration of members of FRAs, the Panel has based its determinations on the following key points:

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

### **Basic and Senior Salaries**

8.6 The Panel has previously determined the remuneration of ordinary members of an FRA should be aligned to the basic salary of a member of a principal council and the time commitment required is a notional 20 days per year. This remains the basis of the Panel's determinations.

8.7 Although public sector funding continues to be constrained the Panel considers that a modest increase in the basic annual salary of elected members is justified and has determined there shall be an increase of £200 (which equates to 1.49%) from the date of the authority's Annual General Meeting in the level of basic salary for members of principal councils. This will help to limit further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of members.

8.8 Therefore, there is a corresponding increase of £30 (rounded) on the basic salary for members of FRAs from the date of the authority's Annual General Meeting.

8.9 The Panel determined that the remuneration of an FRA chair should be aligned to that part of a Band 3 Level 1 senior salary received by a committee chair of a principal council.

8.10 The Panel determined that the remuneration of an FRA deputy chair where there is significant and sustained senior responsibility will be aligned with the Band 5 senior salary.

8.11 The Panel has determined that up to two FRA committee chairs where there is significant and sustained responsibility can be remunerated.



8.12 During 2016, the Panel met with members and officers of the 3 FRAs. Feedback was received about the importance of members' attendance at meetings and the impact non-attendance can have.

### **Additional Senior Salaries**

8.13 The Panel allows principal councils greater flexibility to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework. The Panel is extending this provision to FRAs as reflected in the following principles.

- a. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
- b. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
- c. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

### **Local Pension Boards**

8.14 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 33 or 34 cannot be used exclusively for this role.

8.15 The Panel has made the following determinations:

<b>Determination 31: The basic salary for FRA ordinary members shall be £1,745.</b>
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<b>Determination 32: The senior salary of the chair of an FRA shall be £10,445.</b>
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<b>Determination 33: An FRA senior salary can be paid to the deputy chair and up to two chairs of committees where there is significant and sustained responsibility. This shall be paid at £5,445.</b>
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<b>Determination 34: The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.</b>
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**Determination 35: Members must not receive more than one FRA senior salary.**

**Determination 36: An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility**

**Determination 37: 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.**

**The Panel's determinations on Travel and Subsistence, Reimbursement of Costs of Care and Family Absence are now set out in separate sections of this Annual Report.**

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

- 9.1 The Panel has determined that a daily/half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights (this includes the co-opted member from a Town or Community council). The level of payments is equivalent to the current daily rates for chairs and members of the Welsh Government's Band 2 sponsored bodies. The Panel notes there has been no uplift in these payment levels across such bodies since 2010.
- 9.2 Principal councils, NPAs and FRAs can decide on the maximum number of days in any one year for which co-opted members may be paid.
- 9.3 The determinations are set out below:

**Determination 38: Principal councils, NPAs and FRAs must pay the following fees to co-opted members (Table 6) (who have voting rights).**

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

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

**Determination 39: Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.**

**Determination 40: Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).**

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

**Determination 41: The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.**

**Determination 42: Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.**

**The Panel's determinations on Travel and Subsistence, Reimbursement of costs of care and Family Absence are now set out in separate sections of this Annual Report.**

## 10. Reimbursement of Costs of Care

- 10.1 This section applies to members of principal councils, National Park Authorities, Fire and Rescue Authorities and to co-opted members of these authorities. The same provision for Community and Town Councils is given in section 13.
- 10.2 The purpose of this section is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel believes that additional costs of care required to carry out approved duties should not deter people from becoming and remaining a member of an authority or limit their ability to carry out the role.
- 10.3 The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in the options for publication as set out in Annex 4. To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.

**Determination 43: All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.**

## 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 him/her the senior salary.
  - Replacing the member who therefore loses the senior salary (but retains the basic salary).
- 11.3 The Panel has considered this and is amending the Framework to provide 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 authority's Schedule of Remuneration must be amended accordingly.
  - g) It does not apply to elected members of principal councils who are not senior post holders as they continue to receive basic salary for at least

six months irrespective of attendance and any extension beyond this timescale is a matter for the authority.

- 11.4 This arrangement applies to members of principal councils, National Park Authorities and Fire and Rescue Authorities who are senior salary holders, including Welsh Government appointed members, but does not apply to co-opted members.

Note:

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

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

- 12.1 This section applies to members of principal authorities, National Park Authorities, Fire and Rescue Authorities and to co-opted members of these authorities. (Similar provision for Community and Town Councils is contained in section 13 as there is a different approach to such members, principally that the provision is permissive.)
- 12.2 Members may claim reimbursement for travel and subsistence (meals and accommodation) costs where these have arisen as a result of undertaking official duties. Expenses reimbursed to members by their local authority are exempt from Income Tax and employee NICs.
- 12.3 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.
- 12.4 The Panel has determined there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at the current HM Revenue and Customs (HMRC) rates which are:

### Reimbursement of mileage costs

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles in a year by car
5p per mile	Per passenger carried on authority business
24p per mile	Motor cycles
20p per mile	Bicycles

- 12.5 Where a member who is on official business is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

### Reimbursement of other travel costs

- 12.6 All other claims for travel 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

- 12.7 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.
- 12.8 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.
- 12.9 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.
- 12.10 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.

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

- 13.1 The Panel has had responsibility for the remuneration of community and town councils since the Measure of 2011 and its first determinations for such members came into effect in the financial year 2013/2014. Subsequent Annual Reports have developed ideas for remuneration of community and town councillors, allowing flexibility to meet appropriate responsibilities.
- 13.2 The Panel recognises a wide variation in geography, scope and scale across the 735 community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities.
- 13.3 Since producing its last report, the Panel met with 104 Councillors and Clerks representing 68 Community and Town Councils in 4 meetings it held across Wales. The discussions confirmed the widely held view that the roles individual councils undertake varied significantly. Subsequent research the Panel undertook into councils' income and expenditure and councillor to population ratios further supported the wide variation.
- 13.4 The Panel is of the view that in accordance with this wide variation, the responsibilities and accountabilities of councillors must also vary. Councillors managing income or expenditure of £1m and those delivering significant services, including some that might have been delegated from principal councils, are operating in a much more complex environment than a council with an annual budget of less than £30,000.
- 13.5 Therefore the Panel is proposing to form groups of Community and Town Councils to reflect these differences. The Panel examined a range of measures they could use as the basis for any groupings and it considers that 3 groups based on the level of income *or* expenditure, whichever is the highest, in the previous financial year, is most appropriate. Using income *or* expenditure figures better reflects the activity levels of a council than population ratios which the Panel found did not correlate to income or expenditure. It is also easy for councils to understand which group they belong to.
- 13.6 In the draft report the Panel proposed a range of mandatory payments for councils. As part of the consultation on the draft report, the Panel received some helpful feedback from councils with income or expenditure of less than £30,000 which outlined the disproportionate impact this would have on their precept and administrative costs. The Panel has considered this and adjusted its groupings as set out in table 7 below.

In creating these three groups it has reflected that councils with income or expenditure in excess of £200,000 are subject to section 40 of the Wellbeing of Future Generations Act; approximately 50% have income or expenditure

below £30,000; and those councils with income or expenditure of between £30,000 and £200,000 are likely to have a greater range of responsibilities.

The Panel has reflected different payment requirements for councils in each of these three groups as set out in the remainder of this report. The Panel will be considering further differentiations based on the groups in the future.

**Table 7: Community and Town Council Groupings**

<b>Community and Town Council Group</b>	<b>Income or Expenditure in 2017-18 of:</b>
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

- 13.7 The Panel is of the view that Community and Town Councillors are not volunteers because further to the democratic process they have accepted formal responsibilities and all face some degree of liability, in respect of the Council functions they are running. Also, the Panel wants any member who has personal support needs and / or caring responsibilities to be able to fulfil their role. To reflect this, the Panel is mandating payment of a contribution to costs and expenses for members of councils in Groups A and B; and authorising payment of a contribution to costs and expenses to be made available for members of councils in Group C as set out in determinations 44 and 45. The Panel is also mandating reimbursement of cost of care for all members of Community and Town Councils as set out in determination 51.
- 13.8 The Panel is also of the view that Councils in Group A are likely to have a greater number of committees reflecting its level of activity; and therefore is additionally mandating the payment for senior roles as set out in Determination 46.
- 13.9 Where not mandated, each determination requires a formal decision by each of these community or town councils annually. 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.
- 13.10 In all cases, 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.
- 13.11 In the event of a member of the council standing down during the year, it is a matter for the council to decide whether or not to reclaim any payments made.
- 13.12 Members in receipt of a Band 1 or Band 2 senior salary from a principal council cannot receive any payment from any Community or Town Council, other than travel and subsistence expenses and reimbursement of costs of care. However, this does not preclude them from holding a senior role.

## **Payments towards costs and expenses**

13.13 The Panel is mandating payment of a contribution to costs and expenses for members of councils in Groups A and B; and authorising payment of a contribution to costs and expenses to be made available for members of councils in Group C. Receipts are not required for these payments.

**Determination 44: Community and town councils in Groups A and B must make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

**Determination 45: Community and town councils in Group C are authorised to make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

## **Senior roles**

13.14 The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, will involve greater responsibility. It is also likely that larger councils will have a greater number of committees, reflecting its level of activity. The Panel has therefore determined that councils in Group A must make available a payment for a minimum of one senior role and a maximum of five senior roles. Councils in Groups B and C are authorised to pay up to five responsibility payments for specified roles.

**Determination 46: Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.**

**Determination 47: Community and town councils in Groups B or C are authorised to make an annual payment of £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses if that is claimed.**

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

13.15 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.

**Determination 48: Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties.<sup>8</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:**

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

**Determination 49: If a community or town council resolves that a particular duty requires an overnight stay, it may 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**

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

**Determination 50: Community and town councils are authorised to pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:**

- Up to £34.00 for each period not exceeding 4 hours:
- Up to £68.00 for each period exceeding 4 hours but not exceeding 24

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<sup>8</sup> Where a member who is on official business is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

hours.

### Reimbursement of the costs of care

- 13.17 The purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel believes that the additional costs of care required to carry out approved duties should not deter people from becoming and remaining a member of an authority or limit their ability to carry out the role.
- 13.18 The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in the options for publication as set out in Annex 4. To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.

**Determination 51: All community and town councils must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.**

### Civic Head / Deputy Civic Head Honoraria

- 13.19 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 should be authorised to pay an honorarium for these roles. In previous annual reports the Panel did not determine a maximum level of payment to mayors/chairs and their deputies.
- 13.20 The Panel's consultation meetings this year, confirmed that the majority of community and town councils make no or very modest payments to their civic leaders and that some of them are reporting the budget allocated for civic functions and civic expenditure rather than the amount paid as personal senior salary to the individual.
- 13.21 The Panel is concerned only with the amount paid to the mayors/chairs as an honorarium to be used or retained at their discretion. This is separate from a budget for mayoral/chair activities. The Panel has determined that the maximum amount to be paid to a chair/mayor of a community or town council in this way shall be £1,500. The maximum amount to be paid to a deputy mayor/chair in this way shall be £500.

**Determination 52: Community and town councils are authorised to provide a Civic Head payment to the mayor/chair of the council up to a maximum of £1,500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

**Determination 53: Community and town councils are authorised to provide a Deputy Civic Head payment to the deputy mayor/deputy chair of the council up to a maximum amount of £500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

### **Publicity requirements**

13.22 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. 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 year to which the payments relate. The Panel draws attention to the requirements stipulated at Annex 4. The Panel is concerned that a significant number of councils are in breach of this requirement.

## 14. Compliance with Panel Requirements

### The Panel's remit under the Measure

- 14.1 Section 153 of the Measure empowers the Panel to require a relevant authority<sup>9</sup> to comply with the requirements imposed on it by an Annual Report of the Panel and further enables the Panel to monitor the compliance of relevant authorities with the Panel's determinations.
- 14.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting or a date specified within the Annual Report.

### Monitoring compliance

- 14.3 The Panel will monitor the compliance with the determinations in this Annual Report by relevant authorities against the following requirements:
- (i) A relevant authority must maintain an annual **Schedule of Member Remuneration** (IRPW Regulations 4 and 5). Guidance at Annex 3 sets out the content which must be included in the Schedule.
  - (ii) A relevant authority must make arrangements for the Schedule's publication within the authority area (IRPW Regulation 46) and send the Schedule to the Panel as soon as practicable and not later than 31 July in the year to which it applies. Annex 4 provides further details of the publicity requirements.
  - (iii) Any amendments to the Schedule made during the year must be conveyed to the Panel as soon as possible after the amendment is made.

**Note: The above requirements do not apply to community and town councils at this time. The following applies to all authorities including community and town councils.**

- (iv) A relevant authority must make arrangements for publication within the authority area of the total sum paid by it 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) as soon as practicable and no later than 30 September following the close of the year to which it relates. It must be submitted to the Panel no later than that date.

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<sup>9</sup> Interpretation of "Relevant Authority" provided in the Independent Remuneration Panel for Wales (IRPW) Regulations, Part 1, 'Interpretation'.



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

- 15.1 Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting section 143A. This enables the Panel to take a view on anything in the Pay Policy Statements of these authorities that relates to the salary of the head of paid service (normally the chief executive or chief fire officer). Section 39 of the Local Government (Wales) Act 2015 further amended the Measure extending this function to include Chief Officers of Principal Councils.
- 15.2 The Welsh Government issued amended guidance to the Panel which can be found at <http://gov.wales/docs/dsijg/publications/localgov/160212-irp-guide-salaries-en-v2.pdf> .This sets the basis on which the Panel will carry out the function contained in the legislation.
- 15.3 In essence the functions of the Panel and the requirements on authorities established by the legislation and the subsequent guidance are:
- a) If a principal council intends to change the salary of the head of paid service or chief officer, or if a fire and rescue authority intends to change the salary of its head of paid service it must consult the Panel unless the change is in keeping with changes applied to other officers of that authority (whether the change is an increase or decrease). 'Salary' includes payments under a contract for services as well as payments of salary under an employment contract.
  - b) The authority must have regard to the recommendation(s) of the Panel when reaching its decision.
  - c) The Panel may seek any information that it considers necessary to reach a conclusion and produce a recommendation. The authority is obliged to provide the information sought by the Panel.
  - d) The Panel may publish any recommendation that it makes. It is the intention that, in the interests of transparency, it will normally do so.
  - e) The Panel's recommendation(s) could indicate:
    - approval of the authority's proposal
    - express concerns about the proposal
    - recommend variations to the proposal
- as long as these comply with any guidance issued by the Welsh Government.
- 15.4 The Panel also has a general power to review the Pay Policy Statements of authorities so far as they relate to the heads of paid service (and chief officers

until 2020).

- 15.5 It is important to note the Panel will not decide the amount an individual head of paid service will receive.
- 15.6 The Panel is very aware that this additional function is significantly different from its statutory responsibilities in relation to members' remuneration. However, it will ensure that 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**

- 15.7 Paragraph 3.7 of the guidance to the Panel from the Welsh Government states that "The legislation does not restrict the Panel to a reactive role". It allows the Panel to use its power to make recommendations relating to provisions within local authorities Pay Policy Statements. The Panel has considered this in the context of its resources and has decided that these limit the time that could be applied to this open power. So it will examine changes from year to year of the salaries of Chief Executives and Chief Officers to ensure that these comply with the requirements of the legislation.



Reuben Bergman  
Head of Human Resources  
Vale of Glamorgan Council

[rbergman@valeofglamorgan.gov.uk](mailto:rbergman@valeofglamorgan.gov.uk)

30 January 2017

Dear Mr Bergman

**Reduction in Salary for a Chief Officer Post**

Your email dated 25<sup>th</sup> January has been considered by the Independent Remuneration Panel for Wales. All members of the Panel expressed their views on the proposal, and as you requested to receive the Panel's comments on this proposal prior to 9<sup>th</sup> February, this was done by email.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal for a reduction to the salary of your Director of Social Services as submitted.

Yours sincerely

John Bader  
Chair



Nick Jarman  
Director of Social Services, Health and Housing  
Neath Port Talbot County Borough Council

[n.jarman@npt.gov.uk](mailto:n.jarman@npt.gov.uk)

27 February 2017

Dear Mr Jarman,

### **Honorarium Payment to the Head of Children and Young People's Services**

Your letter dated 15 February 2017, accompanying documentation and explanatory email was considered by the Independent Remuneration Panel for Wales at their meeting on 22 February. All members of the Panel were present and therefore the meeting was quorate. One member of the Panel declared a conflict of interest and took no part in the discussion.

The Panel considered whether an honorarium paid to a chief officer fell within the Panel's remit. It consulted the *Amended Guidance to the Independent Remuneration Panel for Wales under Section 43A of the Local Government (Wales) Measure 2011 and Section 39 of the Local Government (Wales) Act 2015*, issued by the Welsh Government. The guidance does not define salary, so the Panel applied the ordinary meaning of the word, namely remuneration in return for services under a contract of employment. The Panel is satisfied that its remit covers all such payments, including those termed honoraria, temporary promotion allowances, bonuses or any other term which distinguishes them from the basic salary. The Panel also considered the Honorarium Policy of Neath Port Talbot council and note that it excludes chief officers. The Panel concluded that making an additional payment to a chief officer in recognition of his or her additional duties is an alteration to the salary that does fall within the Panel's remit.

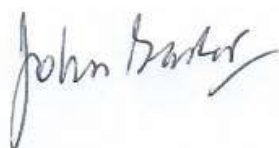
Given that the initial addition to the salary was effective from March 2016 it is clear therefore that Neath Port Talbot council were in breach of their duty under the legislation to consult the Panel.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposal
- b) Express concerns about the proposal
- c) Recommend a variation to the proposal

Having examined the submission from your authority in respect of the continuation of the additional payment, it is the decision of the Panel to approve the proposal as submitted. The Panel however is concerned that the council's failure to consult the Panel is an indication that the council has not been as transparent as it might have been in deciding to alter the salary of this particular chief officer. Your letter is clear that this honorarium payment will cease on the 31<sup>st</sup> August 2017, either because of the appointment of a Head of Adult Services or because of the introduction of a new management structure. If a new management structure is introduced and results in changes to the salaries (including additions/honoraria) of chief officers of the council the Panel expects that it will be consulted in a timely manner and full disclosure of the justification for the changes will be provided.

Yours sincerely

A handwritten signature in black ink that reads "John Bader". The signature is written in a cursive style with a long, sweeping underline.

John Bader

Chair



Carys Edwards MA FCIPD  
Penaeth Proffesiwn AD – Head of Profession HR  
Cyngor Sir Ynys Mon County Council  
Council Officer  
Llangefni  
Ynys Mon  
LL77 7TW

26 July 2017

Dear Ms Edwards,

**Head of Children’s Service – Increase in Salary Level**

Your emails dated 29 June, 5<sup>th</sup> July and 13 July and the enclosed report from your Chief Executive have been considered by the Independent Remuneration Panel for Wales at its meeting on 19<sup>th</sup> July. All members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal to increase the current salary level of the vacant Head of Children’s Service of £59,757 – £65,933 to a maximum of £74,000.

Yours sincerely

John Bader

Chair



Nick Jarman  
Director of Social Services, Health and Housing  
Neath Port Talbot County Borough Council

[n.jarman@npt.gov.uk](mailto:n.jarman@npt.gov.uk)

26 July 2017

Dear Mr Jarman

Your letter dated 5 July with its proposal to extend the honorarium payment to the Head of Children and Young People's Services until 31<sup>st</sup> December 2017 was considered by the Panel at its meeting on the 19 July. All members of the Panel were present and therefore the meeting was quorate. One member of the Panel declared a conflict of interest and took no part in the discussion.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal to extend the honorarium payment until 31<sup>st</sup> December 2017. The Panel expect this to be a final extension and to see any relevant proposals for the restructuring of the Senior Management Team in due course.

Yours sincerely

John Bader

Chair



Will Godfrey  
Chief Executive  
Newport City Council

20 September 2017

Dear Mr Godfrey

### **Decrease of Chief Education Officer Salary**

The email sent on your behalf by Rachael Davies dated 6 September 2017 with the enclosed report *Review of the Chief Education Officer Salary at Newport City Council September 2017* has been considered by the Independent Remuneration Panel for Wales at its meeting on 13 September. All members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal to decrease the current salary level of the Chief Education Officer from Band 1 (£82,261 - £90,923) to Band 2 (£73,841 - £79,514) following your revision of the job description for the Chief Education Officer with the accountability for the regional focus being removed.

Yours sincerely

John Bader  
Chair



CLlr Thompson-Hill  
Chair of Senior Remuneration Panel  
Denbighshire County Council

C/o

[sophie.vaughan@denbighshire.gov.uk](mailto:sophie.vaughan@denbighshire.gov.uk)



24 November 2017

Dear CLlr Thompson-Hill

Your submission sent on the 7 November with its proposed salary package for the replacement chief executive officer to be recruited by 1 April 2018 was considered by the Panel at its meeting on the 15 November. All members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority it is the decision of the Panel to approve the proposal to remove the Performance Related Pay element of up to 12% of the annual salary and for the top point of the proposed three point incremental grade to be £127,513, the same amount as the current chief executive's salary.

Yours sincerely

John Bader

Chair

Carys Edwards MA FCIPD  
Penaeth Proffesiwn AD  
Head of Profession HR  
Cyngor Sir Ynys Mon – Isle of Anglesey  
County Council  
Council Offices  
Llangefni  
Ynys Mon  
LL77 7TW



14 December 2017

Dear Ms Edwards

### **Head of Learning – increased salary range**

Your email dated 24 November 2017 with the enclosed *Report to the Independent Remuneration Panel* has been considered by the Independent Remuneration Panel for Wales at its meeting on 13 December. Five out of the six members of the Panel were present and therefore the meeting was quorate.

In respect of the function of the Panel related to the salaries of chief officers the remit and guidance from the Welsh Government allows the Panel to:

- a) Approve the proposals
- b) Express concerns about the proposals
- c) Recommend a variation to the proposals

Having examined the submission from your authority, in the light of the particular issues in relation to Education, it is the decision of the Panel to approve the proposal to increase the salary of the Head of Learning from the current spot point salary of £72,114 to a range of £72,810 - £82,293

Yours sincerely

John Bader

Chair

## Annex 1: The Panel's Determinations for 2018/19

<b>Principal Councils</b>	
1.	Basic salary in 2018/19 for elected members of principal councils shall be £13,600.
2.	The Panel has determined that senior salary levels in 2018/19 for members of principal councils shall be as set out in Table 2.
3.	The Panel has determined that (where paid) civic salaries at the levels as set out in Table 3 and will be applied by principal councils as each considers appropriate, taking account of the anticipated workloads and responsibilities.
4.	The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Level 1 senior salary. This post will count towards the cap.
5.	The Panel has determined that the post of deputy presiding member will not be remunerated.
6.	The Panel has determined that each authority, through its Democratic Services Committee, must ensure all its 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.
7.	The Panel has determined that 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>	
8.	The Panel has determined to include a provision for specific or additional senior salaries that do not fall within the current Remuneration Framework.
<b>Joint Overview and Scrutiny Committees</b>	
9.	The chair of a Joint Overview and Scrutiny Committee is eligible for an additional payment of £6,700.
10.	In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the additional payment will be £3,350.
11.	The chair of a sub committee of a JOSOC is eligible for an additional payment of £1,675.

12.	In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the additional payment will be £837.
13.	Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.
14.	Payments made to a chair of a JOSC, or a chair of a sub committee of a JOSC, are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (Section 142 (5) of the Measure).
15.	A deputy chair of a JOSC or sub committee is not eligible for payment.
16.	Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.
<b>Local Government Pension Scheme</b>	
17.	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
<b>Family Absence</b>	
18.	An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
19.	When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.
20.	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.
21.	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.
22.	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.

23.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
<b>National Park Authorities</b>	
24.	The basic salary for NPA ordinary members shall be £3,675.
25.	The senior salary of the chair of an NPA shall be £12,375.
26.	An NPA senior salary can be paid to a Deputy Chair and up to two committee chairs where there is significant and sustained responsibility. This can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility: £6,075 or £7,375.
27.	The Panel has determined to include a provision for NPAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
28.	Members must not receive more than one NPA senior salary.
29.	An NPA senior salary is paid inclusive of the NPA basic salary and must reflect significant and sustained responsibility.
30.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.
<b>Fire and Rescue Authorities</b>	
31.	The basic salary for FRA ordinary members shall be £1,745.
32.	The senior salary of the chair of an FRA shall be £10,445.
33.	An FRA senior salary can be paid to the deputy chair and up to two chairs of committees where there is significant and sustained responsibility. This shall be paid at £5,445.
34.	The Panel has determined to include a provision for FRAs to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
35.	Members must not receive more than one FRA senior salary.
36.	An FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
37.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.
<b>Co-opted Members</b>	

38.	Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 6.
39.	Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
40.	Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
41.	The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
42.	Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
<b>Reimbursement of Costs of Care</b>	
43.	All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.
<b>Community and Town Councils</b>	
44.	Community and town councils in Groups A and B must make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.
45.	Community and town councils in Group C are authorised to make available a payment to each of their members of £150 per year for costs incurred in respect of telephone usage, information technology, consumables etc.
46.	Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
47.	Community and town councils in Groups B or C are authorised to make an annual payment of £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses if that is claimed.

48.	<p>Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties.<sup>10</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</p> <ul style="list-style-type: none"> <li>• 45p per mile up to 10,000 miles in the year.</li> <li>• 25p per mile over 10,000 miles.</li> <li>• 5p per mile per passenger carried on authority business.</li> <li>• 24p per mile for private motor cycles.</li> <li>• 20p per mile for bicycles.</li> </ul>
49.	<p>If a community or town council resolves that a particular duty requires an overnight stay, it may 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>
50.	<p>Community and town councils are authorised to pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>• Up to £34.00 for each period not exceeding 4 hours.</li> <li>• Up to £68.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
51.	<p>Community and town councils must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.</p>
52.	<p>Community and town councils are authorised to provide a Civic Head payment to the mayor/chair of the council up to a maximum of £1,500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses if that is made.</p>

<sup>10</sup> Where a member who is on official business is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

53.	Community and town councils are authorised to provide a Deputy Civic Head payment to the deputy mayor/deputy chair of the council up to a maximum amount of £500 to undertake the functions of that office. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.
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## **Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations:**

- a) for the remuneration of members and co-opted members of relevant authorities**
- b) for functions relating to the salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities**
- c) Chief officers of Principal Councils**

### **Introduction**

Part 8 (sections 141 to 160) and schedules 2 and 3 of the Local Government (Wales) Measure 2011 (*the Measure*) set out the arrangements for the payments and pensions for members of relevant authorities and the functions and responsibilities of the Independent Remuneration Panel for Wales (the Panel).

Sections 62 to 67 of the Local Government (Democracy) (Wales) Act 2013 amends sections 142, 143, 144, 147, 148 and 151 of the Measure and confers additional powers on the Panel.

The powers contained in part 8 and schedules 2 and 3 of the Measure (as amended) have replaced the following Statutory Instruments:

- The Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 (No. 1895 (W.196)).
- The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (No. 2555 (W.227)).
- The Local Authorities (Allowances for Members) (Wales) Regulations 2007 (No.1086 (W.115)).

The Measure also has replaced the sections of the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000 relating to payments to councillors in Wales.

Allowances for members of community and town councils are set out in Part 5 of these Regulations. The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (No. 895(W.115)) were revoked from 1<sup>st</sup> April 2013.

### **Part 1**

#### **General**

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

- b. The IRPW Regulations came into force on 1 April 2012. The implementation date for each of the relevant authorities is set out in the Annual Report or Supplementary Report of the Panel.
- c. Authorities are required to produce a schedule of payments to members and co-opted members no later than the 31<sup>st</sup> July each year, for submission to the Panel and publication (see paragraph 46).

## Interpretation

### 2. In the IRPW Regulations:

- “The 1972 Act” means the Local Government Act 1972.
- “The 2000 Act” means the Local Government Act 2000.
- “The 2013 Act” means the Local Government (Democracy) (Wales) Act 2013.
- “Allowance” means the actual or maximum amount which may be reimbursed to members and co-opted members of a relevant authority for expenses necessarily incurred when carrying out the official business of the relevant authority.
- “Annual report” means a report produced by the Panel in accordance with section 145 of the Measure.
- “Approved duty” in relation to community and town councils has the meaning as set out in Part 5 of these Regulations.
- “Attendance Allowance” in relation to community or town councils has the meaning set out in Part 5 of these Regulations.
- “Authority” means a relevant authority in Wales as defined in Section 144(2) of the Measure, and includes a local authority (county or county borough council), a national park authority and a Welsh fire and rescue authority, a community or town council.
- “Basic Salary” has the same meaning as set out in paragraph 6 of these Regulations, and may be qualified as “LA Basic Salary” to refer to the basic salary of a member of a principal council; “NPA Basic Salary” to refer to the basic salary of a member of a national park authority; and “FRA Basic Salary” to refer to the basic salary of a member of a Welsh fire and rescue authority.
- “Chief Officer” of a principal authority has the meaning as defined in the Localism Act 2011.
- “Civic Head” is the person elected by the council to carry out the functions of the chair of that council and is designated as mayor or chair.
- “Committee” includes a sub-committee.
- “Community or town council” means in relation to Part 8 of the Measure, a community council as defined in section 33 of the Local Government Act 1972 or a town council in accord with section 245B of the same Act.

- “Consultation draft” means the draft of an Annual or Supplementary report under Section 146 (7) or 147(8) of the Measure, representations on which must be taken into account by the Panel.
- “Constituent authority” – for national park authorities this is a local authority falling within the area of a national park authority; for Welsh fire and rescue authorities it is a local authority falling within the area of a fire and rescue authority.
- “Controlling group” means a political group in a local authority where any of its members form part of the executive.
- “Co-opted Member” has the meaning contained in section 144 (5) of the Measure, that is those with the right to vote on matters within the purview of the committee on which they serve.
- “Co-opted Member fee” has the same meaning as set out in paragraph 19 of these Regulations.
- “Costs of Care” has the same meaning as set out in paragraph 21 of these Regulations.
- “Democratic Services Committee” means the local authority committee established under section 11 of the Measure.
- “Deputy Civic Head” is a person elected by the council to deputise for the mayor or chair of that council.
- “Executive” means the executive of an authority in a form as specified in sections 11(2) to (5) of the 2000 Act, as amended by section 34 of the Measure.
- “Executive arrangements” has the meaning given by section 10(1) of the 2000 Act.
- “Family absence” as defined in Section 142 (2) (b) of the Measure has the meaning given to it by Part 2 of the Measure, and contained in the Regulations relating thereto.
- “Financial Loss Allowance in relation to community or town councils has the meaning as set out in Part 5 of the Regulations.
- “Fire and rescue authority” means an authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- “Head of paid service” means as designated under section 4(1) of the Local Government and Housing Act 1989.
- Joint Overview and Scrutiny Committee means a committee or sub committee set up by two or more principal councils under the Local Authority (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
- “Largest opposition group” means a political group other than a controlling group which has a greater number of members than any other political group in the authority.

- “Local authority” means a county or county borough council.
- “Member” means in respect of a local authority or a community or town council a person who has been elected to serve as a councillor for that authority; for a national park authority means a member appointed by a constituent authority and also a person appointed by Welsh Ministers; for Welsh fire and rescue authorities means a member appointed by a constituent authority.
- “National Park Authority” means a national park authority established under section 63 of the Environment Act 1995.
- “Official business” has the meaning contained in Section 142 (10) of the Measure in relation to the payment of allowances for care, travel and subsistence as reimbursement of expenses necessarily incurred by members and co-opted members of a relevant authority (excluding community and town councils) when:
  - a. Attending a meeting of the authority or any committee of the authority or any body to which the authority makes appointments or nominations or of any committee of such a body.
  - b. Attending a meeting of any association of authorities of which the authority is a member.
  - c. Attending a meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities.
  - d. Attending any training or development event approved by the authority or its executive.
  - e. A duty undertaken for the purpose of or in connection with the discharge of the functions of an executive within the meaning of Part 2 of the 2000 Act, as amended.
  - f. A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.
  - g. A duty undertaken in connection with the discharge of any function of the authority to inspect or authorise the inspection of premises.
  - h. A duty undertaken by members of principal councils in connection with constituency or ward responsibilities which arise from the discharge of local authority functions.
  - i. Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.
- “Other political group” means a political group other than a controlling group or the largest opposition group (if any) which comprises not less than ten per cent of the members of that authority.

- “Overview and Scrutiny Committee” means a committee of the authority which has the powers set out in sections 21(2) and (3) of the 2000 Act, as amended by Part 6 of the Measure.
- “Panel” means the Independent Remuneration Panel for Wales as set out in section 141(1) and schedule 2 of the Measure.
- “Pay policy statement” means a statement produced by a relevant authority under section 38 of the Localism Act 2011.
- “Presiding Member” means a member of a principal council who has been designated by that council to carry out functions in relation to the chairing of its meetings and proceedings.
- “Principal council” means a county or county borough council.
- “Proper officer” has the same meaning as in section 270(3) of the 1972 Act.
- “Public body” means a body as defined in section 67(b) of the 2013 Act.
- “Qualifying provision” means a provision that makes a variation to a previous decision of the Panel. (Section 65 (c) of the 2013 Act).
- “Qualifying relevant authority” is an authority within the meaning of section 63 of the 2013 Act, required to produce a pay policy statement.
- “Relevant authority” is set out in Section 144(2) of the Measure (as amended) and in section 64 of the 2013 Act and, for the purposes of these Regulations, includes a local authority/principal council, a community or town council, a national park authority and a Welsh fire and rescue authority.
- “Relevant matters” are as defined in Section 142(2) of the Measure.
- “Schedule” means a list setting out the authority’s decisions in respect of payments to be made during the year (as relating to that authority) to all members and co-opted members of that authority.
- “Senior Salary” has the same meaning as set out in paragraph 11 of these Regulations and may be qualified as “Local Authority/Principal council Senior Salary” to refer to the senior salary of a member of a principal council; “National Park Senior Salary” to refer to the senior salary of a member of a national park authority; or “Fire and Rescue authority Senior Salary” to refer to the senior salary of a member of a Fire and Rescue authority.
- “Sickness absence” means the arrangements as set out in the Annual Report.
- “Supplementary report” has the meaning contained in section 146(4 to 8) of the Measure.
- “Travelling and subsistence allowance” has the same meaning as set out in paragraph 25 of these Regulations.
- “Year” has the following meanings:

“financial year” – the period of twelve months ending 31 March;

“calendar year” – the period of twelve months ending 31 December;

“municipal year” – the year commencing on the date of the annual meeting of the local authority and ending the day before the annual meeting of the following year; for national park authorities and Welsh fire and rescue authorities it is the period of up to twelve months following the annual meeting of the authority.

## **Part 2: Schedule of member/co-opted member remuneration**

### **Commencement of term of office**

3. The term of office of:

- A member of a local authority or community or town council begins 4 days following the election subject to making the declaration of acceptance of that office under section 83(1) of the 1972 Act.
- A councillor member of a national park authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of a Welsh Government appointed member begins on the date of that appointment. The term of office of the chair and deputy chair of the national park authority begins on the date of election by that authority to that office.
- A councillor member of a Welsh fire and rescue authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of the chair and deputy chair of the fire and rescue authority begins on the date of election by that authority to that office.
- A co-opted member of a relevant authority begins on the date of appointment by the relevant authority.

### **Schedule of member remuneration (the Schedule) (does not apply to community or town councils – see Part 5)**

4. An authority must produce annually, a schedule of payments it intends to make to its members and co-opted members. The amount of those payments must accord with the Panel’s determinations made for that year in its Annual or Supplementary Reports. The Schedule must be produced no later than four weeks following the annual meeting of the authority.

### **Amendment to the Schedule**

5. An authority may amend the Schedule at any time during the year (as relating to the authority) provided that such amendments accord with the Panel’s determinations for that year.

### **Basic salary**

6. An authority must provide for the payment of a basic salary, as determined by the Panel in its Annual or Supplementary Reports, to each of its members. The amount of the salary must be the same for each member. For principal councils only, this salary remains payable during a period of family absence.
7. A member may not receive more than one basic salary from a relevant authority, but a member of one relevant authority may receive a further basic salary by being appointed as a member of another relevant authority (except in the case as indicated in paragraph 16).
8. The amount of the basic salary will be set in accordance with Section 142(3) of the Measure and will be one of the following:
  - The amount the authority must pay to a member of the authority.
  - The maximum amount that the authority may pay to a member of the authority.
9. Where the term of office of a member begins or ends other than at the beginning or end of the year (as relating to the authority), the entitlement of that member is to such proportion of the basic salary as the number of days during which the member's term of office subsists during that year bears to the number of days in that year.
10. Where a member is suspended or partially suspended from being a member of an authority (Part 3 of the 2000 Act refers) the part of the basic salary payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

### **Senior salary**

11. Subject to paragraphs 12 to 18 an authority can make payments of a senior salary to members that it has given specific responsibilities. Such payments must accord with the Panel's determination for the year (as relating to the authority) that the payments are made and must be set out in the Schedule of that authority. For principal councils only, a senior salary will remain payable during the family absence of the office holder.
12. The Panel will prescribe in its Annual or Supplementary Reports the following:
  - The categories of members eligible for the payment of a senior salary which may not be the same for all authorities or categories of authorities.
  - The discretion available to authorities in relation to the payment of senior salaries which may not be the same for all authorities or categories of authorities.
13. The amount of the senior salaries payable will be in accordance with section 142(3) of the Measure and specify:

- The amount that a relevant authority must pay to a member of the authority.
  - The maximum amount that a relevant authority may pay to a member of the authority.
14. The Senior Salary will comprise an amalgam of the basic salary and an additional amount for the relevant specific responsibility determined by the Panel in its Annual or Supplementary Reports. This may not be the same for all authorities or categories of authorities.
  15. The Panel in its Annual or Supplementary Reports will determine either the maximum proportion of its membership or the total number of members that an authority can pay as senior salaries. The percentage may not exceed fifty percent without the express approval of Welsh Ministers (Section 142(5) of the Measure). For principal councils only, the maximum proportion or number may be exceeded to include payment of a senior salary to an additional member who is appointed to provide temporary cover for the family absence of a senior salary office holder (subject to the 50% limit).
  - 15(a). For principal councils, Fire and Rescue Authorities and National Park Authorities the maximum proportion or number may be exceeded to include the payment of a senior salary to an additional member who is appointed to provide temporary cover for the sickness absence of a senior salary holder as determined in the Annual Report or a Supplementary Report.
  - 15(b). Payments to chairs of Joint Overview and Scrutiny Committees or Sub Committees are additional to the maximum proportion of its membership that an authority can pay as senior salaries subject to the overall maximum of fifty percent as contained in Section 142(5) of the Measure. The Panel will determine the amounts of such payments in an Annual or Supplementary Report.
  16. An authority must not pay more than one senior salary to any member. A principal council member in receipt of a senior salary as leader or executive member of a local authority (determined as full-time by the Panel) may not receive a second salary as a member appointed to serve on a national park authority or a Welsh fire and rescue authority.
  - 16(a). Paragraph 16 does not apply to payments made to a chair of a Joint Overview and Scrutiny Committee or Sub Committee who is in receipt of a senior salary for a role that is not classified as full time equivalent. It continues to apply to leaders or members of the executive.
  17. Where a member does not have, throughout the year specific responsibilities that allow entitlement to a senior salary, that member's payment is to be such proportion of the salary as the number of days during which that member has such special responsibility bears to the number of days in that year.
  18. Where a member is suspended or partially suspended from being a member of the authority (Part 3 of the 2000 Act refers) the authority must not make



payments of the member's senior salary for the duration of the suspension (Section 155(1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the basic salary.

### **Co-opted member payment**

19. A relevant authority must provide for the payment of a fee to a co-opted member as determined by the Panel in its Annual or Supplementary Reports. In relation to this regulation 'co-opted member' means a member as determined in Section 144(5) of the Measure and set out in paragraph 2 of these Regulations.
20. Where a co-opted member is suspended or partially suspended from an authority (Part 3 of the 2000 Act refers) the authority must not make payment of a co-opted member fee for the duration of the suspension (Section 155(1) of the Measure).

### **Allowances**

#### **Costs of Care**

21. Authorities must provide for the payment to members and co-opted members of an authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual member as are necessarily incurred in carrying out official business as a member or co-opted member of that authority. Payments under this paragraph must not be made:
  - In respect of any child over the age of fifteen years or dependant unless the member/co-opted member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of the duties of a member or co-opted member.
  - To more than one member/co-opted member of the authority in relation to the care of the same child or dependant.
  - Of more than one reimbursement for care to a member or co-opted member of the authority who is unable to demonstrate to the satisfaction of the authority that the member/co-opted member has to make separate arrangements for the care of different children or dependants.
22. The maximum amount of the cost of care payable by an authority is to be determined by the Panel in its Annual or Supplementary Reports.
23. Where a member/co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers) the part of the reimbursement of the cost of care payable to that member/co-opted member in receipt of the responsibilities or duties from

which that member/co-opted member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

24. An authority's Schedule must stipulate the maximum amount of the reimbursement of costs of care payable each month and its arrangements for making claims, taking full account of the Panel's determinations in this respect.

### **Travel and subsistence allowances**

25. Subject to paragraphs 26 and 27 below a member or co-opted member is entitled to receive payments from the authority by way of travelling and subsistence allowances at rates determined by the Panel in its Annual or Supplementary Reports. Such allowances are in respect of expenditure incurred by a member or co-opted member in the performance of the official business of the authority.

### **(Paragraphs 26 & 27 apply only to principal councils)**

26. Payment of a subsistence allowance to a local authority member for the performance of official business within the boundaries of a county or county borough where s/he is a member should only be made when the authority is satisfied that it can be justified on economic grounds. This does not apply in respect of co-opted members of a local authority who live outside that authority.
27. A local authority may make provision, subject to any limitations it thinks fit, for members to claim mileage expenses for official business in connection with constituency or ward responsibilities where they arise out of the discharge of the functions of the county or county borough.
28. Where a member or co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers), travelling and subsistence allowances payable to that member/co-opted member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

## **Part 3: Further provisions**

### **Pensions**

29. Under Section 143 of the Measure, the Panel may make determinations in respect of pension arrangements for local authority members in its Annual or Supplementary Reports. Such determinations may:
  - Describe the description of members for whom a local authority will be required to pay a pension.

- Describe the relevant matters in respect of which a local authority will be required to pay a pension.
- Make different decisions for different principal councils.

### **Allowances to support the function of a local authority member**

30. A local authority must provide for the requirements of a member to undertake their role and responsibilities more effectively. The way in which this support should be provided is determined by the Panel in its Annual or Supplementary Reports.

### **Payment of expenses for official and courtesy visits**

31. The arrangements contained in Section 176 of the Local Government Act 1972 will continue to apply but no payment may be made to a person under that arrangement when a payment has been made to that person pursuant to any payment made under these Regulations.

### **Arrangements in relation to family absence**

32. Part 2 of the Measure sets out the rights of local authority members in relation to family absence. The Panel will set out its determinations and the administrative arrangements in relation to the payment of salaries and allowances by principal councils in this respect in its Annual or Supplementary Reports.

### **Sickness Absence**

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

## **Part 4: Salaries, allowances or fees**

### **Repayment of salaries, allowances or fees**

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

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

### **Forgoing salaries, allowances or fees**

34. Under Section 154 of the Measure, any member or co-opted member may by notice in writing to the proper officer of the authority elect to forgo any part of their entitlement to a salary, allowance or fee under the determination of the Panel for that particular year (as relating to the authority).

## **Part 5: Specific provisions relating to community and town councils (“the council”)**

### **Interpretation**

35. For the purposes of this Part the term member means both an elected member and a co-opted member.

### **Allowances**

36. Allowances:
- a) The Annual Report or a Supplementary Report determines the arrangements and amount of an annual payment to members in respect of costs incurred in carrying out the role of a member and if appropriate take account of the variation in size or financial circumstances of different councils.
  - b) The council can if it so decides make payments to members in respect of costs of travel for attending approved duties inside or outside the area of the council. The amounts claimable will be set out in the Annual or Supplementary Report of the Panel.
  - c) The council can if it so decides reimburse subsistence expenses to its members when attending approved duties inside or outside the area of the council. The arrangements for reimbursement will be set out in the Annual or Supplementary Report of the Panel.
  - d) The council can if it so decides pay compensation for Financial Loss to its members where such loss has occurred for attending approved duties outside the area of the council. The Allowances will be set out in the Annual or Supplementary Report of the Panel.
  - e) The council can if it so decides pay an allowance to the chair or mayor of the council for the purposes of undertaking the role of that office. The allowance will be set out in the Annual or Supplementary Report of the Panel.
  - f) The Annual Report or a Supplementary Report determines the arrangements to pay a responsibility allowance to members of a council and if appropriate take account of the variation in size or financial circumstances of different councils.

- g) The council must reimburse the costs of care to a member if claimed, as determined in the Annual Report of the Panel.
37. A member may elect to forgo any part of an entitlement to an allowance under these Regulations by giving notice in writing to the proper officer of the council.
38. A member making a claim for compensation for Financial Loss must sign a statement that the member has not made and will not make any other claim in respect of the matter to which the claim relates.
39. “Approved Duty” under this Part means
- i. Attendance at a meeting of the council or of any committee or sub-committee of the council or of any other body to which the council makes appointments or nominations or of any committee or sub-committee of such a body.
  - ii. Attendance at any other meeting the holding of which is authorised by the council or a committee or sub-committee of the council, or a joint committee of the council and one or more councils, or a sub-committee of such a joint committee provided that at least two members of the council have been invited and where the council is divided into political groupings at least two such groups have been invited.
  - iii. Attendance at a meeting of any association of councils of which the council is a member.
  - iv. Attendance at any training or development event approved by the council.
  - v. Any other duty approved by the council or duty of a class approved by the council for the discharge of its functions or any of its committees or sub-committees.

## **Part 6: Miscellaneous**

### **Arrangements for payments**

40. The Schedule of an authority must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of that authority. Such payments may be made at such times and at such intervals as determined by the authority.

### **Claims**

41. An authority must specify a time limit from the date on which an entitlement to travelling or subsistence allowance arises during which a claim for those allowances must be made by the person to whom they are payable. However, this does not prevent an authority from making a payment where the allowance is not claimed within the period specified.

42. Any claim for payment of travelling or subsistence allowance in accordance with these Regulations (excluding claims for travel by private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses.

### **Avoidance of duplication**

43. A claim for a payment of travelling allowance or subsistence allowance must include, or be accompanied by, a statement signed by the member or co-opted member that the member/co-opted member has not made and will not make any other claim in respect of the matter to which the claim relates.

### **Records of salaries, allowances and fees**

44. An authority must keep a record of the payments made in accordance with these Regulations. Such record must:
- Specify the name of the recipient and the amount and nature of each payment.
  - Be available, at all reasonable times, for inspection (without charge) by any local government elector (within the meaning of section 270(1) of the 1972 Act) for the area of the authority.
  - Allow a person who is entitled to inspect the record to make a copy of any part of it upon payment of such reasonable fee as the authority may require.

### **Publicity requirements**

(The required content of publicity requirements is contained in an annex to the Annual Report)

45. An authority must, as soon as practicable after determining its Schedule of Remuneration for the year under these Regulations and any Report of the Panel and not later than 31 July of the year to which the Schedule refers, make arrangements for the Schedule's publication within the authority's area. **(This section does not apply to community and town councils).**
46. As soon as practicable and no later than 30 September following the end of a year an authority must make arrangements for the publication within the authority's area, the total sum paid by it to each member/co-opted member in respect of basic salary, senior salary, co-opted member fee, reimbursement of costs of care, travel and subsistence allowances. **(This section applies to all relevant authorities).**
47. In the same timescale and in the same manner, a local authority must make arrangements for the publication of any further remuneration received by a member nominated or appointed to another relevant authority. **(This section applies only to principal councils).**

### **Publicising the reports of the Panel**

48. Under Section 146(7) (a) and (b) of the Measure, the Panel will send a consultation draft of its Annual Report or Supplementary Report to all relevant authorities for circulation to authority members and co-opted members, so that representations can be made by members/co-opted members to the Panel, normally in a period of eight weeks.
49. The Panel will determine in its Annual or Supplementary Reports the arrangements publicising its Reports in accordance with Section 151 and 152 of the Measure.

### **Monitoring compliance with the Panel's determinations**

50. Section 153 of the Measure determines that relevant authorities must comply with the requirements imposed by the Panel in its Annual Reports. It also empowers the Panel to monitor the payments made by relevant authorities and for it to require the provision of information that it specifies. The requirements under this section will be set out in the Annual Report of the Panel.

## **Annex 3: Schedule of member remuneration**

1. Principal councils, national park authorities (NPAs) and Welsh fire and rescue authorities (FRAs) (but not community and town councils) must maintain an annual Schedule of Member Remuneration (the 'Schedule') which is in accord with the Panel's determinations on member salary and co-opted member payments and which must contain the following information:

In respect of a principal council:

- a. Named members who are to receive only the basic salary and the amount to be paid.
- b. Named members who are to receive a Band 1 and Band 2 senior salary, the office and portfolio held and the amount to be paid.
- c. Named members who are to receive a Band 3, Band 4 and Band 5 senior salary, the office and portfolio held and the amount to be paid.
- d. Named members who are to receive a civic salary and the amount to be paid.
- e. Named members who are to receive the co-opted member fee and whether chair or ordinary member and the amount to be paid.
- f. Named members who are to receive a senior salary as a chair of a Joint Overview and Scrutiny Committee or Sub Committee and the amount to be paid.
- g. Named members in receipt of a specific or additional senior salary approved by the Panel and the amount to be paid.

In respect of National Park and Fire and Rescue Authorities:

- a. Named members who are to receive a basic salary and the amount to be paid.
  - b. Named member who is to receive a senior salary as a chair of the authority and the amount to be paid.
  - c. Named members who are to receive a senior salary as deputy chair of a committee and the amount to be paid.
  - d. Named members who are to receive the co-opted member fee and whether a chair or ordinary member and the amounts to be paid.
2. Amendments made to the Schedule during the municipal year must be communicated to the Panel as soon as it is practicable.
  3. Principal councils must confirm in their annual Schedule that the maximum limit of senior salaries set for the council has not been exceeded.



4. Principal councils, NPAs and FRAs must include a statement of allowable expenses and the duties for which they may be claimed for care, travel and subsistence in their annual Schedule which is in accord with the Panel's determinations.
5. The Schedule must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of the relevant authority (IRPW Regulation 35); arrangements for making claims for care, travel and subsistence expenses (IRPW Regulations 24 and 36-37); arrangements for the avoidance of duplication (IRPW Regulation 38) and arrangements for re-payment of salaries, allowances and fees (IRPW Regulation 33). This schedule must also include the duties for which members and co-opted members are able to claim travel, subsistence and reimbursement of care costs.
6. Principal councils must declare in the Schedule whether:
  - A statement of the basic responsibility of a councillor is in place.
  - Role descriptors of senior salary office holders are in place.
  - Records are kept of councillor attendance.
7. Principal councils, NPAs and FRAs must make arrangements for the publication of the Schedule of Member Remuneration as soon as practicable after its determination and no later than 31 July of the year to which it applies. The Schedule should be published in a manner that provides ready access for members of the public.
8. The **Schedule** must also be sent to the Panel Secretariat to be received by 31 July.

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

In accordance with Section 151 of the Measure the Panel requires that:

1. Relevant authorities must publish a Statement of Payments made to its members (including chairs of JOSCs or sub-committees of JOSCs). 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 year to which the payments relate and in the same timescale also provided to the Panel. The following information must be provided:
  - a. The amount of basic salary, senior salary, civic salary and co-opted member fee paid to each named member/co-opted member of the relevant authority, including where the member had chosen to forego all or part of the salary, or fee for the municipal year in question. Where a senior salary has been paid, the title of the senior office held is to be provided.
  - b. The payments made by community and town councils to named members as:
    - Payments in respect of telephone usage, information technology, consumables etc.
    - Responsibility payments
    - Allowances made to a mayor/chair and deputy mayor/deputy chair
    - Compensation for Financial Loss
    - Costs incurred in respect of travel and subsistence
    - Reimbursement of the costs of care (see paragraph f below)
  - c. All travel and subsistence expenses, reimbursement of the costs of care (see paragraph f below) and other payments received by each named member and co-opted member of the relevant authority, with each category identified separately.
  - d. The amount of any further payments received by any named member nominated to, or appointed by, another relevant authority or other public body as defined by Section 67 of the Local Government (Democracy) (Wales) Act 2013, namely:
    - a local health board
    - a police and crime panel
    - a relevant authority
    - a body designated as a public body in an order made by the Welsh Ministers.
  - e. Names of members who did not receive basic or senior salary because they were suspended for all or part of the annual period to which the Schedule applies.

- f. In respect of the publication of the reimbursement of the costs of care, the Panel has decided to provide relevant authorities with two options.
- 1) The details of the amounts reimbursed to named members; or
  - 2) The total amount reimbursed by the authority during the year but not attributed to any named member.

It is a matter for each authority to decide which of these options for publication it considers appropriate.

It is also the responsibility of each authority to establish its own position on how to respond to any Freedom of Information requests it receives with regards to reimbursement of costs of care.

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

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