

**TUESDAY 24<sup>TH</sup> NOVEMBER 2020**

**TO: ALL MEMBERS OF THE DEMOCRATIC SERVICES COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL** MEETING OF THE **DEMOCRATIC SERVICES COMMITTEE** WHICH WILL BE HELD **AT 2.00 PM, ON MONDAY, 30TH NOVEMBER, 2020** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Wendy Walters*

**CHIEF EXECUTIVE**

<b>Democratic Officer:</b>	<b>Rhian Lloyd</b>
<b>Telephone (direct line):</b>	<b>01267 224088</b>
<b>E-Mail:</b>	<b>RMLloyd@carmarthenshire.gov.uk</b>

NOTE:- If you require Welsh to English simultaneous translation during the meeting please telephone 0330 336 4321 Passcode: 90769187# (For call charges contact your service provider)

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

<p><b>DEMOCRATIC SERVICES COMMITTEE</b> <b>MEMBERSHIP – 5 MEMBERS</b></p>
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**PLAID CYMRU GROUP 3 MEMBERS**

1. Councillor Tyssul Evans [Vice-Chair]
2. Councillor Emlyn Schiavone
3. Councillor Dai Thomas

**LABOUR GROUP 1 MEMBER**

1. Councillor Rob James [Chair]

**INDEPENDENT GROUP 1 MEMBER**

1. Councillor Irfon Jones

# **A G E N D A**

1. **APOLOGIES FOR ABSENCE.**
2. **DECLARATIONS OF PERSONAL INTERESTS.**
3. **TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 2ND DECEMBER 2019** 5 - 8
4. **INDEPENDENT REMUNERATION PANEL FOR WALES DRAFT ANNUAL REPORT - FEBRUARY 2021** 9 - 98
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**DEMOCRATIC SERVICES COMMITTEE**

Monday, 2 December 2019

**PRESENT:** Councillor W.T. Evans (Vice-Chair in Chair)

**Councillors:**

E.M.J.G. Schiavone and J.M. Charles (In place of D. Thomas)

**The following Officers were in attendance:**

G. Morgan, Head of Democratic Services

H. Daniels, Corporate Learning and Development Advisor

L. Jenkins, Democratic Services Officer

**Chairman's Room, County Hall, Carmarthen, SA31 1JP. 10.00 - 10.40 am**

**1. APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors S. Curry and D. Thomas.

**2. DECLARATIONS OF PERSONAL INTERESTS.**

There were no declarations of Personal Interest.

**3. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 30TH JULY 2019**

Members noted that the 21<sup>st</sup> Century Workshop due to be held on the 26<sup>th</sup> September had been cancelled due to a low number of Members signed-up to attend.

**UNANIMOUSLY RESOLVED** that the minutes of the meeting held on the 30<sup>th</sup> July 2019 be signed as a correct record.

**4. INDEPENDENT REMUNERATION PANEL FOR WALES DRAFT ANNUAL REPORT - FEBRUARY 2020**

The Committee were reminded that each year, the Independent Remuneration for Wales (IRPW) determines the rates of payment which are made to elected and co-opted Members of Welsh local authorities for the following municipal year and has powers to make recommendations on proposed variations to the remuneration of Chief Executives and Chief Officers of Principal Councils in Wales.

The Committee considered the draft determinations of the IRPW for 2020 and were advised that the IRPW invited comments on the draft report by the 10<sup>th</sup> December 2019.

The Head of Democratic Services advised that for 2020/21 the IRPW recommended: -

- an increase in Basic Salaries of 2.5% (£350), bringing the basic salary for Councillors up to £14,218
- no additional increase for Senior and Civic Salary holders
- that in respect of the costs of care that relevant authorities should only publish the total amount reimbursed during the year.
- that the 2020/21 payments take effect from 1st April 2020.

Representations had been made at a regional meeting with the IRPW on the 22nd of October for the effective date for 2020/21 salary levels to be maintained from commencement of the 2020/21 municipal year and not 1st April 2020. The Head of Democratic Services also outlined representations made to the IRPW in relation to the level of remuneration by principal Councils that require a decision of full Council. One of these decisions is the maximum number of days in one year for which co-opted members can be paid. The Head of Democratic Services as part of the consultation period has suggested that it would be useful, if this option was reconsidered.

**UNANIMOUSLY RESOLVED:**

**4.1 that the report be received**

**4.2 to authorise the Chair of the Committee to submit a response to the IRPW on behalf of the Committee.**

**5. CARMARTHENSHIRE COUNTY COUNCIL'S SCRUTINY FUNCTION - ANNUAL REPORT 2018/19**

In the absence of the Chair and Vice-Chairs of Scrutiny Forum the Head of Democratic Services provided an overview of the Annual Report which outlines the Council's Scrutiny Function and makes specific reference to the work of the 5 Scrutiny Committees: -

- Policy & Resources
- Community
- Education & Children
- Environmental & Public Protection
- Social Care & Health

**UNANIMOUSLY RESOLVED that the report be received and circulated to all members of the Council**

**6. DEMOCRATIC SERVICES COMMITTEE - ANNUAL REPORT 2018-19**

The Local Government (Wales) Measure 2011 requires each Principal Council to establish a Democratic Services Committee. The report under review outlines the work of the Committee during the 2018/19 municipal year.

**UNANIMOUSLY RESOLVED that the report be received and circulated to all members of the Council**

## **7. DEMOCRATIC SERVICES FUNCTION**

The Democratic Services Committee considers matters relating to the provision of support services provided to them in accordance with the Local Government (Wales) Act 2011. The report as outlined requires the committee to consider the information contained in the report and determine whether the provision of staff, accommodation and other resources made available to the Head of Democratic Services is adequate to deliver the Democratic Process for the forthcoming year.

During this discussion the Chair noted the lack of facilities within County Hall for individual Members to work and to hold group meetings, the Head of Democratic Services advised that, as part of County Hall development works, proposals had been put in place to provide additional meeting rooms and facilities.

**UNANIMOUSLY RESOLVED that the report be received**

## **8. COUNCILLORS' EXPENSES - SELF SERVICE**

The Committee received a report outlining the transition to self-service Councillor expenses and noted that due to security and compliance risks, the Head of Democratic Services had been advised by the IT Division that the existing expenses database would be discontinued by the 31st March 2020. As a result, the Authority would need to find an alternative system for processing expenses, and it was therefore necessary for all members move to the self-service module with effect from March 31st 2020.

**UNANIMOUSLY RESOLVED that the report be received**

## **9. DEMOCRATIC SERVICES FORWARD WORK PROGRAMME 20/21**

The Committee received and considered a suggested Forward Work Programme for the 2020/21 municipal year

**UNANIMOUSLY RESOLVED that the Democratic Services Committee 2020/21 Forward Work Programme be adopted.**

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**CHAIR**

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**DATE**

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## DEMOCRATIC SERVICES COMMITTEE

30<sup>TH</sup> NOVEMBER 2020

### INDEPENDENT REMUNERATION PANEL FOR WALES DRAFT ANNUAL REPORT - FEBRUARY 2021

#### Recommendations / key decisions required:

1. To consider and comment on the determinations made by the Independent Remuneration Panel for Wales in their draft Annual Report for February 2021
2. To authorise the Chair of the Committee to submit a response to the IRPW on behalf of the Committee.

#### Reasons:

The Democratic Services Committee is consulted, in accordance with its Terms of Reference, on the implementation of reports issued by the Independent Remuneration Panel for Wales.

Scrutiny committee consulted	Not Applicable
Exec Board Decision Required	NO
Council Decision Required	NO

**EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:** Cllr Emlyn Dole – Leader/Cllr David Jenkins – Executive Board Member for Resources

Directorate		Tel Nos. 01267 224010
Name of Head of Service:	Designations:	E Mail Addresses:
Linda Rees Jones	Head of Administration & Law	GMorgan@carmarthenshire.gov.uk
Report Author:		
Gaynor Morgan	Head of Democratic Services	

# EXECUTIVE SUMMARY

## DEMOCRATIC SERVICES COMMITTEE

30<sup>TH</sup> NOVEMBER 2020

### INDEPENDENT REMUNERATION PANEL FOR WALES DRAFT ANNUAL REPORT - FEBRUARY 2021

Each year the Independent Remuneration for Wales (IRPW) determines the rates of payment which are made to elected and co-opted Members of Welsh Local Authorities for the following year and has powers to make recommendations on proposed variations to the remuneration of Chief Executives and Chief Officers of Principal Councils in Wales.

The IRPW is required to send the draft annual report to County Councils and comments are invited by the 23<sup>rd</sup> November 2020. As Carmarthenshire's Democratic Services Committee meeting was scheduled for 30<sup>th</sup> November the IRPW secretariat has agreed that any observations can be forwarded following the conclusion of the meeting.

The IRPW is required to take into account the representations which it receives on the draft before issuing its final version of the report in February.

In respect of Principal Councils, for 2021/22 the IRPW has determined the following changes:

- an increase in Basic Salaries of £150, bringing the basic salary for Councillors up to £14,368 (No additional increase will be paid to Senior and Civic Salary holders, they will only receive the basic salary element increase)
- the Panel has made a significant change to the Reimbursement of Costs of Care determination. It sees the removal of the £403 monthly cap and allows a Councillor and/or Co-opted Member to seek their full costs of care to be reimbursed fully for formal carers and up to a maximum rate equivalent to the real Living Wage for informal carers. This determination will place an additional financial burden on the Council; however, given the historic numbers of claimants, it is envisaged that this will be managed within the existing democratic budget.

This salary determined by the IRPW is required to be paid by each Principal Authority in Wales from 1<sup>st</sup> April 2021 and to each of its elected members unless any individual member opts personally and in writing to receive a lower amount.

<b>DETAILED REPORT ATTACHED ?</b>  YES	Appendix 1 – New and updated determinations (Annex 5 to the main report)  Appendix 2 – Draft Determinations for 2021-22 (Annex 1 to the main report)  Appendix 3 – Copy of the full IRPW draft report for February 2020
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# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors/Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed:

Linda Rees Jones

Head of Administration and Law

Gaynor Morgan

Head of Democratic Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## 1. Legal

The Democratic Services Committee is consulted, in accordance with its Terms of Reference, on the implementation of reports issued by the Independent Remuneration Panel for Wales.

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

When the Panel's Annual Report is issued, Principal Councils must comply with the statutory requirements and apply all the relevant determinations. The proper officer of the Council must put in place mechanisms for all eligible council members to receive payments as determined by the Panel. There are currently no options relating to levels of remuneration by principal councils that require a decision by full council. Levels of payments to which members are entitled cannot be varied by a vote of a Principal Council.

## 2. Finance

The IRPW draft determinations for 2021/22 will result in an additional budget requirement of £11,100. This will be validated when setting the budget for the forthcoming year.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:

Linda Rees Jones

Head of Administration and Law

Gaynor Morgan

Head of Democratic Services

## 1. Scrutiny Committee

Not Applicable

## 2. Local Member(s)

Not Applicable

## 3. Community / Town Council

The draft report has been circulated by the IRPW to all Fire and Rescue Authorities, National Park Authorities and Town & Community Councils, for their observations.

## 4. Relevant Partners

Not Applicable

## 5. Staff Side Representatives and other Organisations

Not Applicable

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in of the preparation this report:**

**THESE ARE DETAILED BELOW:-**

<b>Title of Document</b>	<b>File Ref No.</b>	<b>Locations that the papers are available for public inspection</b>
IRPW Draft Report		<a href="https://gov.wales/sites/default/files/publications/2020-09/independent-remuneration-panel-draft-annual-report-2021-2022.pdf">https://gov.wales/sites/default/files/publications/2020-09/independent-remuneration-panel-draft-annual-report-2021-2022.pdf</a>
Local Government Wales Measure		<a href="http://www.legislation.gov.uk/mwa/2011/4/contents/enacted">http://www.legislation.gov.uk/mwa/2011/4/contents/enacted</a>

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

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

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

<b>Summary of new and updated determinations contained in this report</b>	
<b>Principal Councils</b>	
Determination 1: This Determination has been updated	Basic salary in 2021/22 for elected members of principal councils shall be £14,218 with effect from 1 April 2021.
Determination 2: The amounts payable under this Determination have been updated	Senior salary levels in 2021/22 for members of principal councils shall be as set out in Table 3 with effect from 1 April 2021.
Determination 3: This Determination has been updated	Where paid, a civic head must be paid a Band 3 salary of £23,161 and where paid a deputy civic head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021.
Determination 4: This Determination has been updated	Where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £23,161.
<b>National Park Authorities</b>	
Determination 19: This Determination has been updated	The basic salary for NPA ordinary members shall be £4,053 with effect from 1 April 2021.
Determination 20: This Determination has been updated	The senior salary of the Chair of a NPA shall be £12,845 with effect from 1 April 2021.
Determination 21: This Determination has been updated	A NPA senior salary of £7,792 must be paid to a Deputy Chair where appointed. Any additional senior posts that are paid must be at £7,792.
<b>Fire and Rescue Authorities</b>	
Determination 27: This Determination has been updated	The basic salary for FRA ordinary members shall be £2,026.
Determination 28: This Determination has been updated	The senior salary of the Chair of a FRA shall be £10,818.
Determination 29: This Determination has been updated	A FRA senior salary of £5,765 must be paid to the Deputy Chair where appointed.
Determination 30: This Determination has been updated	Chairs of Committees can be paid. This shall be paid at £5,765. Any additional senior posts that are paid must be at £5,765

## Contribution towards costs of care and personal assistance

Determination 39:

This Determination has been updated.

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

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

Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer.

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

Principal Councils	
1.	Basic salary in 2021/22 for elected members of principal councils shall be £14,368 with effect from 1 April 2021.
2.	Senior salary levels in 2021/22 for members of principal councils shall be as set out in Table 3 with effect from 1 April 2021.
3.	Where paid, a civic head must be paid a Band 3 salary of £23,161 and, where paid, a deputy civic head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021.
4.	Where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £23,161.
5.	The post of deputy presiding member will not be remunerated.
6.	<ul style="list-style-type: none"> <li>a) An elected member must not be remunerated for more than one senior post within their authority.</li> <li>b) An elected member must not be paid a senior salary and a civic salary.</li> <li>c) All senior and civic salaries are paid inclusive of basic salary.</li> <li>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.</li> </ul>
7.	Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the NPA or FRA.
8.	Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community or Town Council.
9.	Each authority, through its Democratic Services Committee, must ensure that all its elected members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.

10.	Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.
<b>Specific or Additional Senior Salaries</b>	
11.	Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
<b>Local Government Pension Scheme</b>	
	12. The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
<b>Family Absence</b>	
13.	An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
14.	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
15.	It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
16.	If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
17.	When a Council agrees a paid substitution for family absence the Panel must be informed within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
18.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.



<b>National Park Authorities</b>	
19.	The basic salary for NPA ordinary members shall be £4,053 with effect from 1 April 2021.
20.	The senior salary of the Chair of a NPA shall be £12,845 with effect from 1 April 2021.
21.	A NPA senior salary of £7,792 must be paid to a Deputy Chair where appointed.
22.	Committee chairs or other senior posts must be paid a salary of £7,792.
23.	Members must not receive more than one NPA senior salary.
24.	A NPA senior salary is paid inclusive of the NPA basic salary.
25.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.
<b>Fire and Rescue Authorities</b>	
26.	The basic salary for FRA ordinary members shall be £2,026.
27.	The senior salary of the chair of a FRA shall be £10,818.
28.	A FRA senior salary of £5,765 must be paid to the Deputy Chair where appointed.
29.	Chairs of Committees or other senior posts can be paid. This shall be paid at £5,765.
30.	Members must not receive more than one FRA senior salary.
31.	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
32.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.

<b>Co-opted Members</b>	
33.	Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 6.
34.	Reasonable time for pre meeting preparation is to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
35.	Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
36.	The appropriate officer within the authority must determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
37.	Fees must be paid for meetings and other activities including other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
38.	Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.
<b>Contribution towards costs of care and personal assistance</b>	
39.	<p>All relevant authorities must provide for the reimbursement of the contribution towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> <li>• Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.</li> <li>• Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.</li> </ul> <p>Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer</p>

<b>Community and Town Councils</b>	
40.	All Community and Town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.
41.	Community and Town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
42.	Community and Town councils in Groups B or C can make an annual payment of £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
43.	<p>Community and Town councils can make payments to each of their members in respect of travel costs for attending approved duties. <sup>9</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</p> <ul style="list-style-type: none"> <li>• 45p per mile up to 10,000 miles in the year.</li> <li>• 25p per mile over 10,000 miles.</li> <li>• 5p per mile per passenger carried on authority business.</li> <li>• 24p per mile for private motor cycles.</li> <li>• 20p per mile for bicycles.</li> </ul>
44.	<p>If a Community or Town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> <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>
45.	<p>Community and Town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>• Up to £55.50 for each period not exceeding 4 hours.</li> <li>• Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
46.	Community and Town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

47.	Community and Town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.
48.	Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.



# Independent Remuneration Panel for Wales

## Annual Report

DRAFT

February 2021

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# **ANNUAL REPORT 2021**

## **FOREWORD**

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

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

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

John Bader  
Chair

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

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

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# Introduction

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

1. Although this draft Report is in respect of the Panel's determinations for 2021/2022 our consideration has inevitably been influenced by the impact of the coronavirus pandemic. The ongoing issues affect the operation of all local authorities and will continue to do so for the foreseeable future.
2. As with all the Panel's Annual Reports the determinations on member remuneration are underpinned by the principles set out in Section 1. In May 2020 we published a [Supplementary Report](#) that set out specific principles relating to the provision of financial support for care needs. These are incorporated in Section 10 and will be included in future Annual Reports.
3. The Panel has consistently expressed its view that maintaining the democratic values of local governance cannot be cost free. Members of local authorities (including co-opted and appointed members) are there to represent the interests of local people, undertake the governance of local communities, and secure appropriate value for money public services for local tax-payers through effective scrutiny for which they are accountable to their community. These are significant and important tasks for members of the relevant authorities within the Panel's remit. Payments to members are made available to encourage a diversity of willing and able people to undertake local governance through their elected, appointed or co-opted roles.
4. In determining the level of payments to members of local authorities, the Panel seeks to meet the principle of 'acceptability' by ensuring that these are not 'so great as to require a significant diversion of resources from key council priorities'. But Section 142(8) of the Measure is more explicit on 'affordability' when it states that "when setting an 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". The Panel acknowledges that the issue of affordability – in relation both to relevant authorities' service budgets and to the electorate's disposable incomes – is likely to impact on the public perception of any increases to members' payments. It is therefore a matter of balancing issues of affordability and public perception with fairness to members for their time, worth and responsibility.
5. The Panel originally set the basic salary of elected members of principal councils at three-fifths of the All Wales Median Salary and senior salaries were set at multiples of this annual median salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.
6. The financial constraints on the public sector and particularly on local authorities over many years have meant that the link with average Welsh earnings has not been maintained. The Panel considers that this has undervalued the worth of elected members. To minimise further erosion in relation to average earnings the Panel proposes to increase the basic annual salary by £150. Other payments that are based on the basic salary will be adjusted accordingly.



7. Payments for members of National Park Authorities and Fire and Rescue Authorities will increase as a result of the uplift proposed for principal councils. One other change proposed for these authorities is to remove the limitation on the number of senior salaries that can be paid.
8. The payment information provided by relevant authorities show that still very few members are utilising the provision in the framework to reimburse the costs of care. We reiterate the importance that Democratic Services Committees encourages and facilitates greater use of this element of our framework so that members concerned are not financially disadvantaged. We are proposing significant changes regarding the costs of care which are set out in Section 10.
9. The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. The Panel produces leaflets for prospective candidates on the remuneration of members of councils. We are pleased that several councils include this leaflet on their websites. In addition we have produced a short film [Ever thought about being a Welsh councillor?](#) This can be viewed on our website.
10. We continue to engage with community and town councils and have met with numerous representative groups. Unfortunately the extent of engagement has been curtailed as a consequence of COVID 19. For 2021/2022 we are not proposing any specific changes to payments in respect of community and town councils.
11. The Panel's Regulations have been updated to reflect changes to the remit (see Annex 2).
12. One issue that has arisen again, particularly in the context of the pandemic lockdown is the action of the Council in respect of the Reports of the Panel which it receives. When the Panel's Annual Report is issued, principal councils must comply with the statutory requirements and apply all the relevant determinations. The proper officer of the council must put in place mechanisms for all eligible council members to receive payments as determined by the Panel. There are currently no options relating to levels of remuneration by principal councils that require a decision by full council. Levels of payments to which members are entitled cannot be varied by a vote of a principal council.
13. Only an individual member may communicate in writing to the proper officer if, as *an individual*, they wish to decline all or part of the payment to which they are entitled.

14. How the IRPW Annual Report is formally received or noted by full council is not a matter that is within the Panel's statutory remit. Individual constitutions or standing orders of councils may vary as to matters that may be submitted to full council for consideration. It is for each council to decide how they wish to manage receipt of the IRPW statutory Annual Report and if appropriate seek the advice of their legal officers. However, all council members and officers should take care that no misleading statements are made or reported in media, in particular, an indication that a council has taken a decision to reduce or vary levels of payments. There are no powers that permit a principal council to take such action.

<sup>1</sup> [Local Government \(Wales\) Measure 2011](#)

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

## **Upholding trust and confidence**

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

## **Simplicity**

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

## **Remuneration**

- 1.3 The Framework provides for payment to members of local authorities who carry a responsibility for serving their communities. The level of payment should not act as a barrier to taking up or continuing in post. There should be no requirement that resources necessary to enable the discharge of duties are funded from the payment. The Framework provides additional payments for those who are given greater levels of responsibility.

## **Diversity**

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

## **Accountability**

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

## **Fairness**

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

## **Quality**

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

## **Transparency**

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

## **Remuneration of Officers**

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

## 2. Annual Report Summary Page

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

<sup>2</sup> Not Applicable

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

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

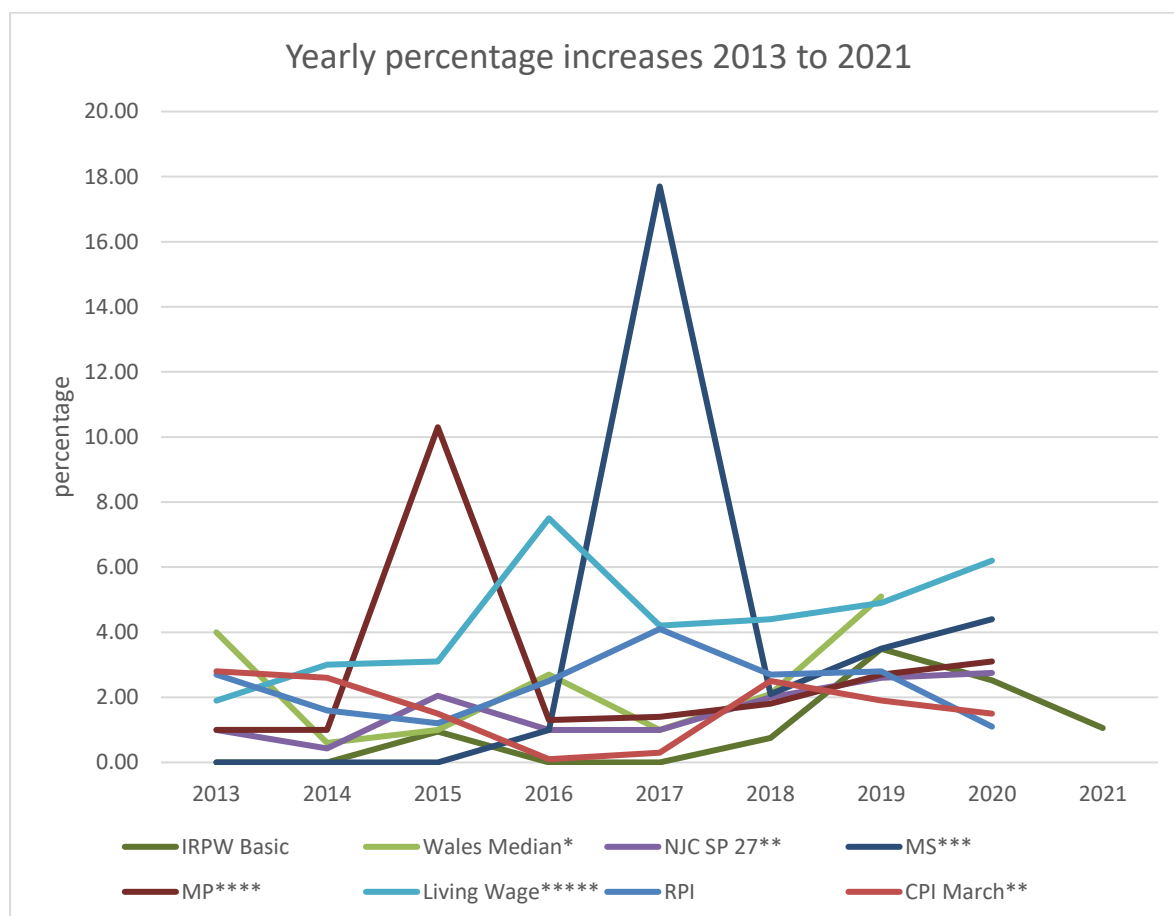
- 3.1 In 2009 the Panel set the maximum basic salary at £13,868, representing three fifths of the then median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE) published by the Office of National Statistics. The Panel assessed it appropriate to use a figure comparable with constituents' pay, adjusted for the part-time nature of the work of a member with no senior responsibilities. This identical figure of £13,868 was determined as the basic salary in the IRPW 2019 annual report, ten years on. A detailed explanatory paper setting out the historical context and analysis is available on the IRPW website at this [link](#). The key issues are outlined below.
- 3.1.1 Over this last decade, taking account of affordability and acceptability, the Panel has determined figures for basic salary which have varied but have not kept pace with measures of inflation or other possible comparators. These include: Retail Prices Index, Consumer Prices Index, Wales Median Salary (ASHE), NJC (public sector employees), National Living Wage, Members of Senedd, and MPs. Table 1, illustrated by Graph 1, shows the percentage increases to the basic salary and these alternatives from 2012 to 2021.
- 3.1.2 To set this in the context of other Welsh elected members, from 2013 to 2020 the basic salary increased by 7.9% (£13,175 to £14,218) whilst a Senedd Cymru member's salary increased by 31.1% (£53,852 to £70,625 - now indexed to Average Salaries in Wales ASHE for the previous year) and an MP's salary increased by 23.4% (£66,396 to £81,932).
- 3.1.3 Thus, backbench members' salaries have fallen significantly behind by any reasonable measure of inflation.

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

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

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

**Graph 1 – Yearly percentage increases 2013 to 2021**



- 3.2 The Panel remains aware that the key activities required of an elected member of a principal council vary. Duties undertaken should enable all members to discharge their core non-executive responsibilities in the governance of their council and in representing those living in their ward. As an elected role, such posts are not readily treated in the same manner as employment with precisely quantified hours. The work that arises in representing ward residents is particularly varied because it is influenced by the very diverse socio-economic conditions, demographics, levels of urbanisation and different ratios of residents to councillors. These variations occur within individual authorities as well as in comparisons of local authorities throughout Wales. Elected positions carry an expectation of a level of personal commitment to the community that goes beyond defined remunerated hours. Many elected members report that their time spent is well in excess of the notional three days (extra time worked and previously defined by the Panel as a 'public service discount').
- 3.3 Despite the pandemic, Panel members continue meeting with the Chairs of Democratic Services Committees, their officers and councillors. The Panel has also, through varied correspondence with councils and individual council members and others, maintained its ongoing dialogue. The position generally expressed by councillors and officers remains that the basic workload discharged by all elected members is substantial and exceeds 3 days per week.
- 3.4 When making financial determinations for this draft Annual Report, the Panel has considered the progression of the variety of benchmark figures outlined above for the period from 2012 to 2020. Any adjustments in recent years have been in keeping with the Panel's principle that its determinations should be affordable and acceptable. This principle is maintained in the proposed increase for 2021/2022 an increase in the basic salary of elected members of £150.
- 3.5 This salary shall be paid by each principal authority in Wales from 1 April 2021 to each of its elected members unless any individual member opts personally and in writing to receive a lower amount.

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

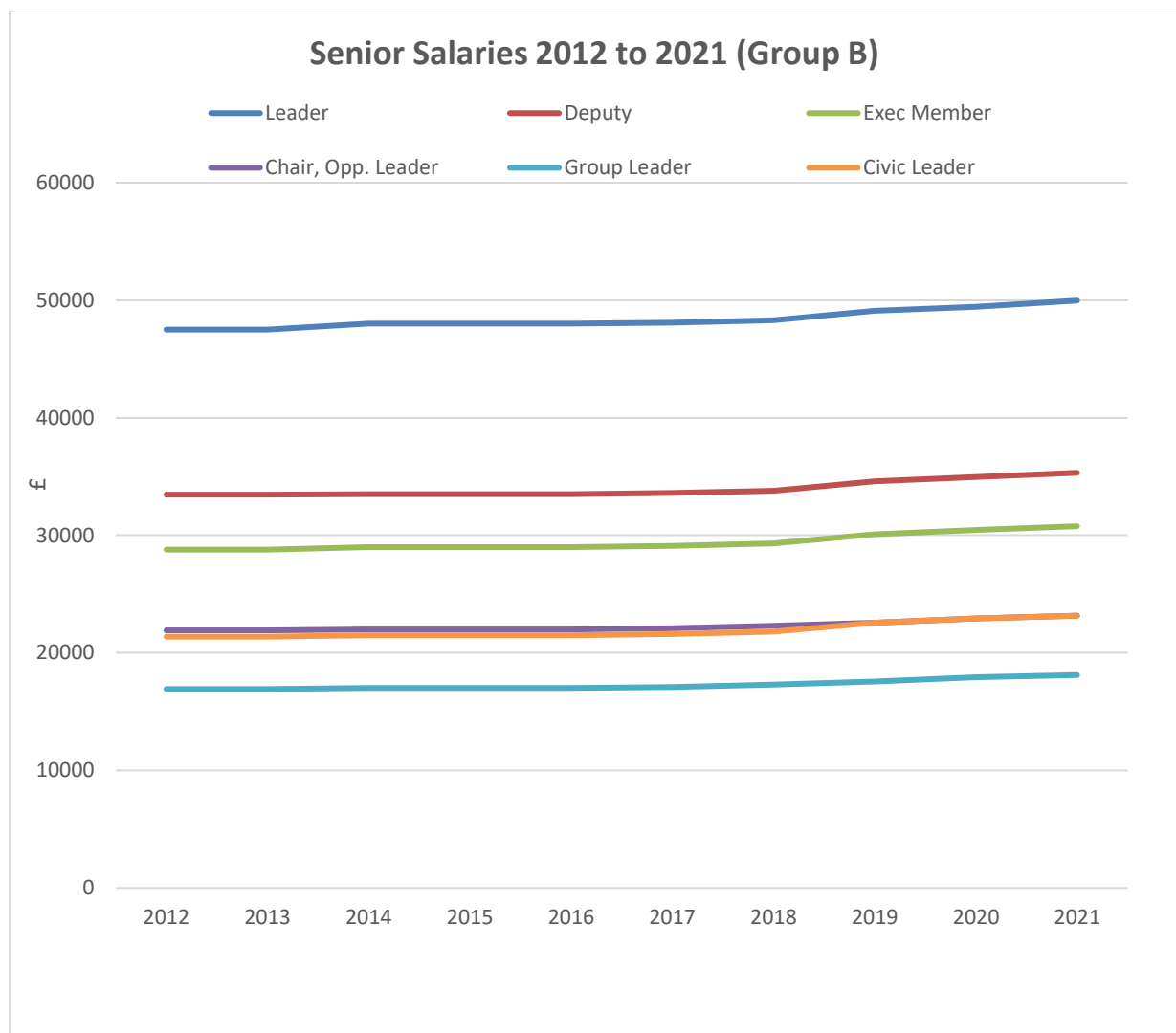
### **Senior Salaries**

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

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



**Graph 2: Senior salaries 2012 to 2021**



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

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

Council	Number of councillors	Number of senior salaries
<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

## The Executive

- 3.8 The Panel continues to take the view that Executive members should be considered as working the equivalent of full time (around 40 hours per week) but not necessarily nine to five. Continued discussions with members and officers in recent years have reinforced this conclusion.
- 3.9 Senior salaries are set out in Determination 2.

## Chairs of Committees

- 3.10 There is a significant difference in the responsibilities and functions of chairing different committees. Councils are reminded that they do not have to pay chairs of committees. It is a matter for each council to decide which, if any, chairs of committees are remunerated. This allows councils to take account of differing levels of responsibility.
- 3.11 Where chairs of committees are paid, the remuneration is: £23,161.

## The Senior Salary Bands

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

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

<b>Basic salary (payable to all elected members) £14,368</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	£55,027	£49,974	£44,921
Deputy leader	£38,858	£35,320	£31,783
<b>Band 2</b> Executive members	£33,805	£30,773	£27,741
<b>Band 3</b> Committee chairs (if remunerated):	£23,161		
<b>Band 4</b> Leader of largest opposition group <sup>3</sup>	£23,161		
<b>Band 5</b> Leader of other political groups	£18,108		

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

### Table 3 notes:

- a. The Panel considers that leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability and that 'size of population' remains a major factor in influencing levels of responsibility and the use of the three population groups (A, B and C) has therefore been retained. For information: Group A Population 200,000 and above; Group B Population 100,001 to 199,999; Group C Population up to 100,000.
- b. Committee chairs will be paid at Band 3. It is a matter for each council to decide which, if any, chairs of committees are remunerated. This allows councils to take account of differing levels of responsibility.
- c. The stipulation that an opposition group leader or any other group leader must represent at least 10% of the council membership before qualifying for a senior salary remains unchanged.
- d. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- e. The Panel has determined that, if remunerated, a Band 5 senior salary must be paid to leaders of other political groups.

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

- 3.12 The Panel had previously allowed councils to vary salaries of civic heads and deputy civic heads to reflect the specific responsibilities attached to the roles. However, councils strongly expressed to the Panel that elected members do not wish to make decisions that require Councils themselves such choices and options were removed in 2019. In the case of civic salaries, if paid, the payment for Band 3 is set at £23,161 for a civic head and at the Band 5 salary of £18,108 for a deputy civic head (Determination 3). A council may decide not to apply any civic salary to the posts of civic head and or deputy civic head.
- 3.13 The posts of civic head and deputy civic head are not included in the cap (with the exception of Isle of Anglesey and Merthyr Tydfil Councils).

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

- 3.14 Civic heads are senior posts within councils which are distinct from political or executive leadership. In addition to chairing major meetings the civic head is the authorities' 'first citizen' and 'ambassador' representing the council to a wide variety of institutions and organisations. The Panel's requirement that members should not have to pay for the cost of the support (see **determination 10**) needed to carry out their duties applies also in respect of deputy civic heads.
- 3.15 In many instances civic heads receive secretarial support and are provided with transport for official duties and can access a separate hospitality budget which is managed and controlled by council officers.
- 3.16 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing. Funding decisions in relation to levels of such additional support are not matters of personal remuneration, but of the funding required to carry out the tasks and duties. These matters remain entirely a decision for individual councils. Councils remain free to invest in support at whatever levels they deem appropriate for the levels of civic leadership they have in place.
- 3.17 The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint a presiding member whose role is to chair meetings of the whole council. Where appointed, there would be a consequential reduction in the responsibilities of the respective civic head.

### **Payments to Presiding Members**

- 3.18 Councils are reminded that, if a presiding member is appointed, they do not have to be remunerated. If they are remunerated the post will count towards the cap and be paid at a Band 3 senior salary of £23,161.

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

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

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

- 3.19 The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance for the time equivalent of three days a week. Any time commitment beyond three days is an unpaid public service contribution.
- 3.20 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the authority's proper officer to forego all or any element of the payment. It is

fundamental there is transparency in this process so any possible suggestion that members are put under pressure to forego some of the salaries is avoided.

The following must be applied:

**Determination 6:**

- a) An elected member must not be remunerated for more than one senior post within their authority.**
- b) An elected member must not be paid a senior salary and a civic salary.**
- c) All senior and civic salaries are paid inclusive of basic salary.**
- d) If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.**

**Determination 7: Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the NPA or FRA.**

**Determination 8: Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community or Town Council.**

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

- 3.21 The Panel expects the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review periodically the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable. Any proposals should be made with due regard to Determinations 9 and 10 below. For example, the Panel does not consider it appropriate that elected members should be required to pay for any telephone usage to enable them to discharge their council duties as a ward member, committee member or cabinet member.
- 3.22 The Panel considers it is necessary for each elected member to have ready use of e-mail services, and electronic access to appropriate information via an internet connection. The Panel does not consider it appropriate that elected

members should be required to pay for internet related services to enable them to discharge their council duties as a ward member, committee member or cabinet member. This comprises the necessary provision for a member to be in proper contact with council services and to maintain contact with those they represent. Councils are committed to 'paperless working' and without electronic access members would be significantly limited in their ability to discharge their duties. It is not appropriate for facilities required by members to be available only within council offices within office hours.

- 3.23 The responsibility of each council, through its Democratic Services Committee, to provide support should be based on an assessment of the needs of its members. When members' additional needs or matters of disability apply, or there are specific training requirements indicated, each authority will need to assess any particular requirements of individual members.
- 3.24 As a result of their legitimate actions as a councillor an elected member's personal security may become significantly, adversely affected. In keeping with their existing responsibilities, it is the duty of Democratic Services Committees to fund or provide support necessary to enable a councillor to discharge their role reasonably and safely. This may require the funding of appropriate security measures to protect councillors from personal risk or significant threat. Risk assessment and liaison with relevant bodies such as the police and security services would normally inform the selection of required provision.
- 3.25 For co-opted members the support requirements are set out in section 9 and determination 38.

**Determination 9: Each authority, through its Democratic Services Committee, must ensure that all its elected members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.**

**Determination 10: Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.**

### **Specific or additional senior salaries**

- 3.26 The Panel has allowed for greater flexibility through the provision for authorities to apply for specific or additional senior salaries that do not fall within the current remuneration framework, or which could not be accommodated within the maximum number of senior salaries relating to the authority. If the proposed addition is approved and results in the council exceeding its cap, this will be included in the approval (with exception of Merthyr Tydfil and the Isle of Anglesey Councils – see footnote 4). Some councils have raised the possibility

of operating some senior salary posts on a “job share” arrangement. The Panel is supportive of this principle and the process is set out in Paragraph 3.28.

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

3.27 Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:

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

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



### **3.28 Job Sharing Arrangements**

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

The statutory maximum for cabinets cannot be exceeded so each job sharer will count toward the maximum.

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

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

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

- 4.1 Little use has been made of the arrangements for JOSCs. Therefore, the Panel has decided to delete the payment from the framework. If, in future, a JOSC is formed by an individual council and it wishes to remunerate, it can apply using the arrangements contained in paragraphs 3.26 and 3.27. The current JOSCs in operation will continue without need for further confirmation.

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

- 5.1 The Local Government (Wales) Measure 2011 provides a power to the Panel to make determinations on pension entitlement for elected members of principal councils.

**Determination 12: The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.**

## 6. Entitlement to Family Absence

This section applies to elected members of principal authorities.

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

**Determination 13: An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.**

**Determination 14: When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.**

**Determination 15: It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.**

**Determination 16: If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.**

**Determination 17: When a Council agrees a paid substitution for family absence the Panel must be informed within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.**

**Determination 18: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.**

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

## 7. Payments to Members of National Park Authorities (NPAs)

### Structure of National Park Authorities

7.1 The three National Parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia were formed to protect spectacular landscapes and provide recreation opportunities for the public. The Environment Act 1995 led to the creation of the three corresponding National Park Authorities (NPAs). These have two main statutory purposes, to:

- protect and improve the natural beauty, wildlife and cultural heritage;
- promote opportunities for the public to understand and enjoy the National Park's special features.

In addition to fulfilling the National Park's purposes, it is the duty of the National Park Authority to foster the economic and social wellbeing of local communities within the Park.

7.2 National Park Authorities comprise Members who are either elected members nominated by the Principal Councils within the National Park area or are members appointed by the Welsh Government through the Public Appointments process. Welsh Government appointed and council nominated members are treated equally in relation to remuneration.

7.3 The structure of the Members' Committee at each of the three national parks is set out in Table 4.

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

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

- 7.4 In addition, Standards Committees of NPAs have independent co-opted members whose remuneration is included in the Framework as set out in Section 9.
- 7.5 In considering remuneration of members of NPAs, the Panel has based its determinations on the following key points:
- NPAs manage their work via formal authority meetings, committees and task and finish groups. Each has a Development, Management and or Planning Committee, and other committees include Performance and Resources and Audit and Scrutiny. Ordinary NPA members are members of at least one committee as well as being involved in site visits and inspection Panels.
  - There is an expectation that members will participate in training and development.
  - The Chair of an NPA has a leadership and influencing role in the authority, a representational role similar in some respects to that of a civic head and a high level of accountability. The chair is not only the leader of the authority but is also the public face of the particular national park and is the link with the Minister and MSs with whom they have regular meetings. The role requires a high level of commitment and time.

### **Basic and senior salaries**

- 7.6 In the time commitment on which the remuneration of members is based is 44 days. The salary for members of NPAs will increase to £4,053.
- 7.7 The Panel has determined that the remuneration of a NPA Chair should be aligned to that part of a Band 3 senior salary received by a committee chair of a principal council. This salary will increase to £12,845.
- 7.8 The Panel has previously determined that up to two other committee Chairs can be remunerated. If the NPA considered this was restrictive, there was an option to apply for additional Senior Salary. It is proposed that this restriction is removed and that NPAs determine the number of Senior posts it requires as appropriate to its governance arrangements. The determination relating to the application for additional senior salaries is removed.
- 7.9 The Panel has made the following determinations:

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

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

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

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

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

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

**Determination 25: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.**

Note: Family absence does not apply to Welsh Government appointed members and local authority nominees are covered by their principal council so NPAs are not required to make any arrangements in this respect.

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

### Structure of Fire and Rescue Authorities

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

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

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

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



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

### **Basic and Senior Salaries**

- 8.6 The time commitment on which the remuneration is based is 22 days. The salary for members of FRAs will increase to £2,026.
- 8.7 The Panel determined that the remuneration of a FRA Chair should be aligned to that part of a Band 3 senior salary received by a committee chair of a principal council. This salary will increase to £10,818.
- 8.8 The Panel determined that the remuneration of a FRA Deputy Chair will be aligned with the Band 5 senior salary for principal councils. This will increase to £5,765 and must be paid if the authority appoints a deputy chair.
- 8.9 The Panel has previously determined that up to two other committee Chairs can be remunerated. If the FRA considered this was restrictive, there was an option to apply for additional Senior Salary. It is proposed that this restriction is removed and that FRAs determine the number of Senior posts it requires as appropriate to its governance arrangements. The determination relating to the application for additional senior salaries is removed. Committee Chairs and any other senior post if remunerated will be aligned with Band 5. This will increase to £5,865.

## Local Pension Boards

8.10 The Panel has considered requests from FRAs to allow them to pay salaries to Chairs of local pension boards established under the Firefighters' Pension Scheme (Wales) Regulations 2015. Those Regulations already give FRAs the power to decide how local pension boards are to work and to pay the Chair and members if they wish. Therefore, it is not appropriate for the Panel to make a determination empowering FRAs to pay salaries to local pension board Chairs. The senior salaries in Determination 26 or 27 cannot be used exclusively for this role.

8.11 The Panel has made the following determinations:

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

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

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

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

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

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

**Determination 32: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.**

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

- 9.1 The Panel has determined that a daily or half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights.
- 9.2 The number of days in any one year for which co-opted members may be paid varies and reflects the specific work discharged by the relevant committee. This context for payment therefore differs from that for elected members of principal councils which provides a monthly payment. Many elected members of principal councils report that they rely on this as part of a core income without which they would be unable to continue in the role.
- 9.3 In dialogue with the Panel, co-opted members acknowledge the importance of fees they receive but do not identify these payments as an income for living upon which they depend. Panel determinations in relation to co-opted member fees occur in this context and any uplifts are therefore not comparable with the changes to salaries of elected members.
- 9.4 The Panel proposes an increase of £12 to £210 daily rate for ordinary co-opted members and for those with additional responsibility.
- 9.5 Recognising the important role that co-opted members discharge, payment must be made for travel and preparation time; committee and other types of meetings as well as other activities, including training, as set out in Determinations 34 to 37.
- 9.6 The determinations are set out below and principal councils, NPAs and FRAs must tell co-opted members the name of the appropriate officer who will provide them with the information required for their claims; and make the appropriate officer aware of the range of payments that should be made.

**Determination 33: Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights (Table 6).**

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

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

Community and town councillors sitting on principal council standards committees	£210 (4 hours and over) £105 (up to 4 hours)
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**Determination 34: Reasonable time for pre-meeting preparation is to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.**

**Determination 35: Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).**

**Determination 36: The appropriate officer within the authority must determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.**

**Determination 37: Fees must be paid for meetings and other activities including other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.**

### **Support for co-opted members**

**Determination 38: Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.**

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

## **10. Contribution towards costs of care and personal assistance**

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

reimbursed in full.

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

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

- 10.6 The Panel continues to recognise the issues relating to the publication of this legitimate expense and has retained the requirements for publication set out in Annex 4. To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the contribution towards costs of care and personal assistance.

**Table 7**

**The Panel's principles relating to care and personal assistance**

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

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

The Minimum Authorities should do		How this could be done
Have a simple and effective claim process	Members should know how to claim. The claim process should be clear, proportionate and auditable.	Check members understand how to claim and that it is easy to do so.  Flexibility to accept paperless invoices Online form Same or similar form to travel costs claim
Comply with IRPW Publication rules	The IRPW Framework states:  “In respect of the publication of the reimbursement of the costs of care, the Panel has decided that relevant authorities should only publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed.”	

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

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

**Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer.**



## 11. Sickness Absence for Senior Salary Holders

- 11.1 The Family Absence Regulations (approved by the National Assembly in 2014) are very specific relating to entitlement and only available for elected members of principal councils. Absence for reasons of ill-health is not included.
- 11.2 Instances have been raised with the Panel of senior salary holders on long term sickness and the perceived unfairness in comparison with the arrangements for family absence. In consequence, councils are faced with the dilemma of:
- Operating without the individual member but still paying them the senior salary.
  - Replacing the member who therefore loses the senior salary (but retains the basic salary).
- 11.3 The Panel's Framework provides specific arrangements for long term sickness as set out below:
- a) Long term sickness is defined as certified absences in excess of 4 weeks.
  - b) The maximum length of sickness absence within these proposals is 26 weeks or until the individual's term of office ends, whichever is sooner (but if reappointed any remaining balance of the 26 weeks will be included).
  - c) Within these parameters a senior salary holder on long term sickness can, if the authority decides, continue to receive remuneration for the post held.
  - d) It is a decision of the authority whether to make a substitute appointment, but the substitute will be eligible to be paid the senior salary appropriate to the post.
  - e) If the paid substitution results in the authority exceeding the maximum number of senior salaries payable for that authority, as set out in the Annual Report, an addition will be allowed for the duration of the substitution. (However, this would not apply to Merthyr Tydfil or the Isle of Anglesey councils if it would result in more than 50% of the membership receiving a senior salary. It would also not apply in respect of a council executive member if it would result in the cabinet exceeding 10 posts - the statutory maximum).
  - f) When an authority agrees a paid substitution, the Panel must be informed within 14 days of the decision of the details including the specific post and the estimated length of the substitution. The authorities' Schedule of Remuneration must be amended accordingly.
  - g) It does not apply to elected members of principal councils who are not

senior post holders as they continue to receive basic salary for at least six months irrespective of attendance and any extension beyond this timescale is a matter for the authority.

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

Note:

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

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

- 12.1 This section applies to members of principal councils, National Park Authorities, Fire and Rescue Authorities and to co-opted members of these authorities. (Similar provision for Community and Town Councils is contained in section 13 as there is a different approach to such members, principally that the provision is permissive.)
- 12.2 Members may claim reimbursement for travel and subsistence (meals and accommodation) costs where these have arisen as a result of undertaking official business or approved duties.
- 12.3 Expenses reimbursed to members of principal councils, by their principal council are exempt from Income Tax and employee NICs. Members of National Park Authorities and Fire and Rescue Authorities may be subject to other arrangements as determined by HMRC.
- 12.4 The Panel is aware that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. As an alternative, travel arrangements could be made directly by the authority in such circumstances.
- 12.5 The Panel has determined there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and or outside the authority's boundaries at the current HM Revenue and Customs (HMRC) rates which are:

### **Reimbursement of mileage costs**

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

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

### **Reimbursement of other travel costs**

- 12.7 All other claims for travel, including travel by taxi if this is the only, or most

appropriate, method of transport, must only be reimbursed on production of receipts showing the actual cost and will be subject to any requirement or further limitation that an authority may determine. Members should always be mindful of choosing the most cost-effective method of travel.

### **Reimbursement of subsistence costs**

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£200 per night	London
£95 per night	Elsewhere
£30 per night	Staying with friends and or family

- 12.8 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 12.9 All authorities must continue to reimburse subsistence expenses for their members up to the maximum rates set out above on the basis of receipted claims except for occasions when members stay with friends and/or family.
- 12.10 There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where it is reasonable and cost effective to reimburse overnight accommodation costs, instead of repeated daily mileage costs, then it is permissible to do so.
- 12.11 It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24-hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

### **Car Parking for Members**

Several councils have specific arrangements for their members in respect of car parking. The Panel considers that it is a matter for individual councils to determine arrangements including payments to and from members providing that it is a decision made formally by the council.

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

- 13.1 The Panel recognises a wide variation in geography, scope and scale across the 735 community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities.
- 13.2 The Panel has met with over 304 Councillors and Clerks representing 302 community and town councils in 17 meetings it held across Wales. The discussions re-confirmed the widely held view that the roles individual councils undertake varied significantly and in accordance with this wide variation, the responsibilities and accountabilities of councillors must also vary. Councillors managing income or expenditure of £1million and those delivering significant services, including some that might have been delegated from principal councils, are operating in a much more complex environment than a council with an annual budget of less than £30,000.
- 13.3 In the 2018 Annual Report the Panel formed 3 groups of community and town councils to reflect these differences based on the level of income *or* expenditure, whichever is the highest, in the previous financial year. These remain unchanged as set out in Table 7.

**Table 8: Community and Town Council Groupings**

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

- 13.4 In order to act and carry out duties as a member of a community or town council all persons are required to make a formal declaration of acceptance of office. Following this declaration, members of community or town councils are then holders of elected office and occupy a role that is part of the Welsh local government structure. It is important to note that a person who follows this path is in a different position to those in other forms of activity, for example such as volunteering or charitable work, typically governed by the Charity Commission for England and Wales.
- 13.5 Under the Local Government (Wales) Measure 2011, community and town councils are relevant authorities for the purpose of remuneration.
- 13.6 Consequently, individuals who have accepted office as a member of a community or town council are entitled to receive payments as determined by the Independent Remuneration Panel for Wales. It is the duty of the proper officer of a council (usually the Council Clerk) to arrange for correct payments to be made to all individuals entitled to receive them.

- 13.7 Members should receive monies to which they are properly entitled as a matter of course. There must be no requirement for individuals to 'opt in' to receive payments.
- 13.8 An individual may decline to receive part, or all, of the payments if they so wish. This must be done in writing and is an individual matter. A community or town council member wishing to decline payments must themselves write to their proper officer to do so.
- 13.9 The Panel considers that any member who has personal support needs or caring responsibilities should be enabled to fulfil their role. Therefore, the Panel is mandating contribution towards costs of care and personal allowance for all members of community and town councils as set out in Determination 39.
- 13.10 Each community and town council must ensure that it does not create a climate which prevents persons accessing any monies to which they are entitled that may support them to participate in local democracy. Payments should be made efficiently and promptly.
- 13.11 Members in receipt of a Band 1 or Band 2 senior salary from a principal council cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance. However, this does not preclude them from holding a senior role (Leader, Deputy Leader) without payment.
- 13.12 Table 9 sets out the actions that community and town councils must take annually in respect of each determination that follows.

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

- 13.13 The Panel continues to mandate a payment of £150 as a contribution to costs and expenses for members of all community and town councils.
- 13.14 For the avoidance of doubt this determination now includes all councils. Receipts are not required for these payments.

**Determination 40: All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.**

### **Senior roles**

- 13.15 The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, will involve greater responsibility. It is also likely that larger councils will have a greater

number of committees, reflecting its level of activity. The Panel has therefore determined that councils in Group A must make available a payment for a minimum of one senior role and a maximum of five senior roles of £500 each. Councils in Groups B and C can pay up to five responsibility payments (of up to £500) for specified roles.

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

**Determination 41: Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.**

**Determination 42: Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.**

- 13.17 Where a person is a member of more than one community or town council, they are eligible to receive the £150 and, if appropriate, £500 from each council of which they are a member.

### **Contribution towards costs of care and personal assistance**

- 13.18 The purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel's determinations in section 10 apply to Community and Town Councils.

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

- 13.19 The Panel recognises there can be significant travel and subsistence costs associated with the work of community and town council members, especially where the council area is geographically large and/or when engaging in duties outside this area. Each council has an option to pay travel and subsistence costs including travel by taxi if this is the only, or most appropriate, method of transport. Where a council does opt to pay travel and subsistence costs, the following determinations apply.

**Determination 43: Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.<sup>7</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:**

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

**Determination 44: If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:**

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

### **Compensation for financial loss**

13.20 The Panel has retained the facility which councils may pay as compensation to their members where they suffer financial loss when attending approved duties. Members must be able to demonstrate that the financial loss has been incurred. Each council has an option to pay compensation for financial loss and where it does the following determination applies.

<sup>7</sup> Where a member who is on official business or an approved duty is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

**Determination 45: Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:**

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



## Civic Head and Deputy Civic Head

- 13.21 Civic heads are senior posts within community and town councils. In addition to chairing major meetings the civic head is the ‘ambassador’ representing the council to a variety of institutions and organisations. The Panel requires that members should not have to pay themselves for any cost associated with carrying out these duties. This requirement also applies in respect of deputy civic heads.
- 13.22 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing – we consider these to be the council’s civic budgets.
- 13.23 Funding decisions in relation to these civic budgets are not matters of personal remuneration for the post holder but relate to the funding required for the tasks and duties to be carried out. Councils remain free to set civic budgets at whatever levels they deem appropriate for the levels of civic leadership they have in place.
- 13.24 For the avoidance of doubt, costs in respect of, for example, transport (physical transport or mileage costs), secretarial support, charitable giving (purchasing tickets, making donations or buying raffle tickets) and clothing are not matters of personal remuneration for the individual holding the senior post. These should be covered by the civic budget.
- 13.25 Recognising that some mayors and chairs of community and town councils and their deputies are very active during their year of office, the Panel has determined that community and town councils can make a payment to the individuals holding these roles.
- 13.26 This is a personal payment to the individual and is entirely separate from covering the costs set out above.
- 13.27 The Panel has determined that the maximum payment to a chair or mayor of a community or town council is £1,500. The maximum payment to a deputy mayor or chair is £500.

**Determination 46: Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

**Determination 47: Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.**

## Making Payments to members

- 13.28 Table 9 sets out each of the above determinations and if a decision is required by the council in respect of each one.
- 13.29 In respect of the mandated payments where no decision is required by a council, members should receive monies to which they are properly entitled as a matter of course.
- 13.30 Where a decision is required by the council, this should be done at the first meeting following receipt of the Annual Report.
- 13.31 A council can adopt any, or all, of the non-mandated determinations but if it does make such a decision, it must apply to all its members.
- 13.32 When payments take effect from is set out in paragraphs 13.36 to 13.38 below.
- 13.33 On receipt of the draft Annual Report the previous autumn, councils should consider the determinations for the next financial year and use this to inform budget plans.

**Table 9**

<b>Determination Number</b>	<b>Is a decision required by council?</b>
<b>40</b> All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.	No - the payment of £150 is mandated for every member unless they advise the appropriate officer that they do not want to take it in writing.
<b>41</b> Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – a council must decide how many payments of £500 it will make – to between 1 and 5 members.
<b>42</b> Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – it is optional to pay it for up to 5 members and, if it is paid, the amount (up to £500) must be decided.
<b>43</b> Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.	Yes – the payment of travel costs is optional.

<b>Determination Number</b>	<b>Is a decision required by council?</b>
<b>44</b> If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members.	Yes – the payment of overnight subsistence expenses is optional.
<b>45</b> Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties.	Yes – the payment of financial loss allowance is optional.
<b>46</b> Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500.	Yes – the payment to a Civic Head is optional.
<b>47</b> Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum amount of £500.	Yes – the payment to a Deputy Civic Head is optional.
<b>48</b> Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.	No - Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) can only receive travel and subsistence expenses and contribution towards costs of care and personal assistance; if they are eligible to claim, and wish to do so.

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

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

13.36 It is a matter for each council to make, and record, a policy decision in respect of:

- when the payment is actually made to the member;
- how many payments the total amount payable is broken down into;
- and whether and how to recover any payments made to a member who leaves or changes their role during the financial year.

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

13.38 As stated in paragraph 13.8 any individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these payments by giving notice in writing to the proper officer of the council.

**Determination 48: Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.**

### **Publicity requirements**

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

## 14. Compliance with Panel Requirements

### The Panel's remit under the Measure

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

### Monitoring compliance

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

**Note: The above requirements do not apply to Community and Town Councils at this time.**

**The following applies to all authorities including Community and Town Councils.**

- (iv) A relevant authority must make arrangements for publication within the authority area of the total sum paid by it in the previous financial year to each member and co-opted member in respect of salary (basic, senior and civic), allowances, fees and reimbursements in a Statement of Payments (in accordance with Annex 4 that sets out the content that must be included in the Publicity Requirements). This must be published as soon as practicable and no later than 30 September following the end of the previous financial year- **and must also be submitted to the Panel no later than that date.**

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

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

- 15.1 Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting section 143A. This enables the Panel to take a view on anything in the Pay Policy Statements of these authorities that relates to the salary of the head of paid service (normally the Head of Paid Service or chief fire officer). Section 39 of the Local Government (Wales) Act 2015 further amended the Measure extending this function to include Chief Officers of Principal Councils. However, this function ceased on 31 March 2020.
- 15.2 The Welsh Government issued amended guidance to the Panel which can be found at [Amended Guidance to the Independent Remuneration Panel for Wales Under Section 143A of the Local Government \(Wales\) Measure 2011 and Section 39 of the Local Government \(Wales\) Act 2015](#). This sets the basis on which the Panel will carry out the function contained in the legislation.
- 15.3 The functions of the Panel and the requirements on authorities established by the legislation and the subsequent guidance are:
- a) If a principal council intends to change the salary of the head of paid service, or if a fire and rescue authority intends to change the salary of its head of paid service it must consult the Panel unless the change is in keeping with changes applied to other officers of that authority (whether the change is an increase or decrease). 'Salary' includes payments under a contract for services as well as payments of salary under an employment contract.
  - b) The authority must have regard to the recommendation(s) of the Panel when reaching its decision.
  - c) The Panel may seek any information that it considers necessary to reach a conclusion and produce a recommendation. The authority is obliged to provide the information sought by the Panel.
  - d) The Panel may publish any recommendation that it makes. It is the intention that, in the interests of transparency, it will normally do so.
  - e) The Panel's recommendation(s) could indicate:
    - approval of the authority's proposal
    - express concerns about the proposal
    - recommend variations to the proposal

As long as these comply with any guidance issued by the Welsh Government.

- 15.4 The Panel also has a general power to review the Pay Policy Statements of

authorities so far as they relate to the heads of paid service.

15.5 It is important to note the Panel will not decide the amount an individual head of paid service will receive.

15.6 The Panel is very aware that this function is significantly different from its statutory responsibilities in relation to members' remuneration. However, it undertakes this role with clarity and openness, taking into account all the relevant factors in respect of specific individual cases. Authorities are encouraged to consult the Panel at an early stage in their decision making on such matters. This will enable the Panel to respond in a timely manner.

### **Pay Policy Statements**

Paragraph 3.7 of the guidance to the Panel from the Welsh Government states that "The legislation does not restrict the Panel to a reactive role". It allows the Panel to use its power to make recommendations relating to provisions within local authorities Pay Policy Statements.

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

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

<b>Name of Local Authority</b>	<b>Proposal</b>	<b>Panel decision</b>
Neath Port Talbot Council	Head of Children and Young People's Services	Referred for further information

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

Principal Councils	
1.	Basic salary in 2021/22 for elected members of principal councils shall be £14,368 with effect from 1 April 2021.
2.	Senior salary levels in 2021/22 for members of principal councils shall be as set out in Table 3 with effect from 1 April 2021.
3.	Where paid, a civic head must be paid a Band 3 salary of £23,161 and, where paid, a deputy civic head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021.
4.	Where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £23,161.
5.	The post of deputy presiding member will not be remunerated.
6.	<p>a) An elected member must not be remunerated for more than one senior post within their authority.</p> <p>b) An elected member must not be paid a senior salary and a civic salary.</p> <p>c) All senior and civic salaries are paid inclusive of basic salary.</p> <p>d) If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.</p>
7.	Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the NPA or FRA.
8.	Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community or Town Council.
9.	Each authority, through its Democratic Services Committee, must ensure that all its elected members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.



10.	Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.
<b>Specific or Additional Senior Salaries</b>	
11.	Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
<b>Local Government Pension Scheme</b>	
12.	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
<b>Family Absence</b>	
13.	An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
14.	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
15.	It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
16.	If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
17.	When a Council agrees a paid substitution for family absence the Panel must be informed within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
18.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
<b>National Park Authorities</b>	
19.	The basic salary for NPA ordinary members shall be £4,053 with effect from 1 April 2021.
20.	The senior salary of the Chair of a NPA shall be £12,845 with effect from 1 April 2021.

21.	A NPA senior salary of £7,792 must be paid to a Deputy Chair where appointed.
22.	Committee chairs or other senior posts must be paid a salary of £7,792.
23.	Members must not receive more than one NPA senior salary.
24.	A NPA senior salary is paid inclusive of the NPA basic salary.
25.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.
<b>Fire and Rescue Authorities</b>	
26.	The basic salary for FRA ordinary members shall be £2,026.
27.	The senior salary of the chair of a FRA shall be £10,818.
28.	A FRA senior salary of £5,765 must be paid to the Deputy Chair where appointed.
29.	Chairs of Committees or other senior posts can be paid. This shall be paid at £5,765.
30.	Members must not receive more than one FRA senior salary.
31.	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
32.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.
<b>Co-opted Members</b>	
33.	Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 6.
34.	Reasonable time for pre meeting preparation is to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
35.	Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
36.	The appropriate officer within the authority must determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.

37.	Fees must be paid for meetings and other activities including other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
38.	Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.
<b>Contribution towards costs of care and personal assistance</b>	
39.	<p>All relevant authorities must provide for the reimbursement of the contribution towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> <li>• Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.</li> <li>• Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.</li> </ul> <p>Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer</p>
<b>Community and Town Councils</b>	
40.	All Community and Town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.
41.	Community and Town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.
42.	Community and Town councils in Groups B or C can make an annual payment of £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.

43.	<p>Community and Town councils can make payments to each of their members in respect of travel costs for attending approved duties.<sup>9</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</p> <ul style="list-style-type: none"> <li>• 45p per mile up to 10,000 miles in the year.</li> <li>• 25p per mile over 10,000 miles.</li> <li>• 5p per mile per passenger carried on authority business.</li> <li>• 24p per mile for private motor cycles.</li> <li>• 20p per mile for bicycles.</li> </ul>
44.	<p>If a Community or Town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> <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>
45.	<p>Community and Town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>• Up to £55.50 for each period not exceeding 4 hours.</li> <li>• Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
46.	<p>Community and Town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
47.	<p>Community and Town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
48.	<p>Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.</p>

<sup>9</sup> Where a member who is on official business or an approved duty is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

## **Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations:**

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

### **Introduction**

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

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

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

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

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

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

### **Part 1**

#### **General**

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

- b. These IRPW Regulations came into force on 1 April 2021 and replace those in force from 1 April 2012. The implementation date for each of the relevant authorities is set out in the Annual Report or Supplementary Report of the Panel.
- c. Authorities are required to produce a schedule of payments to members and co-opted members no later than the 31 July each year, for submission to the Panel and publication (see paragraph 46).

## **Interpretation**

### **2. In the IRPW Regulations:**

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

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

- “Member” means a person who serves on an authority.
  - For a principal council or a community or town council a “Member” may be:
  - An “Elected Member” which means a person who has been elected to serve as a councillor for that authority. It is possible for a person to hold an elected office if, further to the completion of an election, no candidate has presented and a person holds that office subject to proper process.
  - A ‘Co-opted Member’ which means a person who has been placed into membership of a council committee or to discharge a function subject to proper process.
  - For a national park authority, a “Member” means a person appointed by a constituent authority and a person appointed by Welsh Ministers.
  - For Welsh fire and rescue authorities a “Member” means a person appointed by a constituent authority.
- “National Park Authority” means a national park authority established under section 63 of the Environment Act 1995.
- “Official business” has the meaning contained in Section 142 (10) of the Measure in relation to the reimbursement of care, travel and subsistence costs necessarily incurred by members and co-opted members of a relevant authority (excluding community and town councils) when:
  - a. Attending a meeting of the authority or any committee of the authority or any other body to which the authority makes appointments or nominations or of any committee of such a body.
  - b. Attending a meeting of any association of authorities of which the authority is a member.
  - c. Attending a meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities.
  - d. Attending any training or development event approved by the authority or its executive.
  - e. A duty undertaken for the purpose of or in connection with the discharge of the functions of an executive within the meaning of Part 2 of the 2000 Act, as amended.
  - f. A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.
  - g. A duty undertaken in connection with the discharge of any function of the authority to inspect or authorise the inspection of premises.
  - h. A duty undertaken by members of principal councils in connection with constituency or ward responsibilities which arise from the discharge of principal council functions.



- i. Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.
- “Other political group” means a political group other than a controlling group or the largest opposition group (if any) which comprises not less than ten per cent of the members of that authority.
- “Overview and Scrutiny Committee” means a committee of the authority which has the powers set out in sections 21(2) and (3) of the 2000 Act, as amended by Part 6 of the Measure.
- “Panel” means the Independent Remuneration Panel for Wales as set out in section 141(1) and schedule 2 of the Measure.
- “Pay policy statement” means a statement produced by a relevant authority under section 38 of the Localism Act 2011.
- ‘Political group’ may be formed from members of a recognised political party or be a group of independent members unaffiliated to any recognised political party. “Presiding Member” means a member of a principal council who has been designated by that council to carry out functions in relation to the chairing of its meetings and proceedings.
- “Principal Council” is as defined by the 1972 Act and means a county or county borough council.
- “Proper officer” has the same meaning as in section 270(3) of the 1972 Act. In community and town councils, the ‘Proper Officer’ may be the clerk or other official appointed for that purpose. “Public body” means a body as defined in section 67(b) of the 2013 Act.
- “Qualifying provision” means a provision that makes a variation to a previous decision of the Panel. (Section 65 (c) of the 2013 Act).
- “Qualifying relevant authority” is an authority within the meaning of section 63 of the 2013 Act, required to produce a pay policy statement.
- “Relevant authority” is set out in Section 144(2) of the Measure (as amended) and in section 64 of the 2013 Act and, for the purposes of these Regulations, includes a principal council, a community or town council, a national park authority and a Welsh fire and rescue authority.
- “Relevant matters” are as defined in Section 142(2) of the Measure.
- “Schedule” means a list setting out the authority’s decisions in respect of payments to be made during the year (as relating to that authority) to all members and co-opted members of that authority.
- “Senior Salary” has the same meaning as set out in paragraph 11 of these Regulations and may be qualified as “Principal council Senior Salary” to refer to the senior salary of a member of a principal council; “National Park Senior Salary” to refer to the senior salary of a member of a national park authority; or “Fire and Rescue authority Senior Salary” to refer to the senior salary of a member of a Fire and Rescue authority.
- “Sickness absence” means the arrangements as set out in the Annual Report.

- “Supplementary report” has the meaning contained in section 146(4 to 8) of the Measure.
- “Travelling and subsistence payment” has the same meaning as set out in paragraph 25 of these Regulations.
- “Year” has the following meanings:
  - “financial year” – the period of twelve months ending 31 March;
  - “calendar year” – the period of twelve months ending 31 December;
  - “municipal year” – the year commencing on the date of the annual meeting of the authority and ending the day before the annual meeting of the following year; for national park authorities and Welsh fire and rescue authorities it is the period of up to twelve months following the annual meeting of the authority.

## **Part 2: Schedule of member or co-opted member payments**

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

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

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

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

## **Amendment to the Schedule**

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

### **Basic salary**

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

### **Senior salary**

11. Subject to paragraphs 12 to 18 an authority can make payments of a senior salary to members that it has given specific responsibilities. Such payments must accord with the Panel's determination for the year (as relating to the authority) that the payments are made and must be set out in the Schedule of that authority. For principal councils only, a senior salary will remain payable during the family absence of the office holder.
12. The Panel will prescribe in its Annual or Supplementary Reports the following:
  - The categories of members eligible for the payment of a senior salary

which may not be the same for all authorities or categories of authorities.

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

17. Where a member does not have, throughout the year specific responsibilities that allow entitlement to a senior salary, that member's payment is to be such proportion of the salary as the number of days during which that member has such special responsibility bears to the number of days in that year.
18. Where a member is suspended or partially suspended from being a member of the authority (Part 3 of the 2000 Act refers) the authority must not make payments of the member's senior salary for the duration of the suspension (Section 155(1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the basic salary. Payment must also be withheld if directed by the Welsh Ministers.

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

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

### **Payments**

#### **Costs of Care**

21. Authorities must provide for the payment to members and co-opted members of an authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual member as are necessarily incurred in carrying out official business as a member or co-opted member of that authority. Payments under this paragraph must not be made:
  - In respect of any child over the age of fifteen years or dependant unless the member/co-opted member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of the duties of a member or co-opted member.
  - To more than one member or co-opted member of the authority in relation to the care of the same child or dependant for the same episode of care.
  - Of more than one reimbursement for care to a member or co-opted member of the authority who is unable to demonstrate to the satisfaction of the authority that the member/co-opted member has to make separate arrangements for the care of different children or

dependants.

22. The maximum amount of the cost of care payable by an authority is to be determined by the Panel in its Annual or Supplementary Reports.
23. Where a member/co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers) the part of the reimbursement of the cost of care payable to that member or co-opted member in receipt of the responsibilities or duties from which that member or co-opted member is suspended or partially suspended must be withheld by the authority. Payment must also be withheld if directed by the Welsh Ministers for reasons other than suspension (Section 155(1) of the Measure).
24. An authority's Schedule must stipulate the amount of the contribution towards costs of care and personal assistance payable and its arrangements for making claims, taking full account of the Panel's determinations in this respect.

#### **Travel and subsistence payments**

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

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

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

## **Part 3: Further provisions**

### **Pensions**

29. Under Section 143 of the Measure, the Panel may make determinations in respect of pension arrangements for principal council members in its Annual or Supplementary Reports. Such determinations may:
- Define which members for whom the principal council will be required to pay a pension.
  - Describe the relevant matters in respect of which a local authority will be required to pay a pension.
  - Make different decisions for different principal councils.

### **Payments to support the function of an authority member**

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

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

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

### **Sickness Absence**

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

## **Part 4: Payments**

### **Repayment of payments**

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

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

### **Forgoing payments**

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

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

### **Interpretation**

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

### **Payments**

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



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

## **Part 6: Miscellaneous**

### **Arrangements for payments**

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

### **Claims**

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

42. Any claim for payment of travelling, subsistence or care costs in accordance with these Regulations (excluding claims for travel by private vehicle or bicycle) shall be accompanied by appropriate receipts proving actual cost.

### **Avoidance of duplication**

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

### **Records of payments**

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

### **Publicity requirements**

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

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

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

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

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

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

## **Annex 3: Schedule of Member Remuneration**

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

In respect of a principal council:

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

In respect of National Park and Fire and Rescue Authorities:

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

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

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

In accordance with Section 151 of the Wales (Local Government) Measure 2011 the Panel requires that:

1. Relevant authorities must publish a Statement of Payments made to its members for each financial year. This information must be published in a form and location that is easily accessible to members of the public no later than 30 September following the end of the previous financial year and in the same timescale also provided to the Panel. The following information must be provided:
  - a. The amount of basic salary, senior salary, civic salary and co-opted member fee paid to each named member or co-opted member of the relevant authority, including where the member had chosen to forego all or part of the salary, or fee for the municipal year in question. Where a senior salary has been paid, the title of the senior office held is to be provided.
  - b. The payments made by community and town councils to named members as:
    - Payments in respect of telephone usage, information technology, consumables etc.
    - Responsibility payments
    - Allowances made to a mayor or chair and deputy mayor or deputy chair
    - Compensation for Financial Loss
    - Costs incurred in respect of travel and subsistence
  - c. All travel and subsistence expenses and other payments received by each named member and co-opted member of the relevant authority, with each category identified separately.
  - d. The amount of any further payments received by any named member nominated to, or appointed by, another relevant authority or other public body as defined by Section 67 of the Local Government (Democracy) (Wales) Act 2013, namely:
    - a local health board
    - a police and crime Panel
    - a relevant authority
    - a body designated as a public body in an order made by the Welsh Ministers.
  - e. Names of members who did not receive basic or senior salary because they were suspended for all or part of the annual period to which the Schedule applies.
  - f. In respect of the publication of the contribution towards costs of care and personal assistance, relevant authorities are only required to

publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed.

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

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

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

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

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



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

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

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

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## DEMOCRATIC SERVICES COMMITTEE

30<sup>TH</sup> NOVEMBER 2020

WELSH GOVERNMENT CONSULTATION DOCUMENT CHANGES TO ADOPTION ABSENCE FOR LOCAL AUTHORITY MEMBERS		
<b>Recommendations / key decisions required:</b>  To consider the consultation document on changes to adoption absence for Local Authority members and to comment if required.		
<b>Reasons:</b>  Welsh Government opened a consultation on the changes to adoption absence for Local Authority members on 3rd November 2020. The consultation period is for 8 weeks only, with responses to be made by 29th December, 2020.		
Scrutiny committee consulted	Not Applicable	
Exec Board Decision Required	NO	
Council Decision Required	NO	
<b>EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER: N/A</b>		
Directorate  Name of Head of Service:  Linda Rees Jones  Report Author:  Gaynor Morgan	Designations:  Head of Administration & Law  Head of Democratic Services	Tel Nos. 01267 224010  E Mail Addresses:  GMorgan@carmarthenshire.gov.uk

# EXECUTIVE SUMMARY

## DEMOCRATIC SERVICES COMMITTEE

30<sup>TH</sup> NOVEMBER 2020

### CHANGES TO ADOPTION ABSENCE FOR LOCAL AUTHORITY MEMBERS

The Family Absence for Members of Local Authorities (Wales) Regulations 2013 govern adopter's absence (the form of leave taken by an individual adopting a child). The Welsh Government proposes amending the 2013 Regulations so as to extend the period of adopter's absence for members of councils from 2 weeks to 26 weeks and, as far as practicable, to align procedures relating to adopter's absence with those which currently govern maternity absence.

All Councillors have received a copy of the consultation via email in order to reply directly should they wish to do so.

The Democratic Services Committee is asked to consider any responses they wish to submit as a response to the consultation on changes to adoption absence for Local Authority councillors.

DETAILED REPORT ATTACHED?

YES – consultation document.

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones  
Gaynor Morgan

Head of Administration and Law  
Head of Democratic Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

The report is a Welsh Government Consultation document and there are no implications to the Authority at this stage.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones  
Gaynor Morgan

Head of Administration and Law  
Head of Democratic Services

### 1. Scrutiny Committee

Not Applicable

### 2. Local Member(s)

Not Applicable

### 3. Community / Town Council

Not Applicable.

### 4. Relevant Partners

Not Applicable

### 5. Staff Side Representatives and other Organisations

Not Applicable

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in of the preparation this report:

**THESE ARE DETAILED BELOW:-**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
WG Consultations website		<a href="https://gov.wales/adoption-absence-local-authority-councillors">https://gov.wales/adoption-absence-local-authority-councillors</a>

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## Welsh Government Consultation Document

# Changes to adoption absence for local authority members

We want your views on proposed changes to adoption absence for local authority members from 2 to 26 weeks

Date of issue: 3 November 2020  
Action required: 29 December 2020

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

<b>Overview</b>	<p>The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (the regulations) govern adopter's absence (the form of leave taken by an individual adopting a child). The Welsh Government proposes amending the 2013 Regulations so as to extend the period of adopter's absence for members of councils from 2 weeks to 26 weeks and, as far as practicable, to align procedures relating to adopter's absence with those which currently govern maternity absence.</p>
<b>How to respond</b>	<p>You can respond to this consultation by completing and returning the consultation response form at the back of this document. The response should be sent to:</p> <p>Local Government Democracy Team Welsh Government Cathays Park Cardiff CF10 3NQ</p> <p>Or email: <a href="mailto:LGD.DemocracyDiversityRemuneration@gov.wales">LGD.DemocracyDiversityRemuneration@gov.wales</a></p> <p>Or by completing an <a href="#">online form</a></p>
<b>Further information and related documents</b>	<p><b>Large print, Braille and alternative language versions of this document are available on request.</b></p> <p><a href="https://www.legislation.gov.uk/wsi/2013/2901/made">https://www.legislation.gov.uk/wsi/2013/2901/made</a></p>
<b>Contact details</b>	<p>For further information, please contact:</p> <p>Local Government Democracy Team Welsh Government Cathays Park Cardiff CF10 3NQ</p> <p>Email: <a href="mailto:LGD.DemocracyDiversityRemuneration@gov.wales">LGD.DemocracyDiversityRemuneration@gov.wales</a></p>
<b>Also available in Welsh at:</b>	<p><a href="https://llyw.cymru/absenoldeb-mabwysiadu-i-gynghorwyr-awdurdodau-lleol">https://llyw.cymru/absenoldeb-mabwysiadu-i-gynghorwyr-awdurdodau-lleol</a></p>



## General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ

e-mail:

[Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745 or  
0303 123 1113

Website: <https://ico.org.uk/>

## **Background**

1. Creating a more equal Wales, where everyone has the opportunity to participate, reach their full potential and is able to contribute fully to the economy, will enable Wales to be more prosperous and innovative.
2. The Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent an individual's active participation in local democracy through elected office.
3. The Welsh Ministers recognise the difficulties in balancing the demanding role of being a councillor with the personal responsibilities of caring for loved ones. The challenges of the role, the sensitivities of many of the activities undertaken and the increasing expectation of the public that councillors are 'on duty' 24 hours a day, seven days a week can prevent individuals from giving serious consideration to becoming a councillor.
4. Enabling councillors to take time off in a range of circumstances is an important part of the approach taken in Wales. Councillors benefit from taking time off to support their families. Family absence (often referred to as "leave") is considered a fundamental lever in increasing the diversity of those participating in local democracy by enabling individuals to balance the requirements of the important role they play in society with the demands and responsibilities that come with bonding, nurturing and developing relationships with their children.
5. This is why Wales was the first country in the UK to legislate for the introduction of family absence arrangements for councillors.

## **The current family absence arrangements**

6. Part 2 of the Local Government (Wales) Measure 2011 ("the Measure") introduced entitlements to periods of family absence for members of county and county borough councils, during which a member is entitled to be absent from authority meetings.
7. The periods of absence introduced were as follows:
  - Maternity absence                      26 weeks
  - Newborn absence                        2 weeks
  - Adopters absence                        2 weeks
  - New adoption absence                  2 weeks
  - Parental absence                         3 months
8. The Family Absence for Members of Local Authorities (Wales) Regulations 2013 ("the Regulations") made under Part 2 of the Measure prescribe the conditions to be satisfied for a member to be entitled to a period of family absence and made procedural arrangements in respect of each type of absence.
9. The periods of absence set out above were broadly modelled on the absence provisions for officers within county and county borough councils. The intention

behind this approach was to ensure members and officers had, as far as possible, the same basic absence arrangements.

## **The Issue**

10. With the exception of the maximum period for adopter's absence the regulations remain in step with the arrangements for Officers. However, the basic period of adopter's absence available to Officers is now 26 weeks and therefore the current 2 weeks adopter's absence available to members needs to be changed to 26 weeks to align with the broader Welsh Government policy.

## **Proposed action**

11. For this reason Welsh Ministers intend to amend the 2013 regulations to increase the adopter's absence entitlement from 2 weeks to 26 weeks. This will result in the same levels of maternity and adopter's absence being available under the 2013 regulations.
12. In addition, associated changes to the regulations will:
- Create procedures for allowing a member of a local authority to vary the start date and duration of a period of adopter's absence
  - Provide that a period of adopter's absence may start on the day the child is placed with the member of a local authority for adoption or up to 14 days beforehand. A member of a local authority may choose on which of these days their adopter's absence will start.
  - Create a procedure for a member of a local authority to bring their adopter's absence to an end
  - Prevent multiple periods of adopter's absence being taken in respect of children adopted under the same arrangement.
  - Allow individuals taking adopter's leave to continue some duties with the consent of the chair or presiding member of the local authority.
13. The need for parents to bond with and build strong relationships with their biological children has been recognised for many years. For those who decide to adopt children the need to bond and build relationships is of equal importance. Depending on the circumstances of the adoption there can be additional challenges in developing these relationships. These changes put the basic maternity and adopter's absence arrangements on an equal basis. It also ensures alignment between members and Officers.
- **Q1: Do you agree with the proposed increase in the length of adopter's absence for councillors from 2 to 26 weeks to align with similar arrangements for maternity absence?**
  - 
  - **Q2: Do you agree with the changes set out in Paragraph 12 above?**
  - 
  - **Q3 Do you agree the revised statutory guidance within the annex of this document reflects the proposed changes in paragraphs 11 and 12 above?**

- **Q4 If you would like to make any additional comments or observations about the changes proposed as part of this consultation please include them in the box provided below.**

#### Local Government and Elections (Wales) Bill

14. Section 66 of the Local Government and Elections (Wales) Bill seeks to remove the current limitations on the maximum absence periods from the 2011 Measure and enables these to be set at any level by the regulations. The rationale for this change is to enable the regulations to be updated more easily as policy develops in this area.
15. Therefore the proposals set out in this consultation are subject to the changes in section 66 of the Bill becoming law.

#### **Impact of proposals**

16. These changes will give adoptive parent's greater opportunity to take absence to help provide a supportive and nurturing environment for their children. Bonding and strong relationships are a very important part of bringing babies and young people into a new family environment and are critical to the growth and development of the adoptee. It provides consistency between those the absence arrangements for individuals eligible for maternity and adopters absence.

#### **Guidance**

There is existing statutory guidance about family absence which was made under section 30 of the Local Government (Wales) Measure 2011.

The guidance will require amendment as a result of the proposed change to family absence arrangements.

A revised set of guidance which contains amendments to reflect the changes set out in paragraphs 11 and 12 above contained in the Annex to this document.

## **FAMILY ABSENCE**

### *Statutory Guidance made under Section 30 of the Local Government (Wales) Measure 2011*

#### **Introduction**

1. Part 2 of the Local Government (Wales) Measure 2011 (“the Measure”) introduces an entitlement to a period of family absence for members of county and county borough councils, during which a member is entitled to be absent from authority meetings.

#### **What the Measure requires**

2. This document contains statutory guidance issued under section 30 of the Measure. A local authority must have regard to this guidance in exercising its functions under Part 2 of the Measure.
3. Section 23 allows members who are entitled to a period of family absence to be absent from meetings of the authority, including executive meetings where applicable, during periods of family absence, in accord with regulations made under this Part of the Measure. The Measure creates an entitlement to five types of family absence: maternity absence; new-born absence; adopter’s absence; new adoption absence; and parental absence.
4. The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Regulations”) are made under Part 2 of the Measure and prescribe the conditions to be satisfied for a member to be entitled to a period of family absence.
5. A member is entitled to a period of maternity absence where the member satisfies conditions prescribed within the Regulations. The Regulations also include provision concerning the duration, start, bringing to an end and cancellation of any maternity absence. The Regulations restrict the period of maternity absence to a maximum of 26 weeks.
6. New-born absence concerns absence granted to the “parent” of a child other than the mother. The Regulations prescribe conditions relating to the relationship between the member and child required for the member to be entitled to a period of new-born absence. New-born absence is designed to allow a person who satisfies the prescribed conditions to assist in the caring for the child and mother. The Regulations also make provision relating to the length of new-born absence and when it should be taken.

7. Section 26 creates an entitlement to adopter's absence. The Regulations also include provision concerning the duration, start, bringing to an end and cancellation of adopters absence. The Regulations restrict the period of adopter's absence to a maximum of 26 weeks. The Regulations prescribe the conditions to be satisfied, the length of such absence and when it can be taken, subject to the provision that it cannot last more than 26 weeks. Section 27 deals with new adoption absence available to a member who satisfies prescribed conditions as to their relationship to an adopter.
8. Parental absence applies to a member who becomes responsible for a child (who was previously the responsibility of someone else). The Regulations enable a member to be absent on parental absence for a period of up to three months.
9. Section 29 enables regulations to provide for the administrative machinery of any family absence as well as the process for dealing with any complaints of abuse of absence. It also allows regulations to provide for any duties which members may perform during a period of family absence.

## **Guidance**

10. The Measure and Regulations must be read together with this guidance.
11. The introduction of family absence provides members with entitlements to enable members who have babies or become responsible for looking after children to be able to continue as members with recognised, legitimate, absence, in an open fashion, rather than be potentially subject to criticism for not fulfilling their duties as members.
12. Section 8 of the Measure requires local authorities to designate an officer as the authority's Head of Democratic Services (HDS). The Measure provides that the HDS may make arrangements for an officer appointed by them to discharge the functions of the HDS under the Measure. All references to the HDS in this guidance and the Regulations should be taken as including any officer appointed by them to fulfil the duties under the Measure. The Regulations prescribe that the HDS will take the responsibility for dealing with notifications of family absence.
13. This is clearly a potentially delicate area for the HDS. It involves dealing with members during a very important development in their personal lives. The responsibility the HDS will have for keeping records, including the dates applicable to the absence and any suspicion that the family absence entitlement is being abused, will require sensitivity. The HDS should take a flexible approach towards any request to vary the start or finish dates of absence, provided they are within the total allowance. With respect to actions which might result in the withdrawal of the entitlement, there should be a high degree of certainty in the mind of the HDS before proceeding along this course.
14. As stated above, in most circumstances, the HDS must be notified in writing before any period of family absence. In addition, the Regulations contain other notification requirements, such as under the complaint provisions. Notification by way of an e-mail or any other electronic format would satisfy the written requirement in respect of any notification required under the Regulations.

15. Under normal circumstances, the HDS should not request evidence of pregnancy or the expected date of childbirth unless there are grounds for suspicion that the notice given by the member is questionable.
16. New-born absence is aimed to assist partners of mothers by enabling them to take a period of absence during the first 56 days after childbirth.
17. Adopter's absence entitles members to a period of absence of 26 weeks. The entitlement arises at the physical date of placement of the child with the member for adoption. It is the actual date of placement of the child which is important for the start of this absence, not the date of placement according to any legal document. No evidence of adoption is required from the member in order to be entitled to a period of adopter's absence. Multiple children adopted at the same time would not enable a member to take multiple periods of adopter's absence.
18. A member who satisfies prescribed conditions as to their relationship with another person who is adopting a child may take two weeks new adoption absence. A member is not entitled to take adopter's and new adoption absence in relation to the same child. Multiple children adopted at the same time would not enable a member to take multiple periods of new adoption absence. If a member jointly adopts a child with another member, one member may elect to be the child's adopter for the purposes of the Regulations and would be entitled to a period of adopter's absence. The other member would not be entitled to a period of adopter's absence but would be entitled to a period of new adoption absence.
19. A member shall be entitled to parental absence if they become responsible for the care of a child under the age of 14. The member must notify the HDS of this responsibility and the HDS must be satisfied that such a responsibility is real and may require supporting evidence.
20. Responsibility for a child for the purposes of Part 5 of the Regulations is not limited to members who are granted parental responsibility for a child as defined in section 3 of the Children Act 1989. It is intended that parental absence would be available to members who become temporarily responsible for the care of a child in addition to members who become the subject of more permanent responsibilities. For example, a member who takes responsibility for the care of a child whilst the parent is temporarily unable to fulfil these responsibilities for reasons such as illness, would be entitled to a period of parental absence.
21. A member may decide to stage parental absence over various periods during the year from when the member became responsible for the child. The member must notify the HDS as to the staging of the periods of absence in advance, although it is not expected that a member inform the HDS of the start date and duration of each and every period of parental absence at the outset. If possible, the member should seek to inform the HDS of the intended periods of absence. However, it is accepted that this may not always be possible and would not afford the necessary degree of flexibility. In which case, as long as the HDS is informed at the outset of the member's general approach to the taking of absence and the HDS is informed in advance of each individual period of absence, the member would be entitled to periods of parental absence.

22. The HDS is required to inform the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority, the chair of the Democratic Services Committee (DSC) and, the leaders of each political group of the authority of any period of family absence in advance of it being taken or at the earliest possible date thereafter. The HDS is free also to inform any other persons felt necessary. For instance, this could include members of the authority representing the same or neighbouring divisions.
23. On receiving information from the HDS that a member may not be entitled to a period of family absence, a local authority may decide to cancel or curtail a member's family absence if it believes that the permitted absence is fraudulent, has been abused or simply that the member is not entitled to a period of family absence. It would be open to an authority in such a situation to decide whether the issue should be referred to their Standards Committee for their consideration.
24. A member may appeal against a decision to withdraw entitlement to family absence. Complaints must be in writing, however, as stated above a complaint in electronic form would satisfy this requirement. The HDS then places the appeal before the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority, who must then place it before a panel of three members appointed by the authority for the purpose (which cannot include the chair or presiding member of the authority).
25. The panel will then determine the complaint. The panel will determine whether or not the member is entitled to a period of family absence under the Regulations. Where the panel determines that the member is entitled to a period of family absence, that member will take a period of family absence in accordance with the Regulations.
26. A period of family absence may have been cancelled by the local authority mid-way through the period of family absence. Having been established to consider a complaint, the panel could then determine that the member is in fact entitled to a period of family absence. In those circumstances, the member will be entitled to the balance of their period of absence set out under the Regulations.
27. Where a panel determines that a member is not entitled to a period of family absence the member will not be eligible to a period of family absence under the Regulations and will be therefore expected to continue their duties as a member.
28. A local authority's standing orders must include provisions describing the circumstances in which a member on maternity, adopter's or parental absence (only) to continue to perform some duties if so desired. This should enable a member on such leave of absence to attend a particular meeting or type of meeting or perform a particular duty or type of duty on receipt of permission granted by the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that authority. This might be the case, for instance, where the member has a well-known particular interest in a matter of business or if urgent business affecting their local area is being considered. Before agreeing to such a request, the chair of authority, or where a local authority has elected a presiding member, the presiding member of that authority, must inform the leaders of all political groups on the council. Should there be a dispute, a panel established as above should make the final decision.



29. Standing orders should also provide as to whether any duty conferred on members should be performed during a period of family absence. This might, for instance, enable a member on family absence to be asked to attend a meeting if it might otherwise be inquorate. The standing orders could enable different arrangements to be made for different members. There might be a particular area of expertise possessed by a member which would be difficult to replace on a temporary basis, which might suggest a limited commitment could still be expected of a member in defined circumstances. However, the effect of any such provision under the standing orders should not be contrary to the purpose of the Measure and Regulations.
30. It should be noted that the absence of a member for family absence reasons should not trigger any reallocation of representation in accord with political balance. For such calculations, the member should be treated as a full member of the council and therefore any substitution should be open only to a member of the same political group.

## Consultation Response Form

Your name:	
Organisation (if applicable):	
Email / telephone number:	
Your address:	

### Questions

Q1 Do you agree with the proposed increase in the length of adopter's absence for councillors from 2 to 26 weeks to align with similar arrangements for maternity absence.

Yes / No

Add any comments

--

Q2 Do you agree with the changes set out in Paragraph 12 above?

Yes / No

Add any comments

--

Q3 Do you agree the revised statutory guidance within the annex of this document reflects the proposed changes in paragraphs 11 and 12 above?

Yes / No

--

Q4 If you would like to make any additional comments or observations about the changes proposed as part of this consultation please include them in the box provided below.

--

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## DEMOCRATIC SERVICES COMMITTEE 30<sup>TH</sup> NOVEMBER 2020

### DEMOCRATIC SERVICES FUNCTION

#### Recommendations / key decisions required:

To consider the information contained in the report and determine whether the provision of staff, accommodation and other resources made available to the Head of Democratic Services is adequate to deliver the democratic process for the forthcoming year.

#### Reasons:

The Democratic Services Committee considers matters relating to the provision of support services provided to them in accordance with the Local Government (Wales) Act 2011

Scrutiny Committee consulted	Not applicable
Exec Board Decision Required	NO
Council Decision Required	NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- N/A

Cllr Rob James - Chair of Democratic Services Committee.

Directorate		
Name of Head of Service:	Designations:	Tel Nos. 01267 224028
Linda Rees Jones	Head of Administration & Law	E Mail Addresses:
Report Author:		GMorgan@carmarthenshire.gov.uk
Gaynor Morgan	Head of Democratic Services	

**EXECUTIVE SUMMARY  
DEMOCRATIC SERVICES COMMITTEE  
30<sup>TH</sup> NOVEMBER 2020**

**DEMOCRATIC SERVICES FUNCTION ANNUAL REVIEW**

Members will be aware of the requirement under the Local Government (Wales) Measure 2011 ("the Measure") for the Council to establish a Democratic Services Committee. The Measure also requires the Council to designate one of its officers to the statutory post of "Head of Democratic Services" and provide that officer with sufficient resources to discharge these statutory functions.

This report provides information on the provision of staff, accommodation and other resources made available to the Head of Democratic Services in order to ensure that services are adequate to deliver the Democratic Process.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed:                      Linda Rees Jones                      Head of Administration & Law  
    Gaynor Morgan                      Head of Democratic Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>

### Legal

The Local Government (Wales) Measure requires a local authority to designate one of its officers to discharge the Democratic Services Functions and provide that officer with such staff, accommodation and other resources which in its opinion are sufficient to allow those functions to be discharged.

The Head of Democratic Services may arrange for the discharge of democratic services functions by staff prescribed under the Democratic Services Function.

### Finance

No additional budgetary implications at this time, the existing staffing arrangements can be accommodated within the Division's existing budget.

### Staffing Implications

The Local Government Wales Measure requires local authorities to include within their standing orders provisions concerning the management of staff provided to the Head of Democratic Services. Section 10 "Management of Staff" does not include the appointment of staff or dismissal of staff or the taking of other disciplinary action against staff.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones  
Gaynor Morgan

Head of Administration and Law  
Head of Democratic Services

### 1. Scrutiny Committee

Not applicable

### 2. Local Member(s)

Not applicable

### 3. Community / Town Council

Not applicable

### 4. Relevant Partners

Not applicable

### 5. Staff Side Representatives and other Organisations

Not applicable

### Section 100D Local Government Act, 1972 – Access to Information

#### List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Local Government Wales Measure		<a href="http://www.legislation.gov.uk/mwa/2011/4/contents/enacted">http://www.legislation.gov.uk/mwa/2011/4/contents/enacted</a>



## **Report of the Head of Democratic Services**

**30<sup>TH</sup> NOVEMBER 2020**

### **DEMOCRATIC SERVICES FUNCTION**

<b>Head of Service &amp; Designation.</b>  Linda Rees Jones  Head of Administration & Law	<b>Directorate</b>  Chief Executive	<b>Telephone No.</b>  01267 224010
<b>Author &amp; Designation</b>  Gaynor Morgan  Head of Democratic Services	<b>Directorate</b>  Chief Executive	<b>Telephone No</b>  01267 224026

Members will be aware of the requirement under the Local Government (Wales) Measure 2011 ("the Measure") for each Local Authority to establish a Democratic Services Committee. The Measure also requires the Council to designate one of its officers to the statutory post of "Head of Democratic Services" and provide that officer with sufficient resources to discharge these statutory functions.

The Head of Democratic Services has a statutory responsibility to organise the discharge of the "democratic services functions" in accordance with the Local Government (Wales) Measure 2011 which includes:- The production of reports, as required, on the number of staff required to support democratic services and how the staff should be organised to ensure the Council, the Executive Board (Cabinet) and Committees receive high level support in the discharge of its democratic functions.

#### **Democratic Services Staffing Resources**

Staffing resource to support the Democratic Service is split into three distinct teams:-

- a) Committee Support
- b) Civic & Member Support  
*(both under the management of the Head of Democratic Services)*
- c) Executive Board support  
*(under the management of the Chief Executives' Business Support Manager)*

In addition to myself, as Head of Democratic Services, the Democratic team comprises 2 Principal Democratic Services Officers 5 Democratic Services Officers, 1 Assistant Democratic Services Officer, 3 Member Support Officers, an Official Car Driver and 4 casual drivers called upon as and when necessary.

The Democratic team deals with a wide range of activities, which include, but are not limited to:

- Maintaining and developing the Council's decision-making processes to include the preparation of agendas, reports and minutes, facilitating accountability and transparency.
- Managing and providing Scrutiny and Committee Services support to the Council and its various Committees.
- Support services to Elected Members, including advice on the Council's Constitution and Members' Code of Conduct, Maintaining the Register of Members' Interests; Overseeing appeals relating to school admissions and school permanent exclusions.
- Servicing and hosting joint working arrangements – i.e. Dyfed Powys Police and Crime Panel, Wales Pension Partnership and the ERW Joint Committee.
- Servicing Council's arm's length companies i.e. Llesiant Delta Wellbeing Governance Group and CWM Environmental Ltd Shareholders Board.
- Managing the members constituency casework via a Councillor Enquiry system, Councillor expenses and arrangements for attending conferences and seminars. A new updated Councillor Enquiry process with the facility for members to view logged cases is being released currently.
- Support to the Chair and Vice-Chair of Council in their civic duties.
- Developing and updating the Democracy web pages managing democratic room bookings, operating the Authority's webcasting of meetings
- 

The Chief Executive's Business Support unit supports the work of the Leader and the 9 Executive Board Members and comprises a small team of staff. The Executive Board Support Office provides professional advice, research and information gathering, prepares speeches, and manages day to day correspondence and diary coordination

### **Key Challenges During the Year**

As a result of the Covid19 pandemic much of the anticipated work planned for 2020/21 was delayed and priority given to putting procedures and arrangements in place to hold virtual meetings in accordance with the Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020 which came into force on the 22<sup>nd</sup> April 2020. It has been a challenging time for the team (and elected members) in changing how we work and getting to grips with new technology in order for meetings to be held remotely.

On the 23<sup>rd</sup> March 2020 the Prime Minister Boris Johnson announced a "lockdown" in an attempt to halt the spread of the virus and the service commenced a designated Covid19 enquiry line for elected members and maintained contact with members at least three times a week. In addition some members of the team were re-deployed to assist other areas of the Authority in managing critical service areas.

The response to the Covid-19 emergency has had and continues to have a direct impact on the workload of Democratic Services as additional resources are required to facilitate virtual meetings and ensure that our meetings can remain open to the public.

To ensure the public can access our meetings we have decided to webcast all Democratic meetings on a temporary basis until we are physically back in the Chambers.

Arrangements have been made for the public to continue to be able to ask questions in person (virtually) and to make virtual representations at our Planning and Licensing Committees. We have also made arrangements to ensure that we meet our Welsh Language Standard requirement to provide simultaneous translation at meetings.

Use of remote technologies is requiring all those involved in supporting, chairing or participating in meetings to learn new skills. Direct support has been provided by Democratic Services to Members and Officers and it continues to significantly impact on the workload of the team

The Council's Member Development Programme is an ongoing process, whilst the Covid19 pandemic has impacted upon the member development programme, training on video conferencing software has and continues to be provided to assist members with virtual attendance. We have also recently held a series of virtual Scrutiny training sessions, hosted by the Centre for Governance and Scrutiny which concentrated on the essential skills required to undertake scrutiny effectively and also skills for on-line meetings as we webcast scrutiny for the first time. A report on next year's member development programme will be submitted to the next meeting of the Committee in March 2021.

### **Key Challenges and Priorities for 2021-22**

- Introduction of Hybrid meetings which will allow a mix of both physical and remote attendance at Democratic meetings.
- Refining and improving our systems for remote attendance and simultaneous translation facilities at meetings
- Preparations for the local government elections 2022. A significant piece of work will be to design and deliver the induction programme for both new Members and those returned at these elections.
- Publication of the Local Government and Elections (Wales) Bill by the Welsh Assembly Government - this Bill proposes significant new duties including: mandatory webcasting of Council meetings; mandatory petition schemes; a duty to create a public participation scheme that will strengthen public involvement in the Democratic Process; and further development of family absence provisions for elected members.

Taken together, these developments will increase the workload of Democratic Services and introduce continued changes to roles. Having taking into account the extremely difficult (and ongoing) economic pressures facing the Council generally and the need for the Division to continue to identify / deliver / contribute to further savings, the staffing structure is considered to be sufficient for current service demands, however this will need to be continually monitored once the requirements of the Local Government and Elections (Wales) Bill are known.

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