



To: Members of the Democratic  
Services Committee

Date: 8 November 2013

Direct Dial: 01824 712589

e-mail: [dcc\\_admin@denbighshire.gov.uk](mailto:dcc_admin@denbighshire.gov.uk)

Dear Councillor

You are invited to attend a meeting of the **DEMOCRATIC SERVICES COMMITTEE** to be held at **2.00 pm** on **THURSDAY, 14 NOVEMBER 2013** in **CONFERENCE ROOM 1B, COUNTY HALL, RUTHIN LL15 1YN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **1 APOLOGIES**

### **2 DECLARATIONS OF INTEREST**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

**4 MINUTES OF THE LAST MEETING** (Pages 5 - 8)

To receive and approve the minutes of the Democratic Services Committee meeting held on 15 February 2013 (copy attached).

**5 CONSULTATION ON A DESIGNATED PERSONS ORDER** (Pages 9 - 24)

To consider a report by the Democratic Services Manager (copy attached) to consider a response on the Welsh Government's consultation on extending Scrutiny Committee powers to designated public service providers.

**6 ANNUAL REPORTS BY MEMBERS** (Pages 25 - 38)

To consider a report by the Democratic Services Manager (copy attached) to outline progress on the process and publication of members' annual reports.

**7 WEBCASTING OF COUNCIL MEETINGS** (Pages 39 - 42)

To consider a report by the Democratic Services Manager (copy attached) to update the Committee on the developments with this project.

**8 FAMILY ABSENCE FOR MEMBERS REGULATIONS** (Pages 43 - 64)

To consider a report by the Head of Legal and Democratic Services (copy attached) to consider the implications of the draft regulations and statutory guidance.

**9 INDEPENDENT REMUNERATION PANEL FOR WALES DRAFT ANNUAL REPORT 2014/2015** (Pages 65 - 146)

To consider a report by the Head of Legal and Democratic Services (copy attached) to seek Members' views on the draft report in order that the Council's views can be fed back to the Panel.

**10 FORWARD WORK PROGRAMME**

To consider future items.

**MEMBERSHIP**

**Councillors**

Bill Cowie  
Stuart Davies  
Martyn Holland  
Gwyneth Kensler  
Barry Mellor  
Win Mullen-James

Bob Murray  
Peter Owen  
Merfyn Parry  
Arwel Roberts  
Gareth Sandilands

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## DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting of the Democratic Services Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 15 February 2013 at 10.00 am.

### PRESENT

Councillors Gwyneth Kensler, Barry Mellor (Chair), Merfyn Parry, Arwel Roberts and Gareth Sandilands

### ALSO PRESENT

Head of Legal and Democratic Services and Monitoring Officer (RGW), Democratic Services Manager (SP) and Committee Administrator (SLW)

Observer – Scrutiny Co-ordinator (RE)

#### 1 APOLOGIES

Apologies for absence were received from Councillors Martyn Holland, Bob Murray and Peter Owen

#### 2 DECLARATIONS OF INTEREST

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

#### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised.

#### 4 MINUTES OF THE LAST MEETING

The minutes of the Democratic Services Committee meeting held on 13 December, 2012 were submitted.

*RESOLVED that the minutes be received and approved as a correct record.*

#### 5 COMPARISON OF RESOURCES FOR SCRUTINY IN NORTH WALES

The Democratic Services Manager (DSM) presented the report (previously circulated) regarding the resources available to each local authority and examples of how they were deployed.

The report had been requested during the previous Democratic Services Committee meeting, to compare resources for the Scrutiny Committees across North Wales.

The report provided detailed information pertaining to the Scrutiny functions of each North Wales Council in their respective annual reports.

Following a request from Committee, the Head of Legal & Democratic Services (H:L&DS) confirmed he would enquire as to the amount of the training budget and report back.

To set up a Joint Scrutiny meeting would be an extremely intense process. Denbighshire currently had no increased capacity but would require re-arranging work patterns to deal with this.

Guidance had been received from Government that there was intent behind the measure for a more open and transparent involvement for members of the public with scrutiny. A Task & Finish Group to which members of the public or voluntary organisations could attend was suggested. If Task & Finish Groups were to be set up, this would have an impact on resources and Joint Scrutiny would have a large impact on resources. A report was to be presented at Council Briefing to enable all members to take part within the discussion. The issue would also be taken to the Political Groups for discussion prior to Council Briefing in November.

The Scrutiny Co-ordinator (SC) confirmed the scrutiny leaflets had been distributed. The SC had also looked into the information being placed in The County Voice. If a matter was raised via the leaflets, it would be presented to the Scrutiny Chairs and Vice-Chairs Group to consider whether it was suitable for Scrutiny or whether the issue should be passed on to Ward Members, Member Area Groups or Customer Services.

**RESOLVED** that subject to the above, report was received and approved.

## **6 RESULTS OF TIMINGS OF MEETINGS SURVEY**

The Democratic Services Manager (DSM) presented the report (previously circulated) assessing the results of the Timings of Meetings Survey.

The draft timetable of meetings for the period May 2013 – May 2014 was discussed. Meetings had not been scheduled during school holidays where possible. There would be an August recess as in previous years. Meeting cycles for some Committees had been planned to coincide with known business. The Corporate Governance meeting on 27 September: a request had been received to defer by 2 days to facilitate the production of the statement of accounts.

Approximately 30 completed surveys had been received from Members. A majority of surveys received stated a preference for morning meetings. Ruthin as a venue had been a preferred choice. It was requested a list of who had actually responded would be useful and the DSM confirmed he would collate and distribute this information.

**RESOLVED** that subject to the above, the following were received and endorsed:-

- (i) Draft timetable of Committee meetings, and

*(ii) The appropriate timing of meetings (based on the responses from the survey of Members and co-opted Members)*

## **7 UPDATE ON FINAL STATUTORY GUIDANCE:**

The Democratic Services Manager (DSM) presented a verbal update on Joint Scrutiny issues and processes for supporting Annual Reports.

The DSM clarified there was no further update of final statutory guidance regarding annual reports by Members. The Head of Legal and Democratic Services (H:L&DS) explained that each local authority must have arrangements in place for Members to be able to prepare an annual report of their activities over the last 12 months. A template would be devised for use by Members. Once the annual reports were completed, there would be a vetting process in place to ascertain only relevant information had been included within the document.

It was recommended that all Members should be informed of the prospect of annual reports to enable them to keep notes of their work to ease the pressure when it came to the annual report composition.

Whilst it would not be compulsory for Members to draw up the reports, it could become an expectation that Members would complete them..

**RESOLVED** *that subject to the above, the information be received and noted.*

## **8 FORWARD WORK PROGRAMME**

The Democratic Services Manager (DSM) gave a verbal report regarding the Democratic Services Committee Forward Work Programme and requested future issues for deliberation by the Committee.

Members queried whether the meeting on the 24 May would be quorate as Councillors Gwyneth Kensler, Barry Mellor and Arwel Roberts were unlikely to be available, and asked that other Members of the Committee be contacted to confirm their attendance.

**RESOLVED** *that the Forward Work Programme information be noted.*

**The meeting concluded at 11.10 a.m.**

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**Report To:** Democratic Services Committee

**Date of Meeting:** 14<sup>th</sup> November 2013

**Lead Member/Officer:** Gary Williams Head of Legal and Democratic Services

**Report Author:** Gary Williams Head of Legal and Democratic Services

**Title:** Consultation on Designated Persons Order

## **1. What is the report about?**

1.1 The report is about the consultation document produced by Welsh Government in respect of the public bodies that it is considering including in an order identifying bodies as designated persons that can be scrutinised by local authorities under the provisions of the Local Government (Wales) Measure 2011

## **2. What is the reason for making this report?**

2.1 To seek Members' views on the consultation document with a view to preparing a response on behalf of the Council to the proposals.

## **3. What are the recommendations?**

3.1 That Members note the contents of the consultation paper and provide views as to the response to be submitted on behalf of the Council

## **4. Report details.**

4.1 The Local Government (Wales) Measure 2011 ("the Measure") provides the Welsh Ministers with the legal power to 'designate' public service providers for the purposes of local authority scrutiny. In other words it broadens the application of local government scrutiny to the wider public service (those organisations which are 'designated'). The provisions of the Measure place a new duty on local authority scrutiny committees to scrutinise public service providers in their area.

4.2 The purpose of this duty is not to replicate systems of accountability that already exist in respect of these other bodies, but, rather, to focus on areas where the public services work together.

4.3 It may be that some of the bodies being considered for designation already participate in discussions at our scrutiny committees, e.g. the local health board, but the current law does not require the local authority's scrutiny committees to engage in this activity and there is no way of compelling other public bodies to attend scrutiny meetings.

4.4 Under the provisions of the Measure public bodies that are designated in an Order made by the Welsh Ministers can be required to attend before a scrutiny committee

in respect of matters that affect the authority's area or the inhabitants of the area, and provide the committee with such information as is reasonably required.

- 4.5 These provisions do not apply to matters in respect of which a crime and disorder committee could make a report or recommendations.
- 4.6 The Measure provides that a scrutiny committee may make a report and recommendations to a designated person and request that they take it into consideration.
- 4.7 The Measure sets out criteria for those bodies which may be designated. They are bodies which;
- provide the public (or a section of the public) with services, goods or facilities of any description (whether on payment or not);
  - provide those services, goods or facilities in the exercise of functions of a public nature; and
  - are wholly or partly funded by public money.
  - are not a local authority (meaning a county or county borough council).
- 4.8 The current consultation document is seeking the views of local authorities on the bodies that should be designated for the purposes of the Measure as designated persons. The Welsh Government expresses the view that the designation of bodies should take place in a phased way and is suggesting that the first designation order should include bodies that are required under Section 38 Local Government Wales Measure 2009 to participate in community planning through single integrated plans.
- 4.9 The intended effect is that there will be a focus on scrutiny of the contribution made by Local Service Board partners to the delivery of shared objectives in the single integrated plan.
- 4.10 The bodies that are being suggested for designation at this stage are as follows;
- Local Health Boards
  - NHS Trusts
  - Fire and Rescue Authorities
  - National Park Authorities
- 4.11 The Welsh Government is also seeking views on whether to include town and community councils given their role in community planning.
- 4.12 Other bodies, the designation of which the consultation seeks views on, are registered social landlords and third sector bodies that meet the criteria set out above.
- 4.13 The consultation paper also asks for views on whether there are other bodies that should be designated in this first order or in future orders.

4.14 The consultation paper is attached as Appendix 1 to this report and the response form is attached as Appendix 2.

**5. How does the decision contribute to the Corporate Priorities?**

5.1 The ability to require designated persons to attend before scrutiny and provide information will assist in scrutinising those aspects of the corporate priorities that depend upon partnership working with other public bodies and agencies.

**6. What will it cost and how will it affect other services?**

6.1 There is no direct cost associated with this consultation. There may well be a requirement for more resources to support the scrutiny of designated bodies if these are to be additional to the current scrutiny workload.

**7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?**

7.1 This is a consultation document. The Chairs and Vice Chairs of Scrutiny and Cabinet have been consulted. There is no requirement for an Equalities Impact Assessment.

**8. Chief Finance Officer Statement**

8.1 The report is simply a response to a consultation and, as such, has no major financial implications. These will be determined once the revisions to the scheme are confirmed.

**9. What risks are there and is there anything we can do to reduce them?**

9.1 The risk in not responding to the consultation is that the views of the Council are not taken into account.

**10. Power to make the Decision**

10.1 Section 111 Local Government Act 1972.

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Welsh Government

## Consultation Document

# Designated Persons Order (Number 1)

Under the Local Government (Wales) Measure 2011

Date of issue: **29 August 2013**

Action required: Responses by **21 November 2013**

## Overview

This consultation paper is seeking views on the proposed list of public service providers to be included in the Designated Persons Order (No 1) under section 61 of the Local Government (Wales) Measure 2011. It also seeks views on whether additional organisations which deliver public services should be designated, either in the initial phase of implementation, or under a future Order.

## How to respond

Please complete the separate questionnaire at Annex A and submit your comments on any aspect of the Regulations by **21 November 2013** in any of the following ways:

E-mail: [LGDTMailbox@wales.gsi.gov.uk](mailto:LGDTMailbox@wales.gsi.gov.uk)

Post: to the address in the contact details below.

## Further information and related documents

**Large print, Braille and alternative language versions of this document are available on request.**

Local Government (Wales) Measure 2011

## Contact details

For further information:

Scrutiny, Democracy and Participation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

e-mail: [LGDTMailbox@wales.gsi.gov.uk](mailto:LGDTMailbox@wales.gsi.gov.uk)

Tel: 029 2082 5490

## Data protection

### How the views and information you give us will be used.

Any response you send us will be seen in full by Welsh Government staff dealing with the issues set out in this consultation paper. It may also be made available to other Welsh Government staff to help them when planning future consultations.

The Welsh Government intends to publish a summary of the responses to this document. It 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 is published with the response to validate the consultation approach taken. If you do not want your name or address published, please make this clear in writing when you send your response. We will then blank out the details.

Names or addresses that are blanked out might still be published at a later date, although this is unlikely to happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by a range of public bodies, including the Welsh Government, including information which has not been published. The law also allows us to withhold information in some circumstances, and if anyone asks to see information we have initially withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, in some cases there might be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. In such cases the Welsh Government would contact the affected person to seek their views, before deciding whether or not to reveal the information.

## **1. Background to this consultation**

1.1 Chapter Two of [Programme for Government](#) sets out the Welsh Government's approach to public service reform. Central to these reforms is strong democratic accountability as a vital means of ensuring the views and needs of people are put at the heart of improving service quality. Good scrutiny is essential to improving the efficiency, effectiveness and quality of service delivery, including delivery through ever-increasing collaboration between those organisations which deliver public services.

1.2 Scrutiny of the way public services work together as a whole will provide effective challenge to, and governance of, collaborative projects. The development of local scrutiny capability and capacity to deliver wider public service scrutiny is currently supported by the Welsh Government in a number of ways, including through the third phase of the Scrutiny Development Fund; through our work with the Centre for Public Scrutiny<sup>1</sup> (CfPS); and through a programme of research into the current delivery of collaborative scrutiny.

1.3 The Welsh Government believes that cross public service collaborative projects should be scrutinised and this will be essential to ensure and promote shared responsibility and delivery, and maintain a clear line of accountability.

## **2. The scrutiny of public services**

2.1 All local authorities and their partners are expected to have a Single Integrated Plan in place for their area from April 2013, as set out in "[Shared Purpose Shared Delivery](#)." In addition, we are currently consulting on placing integrated planning on a single statutory footing as part of the consultation on the [Sustainable Development Bill](#) (now re-named The Future Generations Bill.) This recognises no single public service organisation working in isolation can deliver improved outcomes for citizens and communities. However, while planning and delivery are part of the overall process of working collaboratively, organisations also need to ensure that strong accountability is in place, including arrangements for collective scrutiny.

## **3. What does the Local Government (Wales) Measure 2011 require?**

3.1 The Local Government (Wales) Measure 2011 provides the Welsh Ministers with the legal power to 'designate' public service providers for the purposes of local authority scrutiny under section 21 of the Local Government Act 2000 ("the 2000 Act"). In other words it broadens the application of local government scrutiny to the wider public service (those organisations which are 'designated'), placing a new duty on local authority scrutiny committees to scrutinise public service providers in their area.

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<sup>1</sup> The Centre for Public Scrutiny is the national body providing guidance, advice and support for council scrutiny committees. It was created to help those working across the public sector look at the effectiveness of public services.

3.2 Section 59 of the Measure (inserting new section 21(2ZA) into the 2000 Act) provides that local authorities' executive arrangements must ensure overview and scrutiny committees (or joint overview and scrutiny committees) make reports or recommendations on matters which relate to designated persons, and which affect the authority's area, or the inhabitants of that area.

3.3 Section 59 also amends section 21(13) to provide that an overview and scrutiny committee, in connection with making a such report or recommendations, may require a designated person to provide the committee with information (except in relation to an excluded matter) and may require an officer, employee or other representative of a designated person to attend meetings of the committee (except in relation to an excluded matter, i.e. a crime and disorder matter within the remit of a local authority's crime and disorder committee under section 19 or 20 of the Police and Justice Act 2006).

3.4 Section 60 (inserting new section 21F into the 2000 Act) provides that an overview and scrutiny committee may send a copy of the report or recommendations to a designated person, and request the designated person to have regard to the report or recommendations.

3.5 Section 61 (inserting new section 21G into the 2000 Act) provides that the Welsh Ministers may by order designate one or more persons or categories of persons for scrutiny by the local authority under section 21 of the 2000 Act.

3.6 The scrutiny of designated persons by overview and scrutiny committees may be enhanced by thoughtful consideration of the role co-option can play. Guidance on co-option has been published by the Welsh Ministers under Section 76 of the 2011 Measure. It makes it clear that utilising the expertise of specialists, community representatives and service users to support scrutiny activity may be desirable, and provides an additional and appropriate pool of resource to assist local authorities in responding to the requirements of their strengthened scrutiny powers.

#### [Statutory Guidance from the Local Government Measure – Chapter 8 – Co-option](#)

### **4. What do we mean by a Designated Person?**

4.1 The Welsh Ministers will, subject to consultation, make a "Designated Persons Order". The Order will designate the individuals and organisations which will, as a consequence, be subject to scrutiny by local authority scrutiny committees.

4.2 This is not intended to duplicate existing systems of accountability. The aim is to complement these by focusing on areas where public services work together.

4.3 The statutory basis for the designation of persons is set out in section 61 of the Measure and the conditions to be met for the designation of a person or a category of persons are that the person:



- provides the public (or a section of the public) with services, goods or facilities of any description (whether on payment or not);
- provides those services, goods or facilities in the exercise of functions of a public nature; and
- is wholly or partly funded by public money.
- is not a local authority (meaning a county or county borough council).

## **5. Who will be Designated Persons?**

5.1 The criteria in the Measure for establishing “designated persons” allow for many statutory and non-statutory organisations providing public services to be named (“designated”).

5.2 The Welsh Government’s policy is for public services, in the future, to be subject to effective scrutiny. The Designated Persons provisions in the 2011 Measure will impose a duty to scrutinise persons which have been designated. However, the Welsh Government recognises it will need to take a phased approach to the designation of bodies involved in the delivery of public services in Wales. We are therefore proposing, in the first instance, to designate those bodies listed in section 38 of the Local Government (Wales) Measure 2009 placed under a statutory duty to collaborate with local authorities in their community planning duties (now discharged as part of the development and operation of Single Integrated Plans). The first Designation Order under the 2011 Measure is likely to have the practical effect of placing a major focus of local authority scrutiny of “designated persons” on the contribution their Local Service Board (LSB) partners make to the delivery of shared outcomes in the SIP. There are, though, suggested additions to this list, as set out below, which will have the potential to enable local authority scrutiny of a wider range of public service outcomes set out in the SIP.

5.3 We recognise some local authorities may already be undertaking this kind of scrutiny of their partners, and the Order will simply aim to formalise those existing arrangements. We intend to make the Order as soon as we can after proper consideration of the responses to the consultation. This is likely to be in the early part of 2014, and will provide the statutory basis for the scrutiny of designated persons to be in place at that time.

## **6. Which bodies are under consideration?**

6.1 The relevant bodies under consideration in this first designation phase are:

- Local Health Boards
- NHS Trusts
- Fire and Rescue Authorities
- National Park Authorities

6.2 Town and Community Councils are also named community planning partners. Given their existing democratic mandate, we are seeking views on whether and how they could contribute to local collaborative scrutiny and if it is necessary to designate them in this first phase.

6.3 In addition, acknowledging their importance in delivering better outcomes for communities across Wales through single integrated planning, we are proposing two significant additions to this list:

- Registered Social Landlords;
- Third sector organisations delivering services to the public, and that meet the criteria set out above in 4.2 ‘What do we mean by a Designated Person?’

6.4 The Welsh Government will set out in statutory guidance its expectations on ensuring this approach to scrutiny does not have an adverse impact on either national or very small and more localised third sector service providers.

## **7. What is good scrutiny?**

7.1 Good scrutiny must sit at the heart of the decision-making process if it is to be effective, and offer rigorous and constructive challenge. The four key principles of good scrutiny, as defined by the CfPS<sup>2</sup>, are that it:

- provides constructive ‘critical friend’ challenge;
- amplifies the voice and concerns of the public;
- is led by independent people who take responsibility for their role; and
- drives improvement.

7.2 Public service scrutiny aims to recognise different organisations’ contributions to delivering and promoting shared responsibility for shared outcomes. This can be achieved by broadening the application of local government scrutiny to the wider public service, and by clearly designating those bodies that fall within the envelope of ‘local public service provider’.

## **8. How can good scrutiny be ensured?**

### *Maintaining clear accountability*

8.1 Where collaborative scrutiny currently takes place it is on a voluntary basis; where there is no scrutiny of public service providers it represents a gap in organisations’ accountability framework. This gap will need to be filled if we are to ensure improved outcomes for citizens and communities. In her covering letter to this consultation paper the Local Government Minister sets

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<sup>2</sup> Centre for Public Scrutiny: 2006.

out clearly the overall policy framework in which the Designated Persons provisions will operate.

8.2 To support this, the Welsh Government will issue statutory guidance to provide clarity on the operation of Designated Persons scrutiny when it makes the Designated Persons Order early in 2014.

#### *Forward work programmes – ensuring impact is maximised*

8.3 The Welsh Government will also set out in statutory guidance how it expects local authorities to work jointly with partners and neighbouring local authorities when constructing forward work programmes for scrutiny, in order to maximise the impact of scrutiny and avoid placing an undue burden on organisations operating across a number of local authority areas, such as Local Health Boards, National Park Authorities, Fire and Rescue Authorities, and designated Third Sector service providers.

#### *Capacity and capability*

8.4 The capacity of local authorities and their partners will be critical to ensuring this extension in local authorities' scrutiny powers contributes to delivering better outcomes for citizens and communities. Scrutiny Committees may benefit from co-opting individuals with professional expertise and/or useful experience onto a committee. As outlined in paragraph 3.6 above co-optees are seen as experts that strengthen the committee whilst the Local Authority retains overall control of the scrutiny function. A Local Authority may require the added knowledge brought to the table by co-optees on a temporary 'issue-specific' basis, or on a more permanent basis. Co-optees would be expected to enrich the line of questioning and as such their capability and representation as an expert advisor is important.

### **How to make your views on designated persons heard**

Welsh Government welcomes your views and observations on the proposed designated persons listed above; and on individuals and organisations that you consider it appropriate to designate in future phases. Please complete Annex A.

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**Consultation on Designated Persons Order (Number 1)****Consultation Response Form**

Please note that the consultation ends on 21/11/2013

<b>Name:</b>	
<b>Your organisation:</b>	
<b>Your address:</b>	
<b>Email/telephone no.:</b>	

Please feel free to make any comment you wish on this document, the proposed designated bodies, issues highlighted in the Consultation Document. However, we would particularly welcome comments on the attached questions:

<b>Do you agree that the following bodies should be designated in the first Order? (please tick)</b>	<b>Agree</b>	<b>Disagree</b>
Local Health Boards	<input type="checkbox"/>	<input type="checkbox"/>
NHS Trusts	<input type="checkbox"/>	<input type="checkbox"/>
Fire and Rescue Authorities	<input type="checkbox"/>	<input type="checkbox"/>
National Park Authorities	<input type="checkbox"/>	<input type="checkbox"/>
Registered Social Landlords	<input type="checkbox"/>	<input type="checkbox"/>
Third sector organisations that are delivering services to the public.	<input type="checkbox"/>	<input type="checkbox"/>
<b>How could Town and Community Councils best participate in local collaborative scrutiny? Is it necessary to designate them?</b>		

If you disagree with a body being designated please tell us about it below.	
<i>Designated body</i>	<i>Your concerns</i>

Do you think there are other organisations that should be recommended for designation in the <i>first</i> Order? Please say why.	
<i>Organisation</i>	<i>Reason for recommended designation</i>

Do you think there are other organisations that should be recommended for designation in any <i>future</i> Order? Please say why.	
<i>Organisation</i>	<i>Reason for recommended designation</i>

<b>You may wish to offer a view on the following issues outlined in the Consultation Document .</b>	
<i>Issue</i>	<i>Your concerns</i>
<i>Maintaining clear accountability</i>	
<i>Forward work programmes – ensuring impact is maximised</i>	
<i>Capacity, capability and co-option</i>	

**We have asked a number of specific questions. If you have any related issues or concerns which we have not specifically addressed, please use this space to report them:**

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:

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<b>Report To:</b>	<b>Democratic Services Committee</b>
<b>Date of Meeting:</b>	<b>14 November 2013</b>
<b>Lead Officer:</b>	<b>Gary Williams, Head of Legal and Democratic Services</b>
<b>Report Author:</b>	<b>Steve Price, Democratic Services Manager</b>
<b>Title:</b>	<b>Annual Reports by Members</b>

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## **1. What is the report about?**

To strengthen local democracy, the Local Government (Wales) Measure 2011 contains provisions requiring local authorities to make arrangements to enable all their members to make annual reports on their council activities.

## **2. What is the reason for making this report?**

Denbighshire's councillors are currently completing annual reports and it is therefore timely for the Democratic Services Committee to discuss and review progress. Welsh Government Statutory Guidance is attached as appendix 1.

## **3. What are the Recommendations?**

That the Democratic Services Committee considers and comments on the arrangements and progress in respect of annual reports by members.

## **4. Report details.**

4.1 The Measure requires each local authority to have arrangements for every member to make an annual report on their activities in their role as councillor and to publish all those reports; with publishing arrangements applying equally to all Members. Annual reports will be published on the Council's website.

4.2 The Statutory Guidance allows local authorities to place restrictions on the contents of the reports which should be factual and likely to be centred on meetings, events, conferences, training and development. In December 2012 the Committee requested that a template be prepared with appropriate areas (e.g. Attendance at meetings). In accordance with this a template has been circulated to all members to enable the production of annual reports and a blank template is appended as appendix 2. Figures on the number of annual reports returned to date will be reported verbally to the Committee at the meeting.

4.3 As there are certain limitations to what can be included in an annual report, there will need to be a review or editing stage before publication, to ensure that the contents conform to Statutory Guidance and any restrictions placed by the Council.

The Committee's views on this process is invited, for example whether or not group leaders have a role for members of their groups,

4.4

**5. How does the decision contribute to the Corporate Priorities?**

The issues covered in this report are statutory requirements but the intentions behind them would be appropriate for the Council's priority area *Modernising The Council To Deliver Efficiencies And Improve Services For Our Customers*.

**6. What will it cost and how will it affect other services?**

Supporting the production and publication of annual reports by members will result in additional work for supporting officers but the impact can be contained within existing resources.

**7. What consultations have been carried out with Scrutiny and others, and has an Equality Impact Assessment Screening been undertaken?**

A consultation on annual reporting requirements with the Democratic Services Committee was undertaken in December 2012 in response to the release of draft statutory guidance. No equality implications have been identified as a result of this report.

**8. Chief Finance Officer Statement**

Not required for this report.

**9. What risks are there and is there anything we can do to reduce them?**

New, additional activities such as the arrangements to support annual reports reduce the overall capacity available to support local democracy.

**10. Power to make the Decision**

Section 5 of the Local Government (Wales) Measure 2011.

*(Produced in accordance with the requirements of The Local Government (Wales) Measure 2011)*

*Dear Resident*

*The purpose of this report is to keep you informed of some of the meetings / issues I have dealt with on your behalf and as a member of Denbighshire County Council during the 2012/13 municipal (Council) year which ran from May 2012 to May 2013.*

#### **Local Member Activities**

*These can include details of surgeries held, representations made on behalf of electors and the results of these. Only information concerning activities when operating in the role of councillor should be included, political achievements are **not** to be included*

#### **Major Projects**

*Members may include their involvement in local, county or regional initiatives or projects. Only information concerning activities when the member is operating in the role of councillor should be included, political achievements are **not** to be included*

#### **Council Positions / Committee Memberships Held (May 2012 – May 2013)**

##### **Member of the following public committees:**

- Cabinet
- Communities Scrutiny Committee
- Corporate Governance Committee
- County Council
- Democratic Services Committee
- Licensing Committee
- Licensing Sub Committee
- Partnerships Scrutiny Committee
- Performance Scrutiny Committee
- Planning Committee
- Standards Committee

**Also a member of the following committees:**

- Cabinet Briefing
- Corporate Health Safety and Welfare Committee
- Corporate Trustees for Corwen Pavillion
- Corporate Trustees for Middle Lane (Denbigh)
- Council Briefing
- Local Joint Consultative Committee
- Local Service Board
- North Wales Police and Crime Panel
- North Wales Residual Waste Joint Committee
- Special Appointments Panel
- Standing Advisory Council for Religious Education (SACRE)
- Trustees of Denbighshire Further Education Trust Fund

**I am also a member of, and contribute to the work of the following:**

**School Governing Bodies and Partnerships:**

*Please give details of any governor positions held.*

**Outside Bodies:**

*Please give details for representing the Authority on external bodies*

<b>Attendance Statistics for Council Meetings</b>	<b>Count</b>	<b>Percentage</b>
Total expected attendances:		
Present as expected:		
Apologies received:		
Absent (incl. apologies):		
In attendance: <i>(Present at meetings of committees they are not a member of)</i>		

## **Learning and Development events attended during 2012/13:**

This section covers your personal development as councillor. You should include all training events that you have participated in and any developmental events that you have attended.

1. Allocations Policy and Statutory Duties re Homeless People
2. Biodiversity in Denbighshire
3. Built Environment, Regeneration and Rhyl Going Forward
4. Charing Skills
5. Coach Tour of County
6. Code of Conduct
7. Communication and Marketing
8. Constitution
9. Corporate Governance / Wales Audit Office
10. Corporate Parenting - held during full Council briefing
11. Council Briefing to include Corporate Parenting
12. Customer Care
13. Dog Fouling Workshop
14. Environmental Services
15. Fleet Management and Vehicle Operators Licence
16. Health and Safety
17. Health and Safety - Risk Assessment
18. Health and Safety Responsibilities
19. Highway Maintenance and Street Lighting
20. Housing Management Strategy / Repairs & Maintenance
21. ICT Information Security
22. ICT Introduction
23. Induction Day
24. Introduction to Health and Safety
25. Licensing
26. Licensing - Legalities
27. Local Government Finance
28. Member Training Workshop
29. Members Briefing - Welfare Reform Update
30. Modernisation of Adult and Social Care Services
31. Modernisation of Children's Services
32. Modernising Social Services and Enhancing Wellbeing Workshop
33. North Wales Joint Event
34. Our View to Providing Excellent Customer Services
35. Outside Bodies
36. Overview of Leisure Services
37. Parking Services/Traffic/Passenger Transport
38. Partnerships - The Big Plan
39. Performance Management Framework
40. Planning
41. Planning - Windfarms
42. Planning - Workshop Session
43. Planning Training

44. Project Management
45. Public Protection
46. Regeneration and Rhyl Going Forward
47. Safeguarding - Children and Adult Protection
48. Scrutiny Chairs Training
49. Scrutiny Overview
50. Scrutiny Questioning Skills
51. Welsh Language Awareness

**Priorities for the Year Ahead:**

*Please provide details of important issues you wish to address in 2013/14*



Llywodraeth Cymru  
Welsh Government

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# Statutory Guidance from the Local Government Measure 2011

## Section 5 Annual Reports

May 2013





## **Annual Reports by Members of a Local Authority**

### Statutory Guidance made under Section 5 of the Local Government (Wales) Measure 2011

#### **Introduction**

1.1 Part 1 of the Local Government (Wales) Measure 2011 (“the Measure”) contains provisions intended to strengthen local democracy. Chapter 1 of that Part concerns the support provided to members of a local authority and section 5 within that chapter provides for the production of annual reports for these members.

1.2 This statutory guidance is issued under section 5(4) of the Measure. The guidance relates to local authorities making arrangements for the production of annual reports.

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

1.3 Section 5 requires county and county borough councils (local authorities) to ensure that all their elected members are able to make an annual report on their council activities during the previous year. This includes enabling any member of the council’s executive to be able to report on their executive activities also. Any reports produced by members of a county or county borough council must be published by that council.

A local authority is free to set conditions/limits on what is included in a report.

A local authority must publicise what arrangements it has for publishing annual reports and in drawing up these arrangements must have regard to this guidance in so doing.

#### **Guidance**

##### Duties of a local authority

1.4 A local authority must make the arrangements enabling its members to produce annual reports. This means it must tell its members how and by when to do this. The Measure, at section 8 *et seq*, provides for a Head of Democratic Services (HDS) to carry out democratic services functions as defined in section 9. This includes the provision of support and advice to members to assist them in the carrying out of their functions and organisation of the annual report process would fall within this. The Measure prevents the HDS from providing support and advice to a member of an executive in relation to the carrying out of that member’s executive functions, but production of an annual report, even if it made reference to the member’s executive activities, is not an executive function in itself.

## Publication of reports

1.5 How a local authority decides to publish Members annual reports is a matter for that authority to decide upon. The minimum requirement would be for the authority to include a link to a member's annual report on that part of the authority's website which carries details of individual members. There is no requirement for any publicity beyond this, and authorities should be careful that, if they decide to provide any further publicity for the reports, the same provision is provided for all members. Therefore, should a member request that his/her report is given any greater publicity, that request should be declined unless carried out in respect of all members.

Local authorities should ensure also that their website includes information about the introduction of annual reports and how members of the public can access them.

## Content of reports

1.6 The central purpose of the reports is for members of the public to find information about their local councillor's activity.

In considering its approach a local authority should have regard to the resource implications of supporting all local Members to prepare for publication of their annual report. In order to contain the scale of the task, an authority may wish to create a standard annual report template that acknowledges the need to strike a balance between resources and output, whilst taking into account the requirements of the Data Protection Act.

Local Authorities should ensure that Annual reports avoid promoting political achievements, are written in the past tense, and limit the report template to two sides of A4.

The template for Members Annual Reports might be expected to include; Role and responsibilities (membership of internal and external committees, panels, groups and organisations); Constituency Activity; Initiatives and Special Activities, Learning & Development; and Other Activities.

1.7 Local authorities may place their own restrictions on content in reports. Annual reports should include only factual information. In the main that would suggest information on meetings, events and conferences etc. attended, training and development received. While it might be acceptable to record information such as "made representations on behalf of the campaign to save the local hospital in the following ways", it would not be acceptable to say "succeeded in saving local hospital by my efforts on my constituents' behalf".

1.8 Similarly, care should be taken to avoid including in reports information concerning activities when the member concerned is not operating in the role of councillor. So, whereas it would be acceptable to include information concerning,

for instance, a speech made at a conference where the member was attending because of their council role, it would not be acceptable to refer to a speech made to, for instance, a Party conference, where the member was a delegate from their local party organisation.

1.9 Care should also be taken not to include information which could be interpreted as critical of another member. For instance, it would not be acceptable for a member to compare his/her attendance or activities with that of another member or members.

1.10 The following areas are proposed as standard items to be included:

- Role and responsibilities – to include details of membership of committees and outside bodies, attendance records for these and full council.
- Local activity – details of surgeries held, representations made on behalf of electors and the results of these
- Major projects – involvement in local, county or regional initiatives or projects.
- Learning and development – details of training and development events attended or undertaken, conferences and seminars attended.

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<b>Report To:</b>	<b>Democratic Services Committee</b>
<b>Date of Meeting:</b>	<b>14 November 2013</b>
<b>Lead Officer:</b>	<b>Gary Williams, Head of Legal and Democratic Services</b>
<b>Report Author:</b>	<b>Steve Price, Democratic Services Manager</b>
<b>Title:</b>	<b>An Update on Webcasting Arrangements</b>

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## **1. What is the report about?**

This report provides an updated position statement on the progress towards the webcasting of certain meetings in 2014.

## **2. What is the reason for making this report?**

Council gave its consent for arrangements to be made to undertake webcasting and an invitation to tender for the contract to host and support webcasting has now been issued. It is therefore an opportune time for the Democratic Services Committee to consider the progress made and the issues ahead.

## **3. What are the Recommendations?**

That the Democratic Services Committee considers and comments on the arrangements and progress in respect of the webcasting of meetings in 2014.

## **4. Report details.**

- 4.1 The former Minister for Communications and Local Government wrote to all authorities earlier this year indicating that the Welsh Government was making £1.2 million available by way of grants to local authorities in order to assist them in, amongst other things, implementing the webcasting of council meetings.
- 4.2 Each local authority was able to accept a grant of £40k towards the cost of introducing webcasting and 'remote attendance' at meetings. Whilst webcasting is generally viewed as a viable and attractive facility, numerous technical and administrative problems have been identified relating to remote attendance. It should be noted that the Welsh Government has not committed itself to repeating the grant funding in future years.
- 4.3 The webcasting of meetings involves the live streaming of sound and images of meetings. The webcast can also be made available on the Council's website as archived material. This means that members of the public who are not able to attend meetings may either view them live online or at a later time

or date via the online archive. Viewers using the archived content have the advantage of being able to use timeline links allowing them to view content by item or speaker.

- 4.4 The merits of webcasting were considered by the Corporate Executive Team (CET) in March 2013 where it was agreed that full Council be asked to decide on whether to webcast certain meetings. A demonstration of webcasting was held for members on 15<sup>th</sup> May and in July 2013, Council gave its consent, subject to successful testing prior to the first public broadcasts.
- 4.5 Denbighshire has since developed and issued its webcasting specifications to allow webcasting suppliers to tender for a contract. The specifications are based on the following headings:
- Hosting of content
  - System management, security and performance
  - Compatibility with existing cameras technology and software systems
  - Training and support
  - Innovation / social networks
  - Dual language – Welsh and English
  - Project planning, and
  - Pricing
- 4.6 It is anticipated that a public webcasting package will have been procured before the end of 2013, with system implementation, training and testing during the early part of 2014.
- 4.7 The Council intends to webcast approximately 60 hours a year of meetings held in the Council Chamber in County Hall using the Chamber's fixed camera and delegate technology. Because of this, meetings of full Council and the Planning Committee, which meet in the Chamber, are expected to be the ones being webcast.

## **5. How does the decision contribute to the Corporate Priorities?**

The issues covered in this report are not statutory requirements but the intentions behind them would be appropriate for the Council's priority area *Modernising The Council To Deliver Efficiencies And Improve Services For Our Customers*.

## **6. What will it cost and how will it affect other services?**

Previous cost estimates based on a leading supplier have assumed that a 1 year contract would cost in the region of £21k with a 10% discount for taking a two year contract (approximately £32k for two years). The actual price will be confirmed following the receipt of tenders and any contract offer by the Council.

The introduction and operation of webcasting arrangements will result in additional officer time being assigned to the meetings that are webcast. The

actual impact of this is not certain yet, but it is expected that the webcasting arrangements will be delivered within existing resources. There could be some resource implications for the ICT service though the external supplier will be expected to provide support as part of the contract.

**7. What consultations have been carried out with Scrutiny and others, and has an Equality Impact Assessment Screening been undertaken?**

A demonstration on webcasting was made to members in May 2013 and full Council agreed to the webcasting of meetings in July 2013. CET has also been consulted on the proposals.

Webcasting will enable wider access through the internet to Council meetings and may offer interesting and popular new ways of engaging the public, for example, through the use of social media connected to webcasts. No other equality implications have been identified as a result of this report.

**8. Chief Finance Officer Statement**

Not obtained for this report.

**9. What risks are there and is there anything we can do to reduce them?**

New, additional activities such as the webcasting of meetings using only existing resources have been identified by the Service as a risk. The risk is related to the capacity available to support to an acceptable standard both webcasting and other essential and statutory democratic and committee services.

**10. Power to make the Decision**

Section 111 Local Government Act 1972.

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# Agenda Item 8

**Report To:** Democratic Services Committee

**Date of Meeting:** 14<sup>th</sup> November 2013

**Lead Member/Officer:** Gary Williams, Head of Legal and Democratic Services

**Report Author:** Gary Williams, Head of Legal and Democratic Services

**Title:** The Family Absence for Members of Local Authorities (Wales) Regulations 2013

## **1. What is the report about?**

1.1 The report is about the Family Absence for Members of Local Authorities (Wales) Regulations 2013 which are due to come into force on 5<sup>th</sup> December 2013 and the draft Statutory Guidance produced to accompany the Regulations.

## **2. What is the reason for making this report?**

2.1 To bring to Members' attention the draft Regulations and Statutory Guidance.

## **3. What are the recommendations?**

3.1 That Members note the contents of the draft Family Absence for Members of Local Authorities (Wales) Regulations 2013 and the Statutory Guidance produced to accompany them.

3.2 That Members recommend that the Regulations and Guidance be taken into account when reviewing the Council's Constitution.

## **4. Report details.**

4.1 The Local Government (Wales) Measure 2011 (the Measure) makes available to Members of local authorities entitlement to a family absence. The Measure creates an entitlement to five types of family absence. These are maternity absence, newborn absence, adopter's absence, new adoption absence and parental absence. Members are entitled these types of absence provided they satisfy certain conditions which the Measure states will be contained in Regulations.

4.2 The Family Absence for Members of Local Authorities (Wales) Regulation 2013, a copy of which is attached as Appendix 1, will come into force on 5<sup>th</sup> December 2013 and prescribe the conditions which Members must satisfy in order to be entitled to a period of family absence. They also make provision about the extent of the various periods of absence, the cancellation of them and the bringing of an absence to an end.

4.3 The Regulations are divided into six parts.

- 4.4 Part 1 of the Regulations relates to maternity absence. This part provides for a Member to have up to 26 weeks maternity absence and sets out the conditions which must be satisfied in order that the Member qualifies for that period of absence.
- 4.5 Part 2 relates to newborn absence and provides for a Member to be entitled to 2 consecutive weeks of newborn absence. Part 2 also sets out the conditions which must be satisfied in order that a Member be entitled to such absence.
- 4.6 Part 3 of the Regulations provide for a Member to have adopter's absence. The extent of entitlement to adopter's absence is 2 consecutive weeks. Part 3 also sets out the conditions which must be satisfied in order for a Member to qualify for adopter's absence.
- 4.7 Part 4 of the Regulations deals with new adoption absence. A Member is entitled to 2 consecutive weeks of new adoption absence. Part 4 also sets out the conditions which must be satisfied in order that a Member may qualify for new adoption absence.
- 4.8 Part 5 of the Regulations provide for parental absence. Parental absence is available to a Member who becomes responsible for a child who was previously the responsibility of someone else. Parental absence is available for a period of up to 3 months. Part 5 of the Regulations set out the conditions to be satisfied for a Member to be entitled to a period of parental absence.
- 4.9 Part 6 of the Regulations make provision for record keeping, duties to inform, cancellation of family absence by the local authority, complaints and Standing Orders relating to Members whilst taking a period of family absence.
- 4.10 The Welsh Government has issued draft Statutory Guidance in relation to the Regulations and the draft Guidance is attached as Appendix 2. The final Guidance is currently awaited.
- 4.11 The Council will need to consider the requirements of the Regulations and Guidance and review its Constitution accordingly to take account of these requirements.

**5. How does the decision contribute to the Corporate Priorities?**

- 5.1 The contents of this report do not impact directly on the Corporate Priorities.

**6. What will it cost and how will it affect other services?**

- 6.1 There is no direct cost associated with this report.

**7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?**

- 7.1 There is no requirement for an Equalities Impact Assessment.

**8. Chief Finance Officer Statement**

8.1 There are no financial implications as a result of this report.

**9. What risks are there and is there anything we can do to reduce them?**

9.1 If the Council does not introduce appropriate measures for recording periods of family absence and amending the Constitution to reflect the various entitlements to family absence there is a risk that the Council will not be wholly compliant with Local Government Wales Measure 2011.

**10. Power to make the Decision**

10.1 Local Government Wales Measure 2011.

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*Draft Order laid before the National Assembly for Wales under section 172(2) of the Local Government (Wales) Measure 2011, for approval by resolution of the National Assembly for Wales.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2013 No. (W.)**

**LOCAL GOVERNMENT,  
WALES**

**The Family Absence for Members  
of Local Authorities (Wales)  
Regulations 2013**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Part 2 of the Local Government (Wales) Measure 2011(1) (“the Measure”) makes available to members of local authorities entitlement to a period of family absence.

The Measure creates an entitlement to five types of family absence: maternity absence; newborn absence; adopter’s absence; new adoption absence and parental absence. The entitlement created by the Measure is subject to members satisfying conditions prescribed by the Welsh Ministers in regulations.

These Regulations prescribe the conditions that members of local authorities must satisfy to be entitled to a period of family absence. The Regulations also make provision, amongst other things, about the extent of the various periods of absence; the cancellation of periods of absence and bringing absence to an end.

These Regulations are divided into six Parts. Parts 1 to 5 deal with the different types of absence. Part 6 makes general provision applicable in relation to all types of family absence.

Part 1 makes provision relating to maternity absence. Regulation 3 prescribes the conditions that a member must satisfy to be entitled to a period of maternity

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(1) 2011 nawm 4.

absence. The conditions include notification requirements and, where requested by the head of democratic services, the production of evidence. Part 1 also includes provision for the start of maternity absence, variation of the intended start, duration, bringing to an end and cancellation.

Part 2 makes provision relating to newborn absence. Regulation 9 sets out the conditions as to relationship with a child or the child's mother and responsibility for the upbringing for that child required for a member to be entitled to newborn absence. Part 2 also includes provision for duration of newborn absence, when absence may be taken, cancellation of absence and the start date of a period of newborn absence.

Part 3 makes provision relating to adopter's absence. Regulation 14 prescribes the conditions that a member must satisfy to be entitled to a period of adopter's absence. Part 3 also makes provision for duration of adopter's absence, when absence may be taken, the start date of a period of adopter's absence and cancellation.

Part 4 makes provision relating to new adoption absence. Regulation 20 prescribes the conditions that a member must satisfy to be entitled to a period of new adoption absence. It sets out the relationship requirements between a member and a child's adopter and that the member must have responsibility for the upbringing of a child. Part 4 also makes provision for the duration of new adoption absence, when absence may be taken, cancellation and the start date of a period of new adoption absence.

Part 5 makes provision relating to parental absence. Regulation 26 prescribes the conditions to be satisfied for a member to be entitled to a period of parental absence. The conditions relate to the responsibility for the care of a child. It also sets out the notification requirements and evidence to be produced to the head of democratic services where required. Regulations 27 to 31 provide for the duration of absence, when absence may be taken, cancellation, bringing parental absence to an end and the start date of a period of parental absence.

Part 6 makes provision relating to record keeping, duties to inform, cancellation of family absence by the local authority, complaints and standing orders relating to members whilst taking a period of family absence.

*Draft Order laid before the National Assembly for Wales under section 172(2) of the Local Government (Wales) Measure 2011, for approval by resolution of the National Assembly for Wales.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2013 No. (W.)**

**LOCAL GOVERNMENT,  
WALES**

**The Family Absence for Members  
of Local Authorities (Wales)  
Regulations 2013**

*Made*

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*Coming into force*

*5 December 2013*

The Welsh Ministers, in exercise of the powers conferred by sections 9, 24, 25, 26, 27, 28, 29 and 172 of the Local Government (Wales) Measure 2011(1), make the following Regulations.

In accordance with section 172 of that Measure, a draft of these Regulations was laid before and approved by a resolution of the National Assembly for Wales.

**Title and commencement**

**1.**—(1) The title of these Regulations is the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

(2) These Regulations come into force on 5 December 2013.

**General Interpretation**

**2.**—(1) In these Regulations—

“childbirth” (“*geni’r plentyn*”) means the birth of a living child or the birth of a child whether living or dead after 24 weeks of pregnancy;

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(1) 2011 nawm 4.

“expected week of childbirth” (“*yr wythnos y disgwylir geni’r plentyn*”) means the week, beginning with midnight between Saturday and Sunday, in which it is expected that childbirth will occur;

“the Measure” (“*y Mesur*”) means the Local Government (Wales) Measure 2011; and

“partner” (“*partner*”) means one of a couple whether of the same or opposite sex who live together.

(2) Any reference in these Regulations to a “chair of the local authority” (“*cadeirydd yr awdurdod lleol*”) is a reference to a person elected as chairman by that local authority under section 22 of the Local Government Act 1972<sup>(1)</sup>.

(3) Any reference in these Regulations to “a member” (“*aelod*”) is a reference to a member of a local authority in Wales.

(4) Any reference in these Regulations to “a presiding member of a local authority” (“*aelod llywyddol awdurdod lleol*”) is a reference to a person elected as presiding member by that local authority under section 24A of the Local Government Act 1972<sup>(2)</sup>.

## PART 1

### Maternity absence

#### Prescribed conditions

3. For the purposes of section 24(1) of the Measure, the prescribed conditions are that—

- (a) no later than the end of 15 weeks before the expected week of childbirth, or, if that is not reasonably practicable, as soon as is reasonably practicable, the member has given written notice to the head of democratic services of—
  - (i) that member’s pregnancy;
  - (ii) the expected week of childbirth;
  - (iii) the date on which the member intends the maternity absence to start; and
  - (iv) the duration of the period of maternity absence the member intends to take, if less than 26 weeks;

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(1) 1972 c.70.

(2) Inserted by section 51 of the Local Government (Democracy) (Wales) Act 2013 (2013 anaw 4).



- (b) the member has, if requested to do so by the head of democratic services, provided the head of democratic services with a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth;
- (c) where the member wishes to vary the start of the maternity absence which has been specified under paragraph (a)(iii), the member has given the head of democratic services written notice of the new start date at least one week before the date specified under paragraph (a)(iii), or at least one week before the new date, whichever is the earlier, or, if that is not reasonably practicable, as soon as is reasonably practicable; and
- (d) where the member wishes to vary the duration of the maternity absence, the member has given the head of democratic services written notice of the new duration at least one week before the expected end of the period of absence in accordance with the duration specified under paragraph (a)(iv), or at least one week before the new intended end of the period of absence, whichever is the earlier, or if that is not reasonably practicable, as soon as is reasonably practicable.

**Period of maternity absence**

4. The period of maternity absence is 26 weeks, unless the member gives written notice under regulation 3(a)(iv), (d) or 7 that the period of maternity absence will be shorter than 26 weeks.

**When maternity absence may be taken**

5. Maternity absence may only be taken so as to begin during the period—

- (a) beginning at the start of the eleventh week before the expected week of childbirth; and
- (b) ending on the day after the day on which childbirth occurs.

**Member to choose start date of maternity absence**

6.—(1) Subject to paragraphs (2) and (3) and regulation 5, a member may choose the date on which their maternity absence is to start.

(2) Where, during the four week period before the start of the expected week of childbirth, a member is absent from a meeting of the authority for a reason wholly or partly attributable to pregnancy, the period of maternity absence starts on the day after the meeting from which the member is absent.

(3) Where a member's maternity absence has not started in accordance with the date notified by a member under regulation 3(a)(iii) when childbirth occurs, that member's maternity absence starts on the day after the day on which childbirth occurs.

(4) Regulations 3(a)(ii), (iii) and (b) do not apply in respect of a member whose absence starts by virtue of paragraph (3).

#### **Bringing a period of maternity absence to an end**

7. A member may bring a period of maternity absence to an end earlier than the end of the period set out in regulation 4, which was notified under regulation 3(a)(iv) or varied under regulation 3(d) by notifying the head of democratic services in writing of their intention to do so at least 7 days before their return.

#### **Cancelling maternity absence**

8. The circumstances in which a member may cancel a period of maternity absence are that—

- (a) the period of maternity absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

## **PART 2**

### **Newborn absence**

#### **Prescribed conditions**

9.—(1) For the purposes of section 25(1) of the Measure, the prescribed conditions are that the member—

- (a) is either—
  - (i) the child's father and has, or expects to have, responsibility for the upbringing of the child; or
  - (ii) married to, the civil partner or the partner of the child's mother, but is not the child's father and has, or expects to have the main responsibility (apart from any responsibility of the mother) for the upbringing of the child; and
- (b) gives the head of democratic services written notice of the date the member intends the period of newborn absence to start.

(2) A member is to be treated as having satisfied the condition in paragraph (1)(a)(ii) if that member would

have satisfied the condition but for the fact that the child's mother has died.

(3) A member is to be treated as having satisfied either of the conditions in paragraph (1)(a) if they would have satisfied the condition but for the fact that the child was stillborn after 24 weeks of pregnancy or has died.

#### **Extent of entitlement to newborn absence**

**10.**—(1) A member's entitlement to newborn absence is two consecutive weeks.

(2) Where more than one child is born as a result of the same pregnancy, a member is entitled to newborn absence only in respect of the first child born.

#### **When newborn absence may be taken**

**11.** Newborn absence may only be taken during the period—

- (a) beginning with the date of childbirth; and
- (b) ending 56 days after that date.

#### **Cancelling newborn absence**

**12.** The circumstances in which a member may cancel a period of newborn absence are that—

- (a) the period of newborn absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

#### **Member to choose start date of newborn absence**

**13.** Provided that the period of newborn absence will come to an end within the period prescribed by regulation 11, a member may choose the date on which their newborn absence is to start.

## **PART 3**

### **Adopter's absence**

#### **Prescribed conditions**

**14.** For the purposes of section 26(1) of the Measure, the prescribed conditions are that the member—

- (a) is the child's adopter; and
- (b) gives the head of democratic services written notice of the date the member intends the period of adopter's absence to start.

### **Extent of entitlement to adopter's absence**

15. A member's entitlement to adopter's absence is two consecutive weeks.

### **When adopter's absence may be taken**

16. Adopter's absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the member for adoption; and
- (b) ending 56 days after that date.

### **Member to choose start date of adopter's absence**

17. Provided that the period of adopter's absence will come to an end within the period prescribed by regulation 16, a member may choose the date on which their adopter's absence is to start.

### **Cancelling adopter's absence**

18. The circumstances in which a member may cancel a period of adopter's absence are that—

- (a) the period of adopter's absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

### **Interpretation of this Part**

19. —(1) In this Part—

“adopter” (*“mabwysiadydd”*) in relation to a child, means a member who has been matched with a child for adoption, or in a case where two members have been matched jointly, whichever of them has elected to be the child's adopter for the purposes of this Part;

“adoption agency” (*“asiantaeth fabwysiadu”*) means a body which may be referred to as an adoption agency by virtue of section 2 of the Adoption and Children Act 2002(1); and

“child” (*“plentyn”*) means a person who is, or when placed with an adopter for adoption was, under the age of eighteen.

(2) For the purposes of this Part a member is matched with a child for adoption when an adoption agency notifies that member of its decision that the member is a suitable adoptive parent for the child, whether individually or jointly with another person.

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(1) 2002 c.38.

## PART 4

### New adoption absence

#### **Prescribed conditions**

**20.** For the purposes of section 27(1) of the Measure, the prescribed conditions are that the member—

- (a) is married to, the civil partner or the partner of the child's adopter;
- (b) has, or expects to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child; and
- (c) gives the head of democratic services written notice of the date the member intends the period of adopter's absence to start.

#### **Extent of entitlement to new adoption absence**

**21.—**(1) A member's entitlement to new adoption absence is two consecutive weeks.

(2) Where more than one child is placed with the member as part of the same arrangement, a member is entitled to new adoption absence only in respect of the first child placed with the member for adoption.

#### **When new adoption absence may be taken**

**22.** New adoption absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the child's adopter; and
- (b) ending 56 days after that date.

#### **Cancelling new adoption absence**

**23.** The circumstances in which a member may cancel a period of new adoption absence are that—

- (a) the period of new adoption absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

#### **Member to choose start date of new adoption absence**

**24.** Provided that the period of new adoption absence will come to an end within the period prescribed by regulation 22, a member may choose the date on which their new adoption absence is to start.

## **Interpretation of this Part**

**25.—(1)** In this Part—

“adopter” (*“mabwysiadydd”*) in relation to a child, means a person who has been matched with the child for adoption, or in a case where two people have been matched jointly, whichever of them has elected to be the child’s adopter for the purpose of Part 3 of these Regulations;

“adoption agency” (*“asiantaeth fabwysiadu”*) means a body which may be referred to as an adoption agency by virtue of section 2 of the Adoption and Children Act 2002;

“child” (*“plentyn”*) means a person who is, or when placed with an adopter for adoption was, under the age of eighteen;

(2) For the purposes of this Part a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child, either individually or jointly with another person.

## **PART 5**

### **Parental absence**

#### **Prescribed conditions**

**26.** For the purposes of section 28(1) of the Measure, the prescribed conditions are that the member—

- (a) could not satisfy the prescribed conditions under Parts 2 to 4 of these Regulations;
- (b) has, or expects to have, responsibility for the care of a child;
- (c) provides the head of democratic services with written notice of—
  - (i) their intention to take parental absence;
  - (ii) the date on which the member intends the parental absence to start;
  - (iii) the duration of the intended parental absence; and
  - (iv) whether the absence is intended to be taken as a single period or as a series of absences;
- (d) if requested to do so by the head of democratic services, provides the head of democratic services with evidence in relation to the extent of the responsibility for the child; and
- (e) where the parental absence is to be taken as a series of absences, gives the head of democratic services advance written notice of

the intended start date and duration of each period of parental absence.

**Extent of entitlement to parental absence**

27.—(1) A member’s entitlement to parental absence is three months.

(2) Parental absence may be taken as a series of periods of absence or as a single period.

**When parental absence may be taken**

28. Parental absence may only be taken during the period—

- (a) beginning with the date that the member assumes responsibility for the care of a child under the age of 14; and
- (b) ending one year after that.

**Bringing a period of parental absence to an end**

29. A member may bring any period of parental absence to an end earlier than that notified under regulation 26(c)(iii) by notifying the head of democratic services in writing of their intention to bring the period of parental absence to an end.

**Cancelling a period of parental absence**

30. The circumstances in which a member may cancel a period of parental absence are that—

- (a) the period of parental absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the period of parental absence.

**Member to choose start dates of parental absence**

31. Provided the date falls within the period prescribed by regulation 28, a member may choose the date on which any period of parental absence is to start.

**PART 6**

**General**

**Record keeping**

32.—(1) A local authority’s head of democratic services must maintain a record of all—

- (a) notifications made by members of that local authority of periods of family absence; and
- (b) periods of family absence taken by members of that local authority.

(2) A record made under paragraph (1) must be kept by the local authority for at least 10 years from the date it is made.

### **Duty to inform**

**33.**—(1) Having been notified in accordance with Parts 1 to 5 of these Regulations that a member is taking a period of family absence, the head of democratic services must inform each relevant person as soon as is reasonably practicable of that fact.

(2) In this regulation “relevant person” (“*person perthnasol*”) means—

- (a) the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that local authority;
- (b) the chair of the local authority’s Democratic Services Committee; and
- (c) the leader of each political group of the local authority.

### **Cancellation of family absence by a local authority**

**34.**—(1) Where the head of democratic services has reasonable grounds to suspect that a member, who has provided notification that they are taking a period of family absence, is not entitled to that family absence, the head of democratic services must inform the local authority and provide all relevant information.

(2) Where a member is not entitled to a period of family absence, following the receipt of information under paragraph (1), a local authority may cancel a member’s period of family absence before it begins or bring a period of family absence to an end.

(3) Where a local authority exercises its power under paragraph (2), the head of democratic services for that authority must provide the member with a written notice setting out—

- (a) the decision to cancel or bring to an end a period of family absence; and
- (b) the date from which the member must return from the period of family absence.

(4) Where a member has failed to return from a period of family absence on the date specified in the notice provided under paragraph (3), a local authority may withhold that member’s remuneration.



## **Complaints**

**35.—**(1) A member may complain in writing to the head of democratic services regarding a decision made under regulation 34(2).

(2) A complaint must be received by the head of democratic services within 28 days of the member being notified under regulation 34(3) of a local authority's decision under paragraph (2) of that regulation.

(3) The head of democratic services must refer any complaint received within the period specified in paragraph (2) to the chair of the local authority or where a local authority has elected a presiding member, to the presiding member.

## **The panel**

**36.—**(1) The local authority must appoint a panel to determine a complaint made under regulation 35.

(2) The panel must consist of three members appointed by the local authority.

(3) Neither the chair of the local authority nor the presiding member of a local authority may be appointed to the panel.

(4) The panel may—

- (a) confirm a local authority's decision made under regulation 34(2); or
- (b) substitute its own decision as to the member's entitlement to a period of family absence in accordance with these Regulations.

(5) The decision of the panel is final.

## **Standing orders**

**37.** A local authority must, as soon as is reasonably practicable after the coming into force of these Regulations, make standing orders securing the requirements set out in regulation 38.

**38.—**(1) A member on maternity absence or parental absence may, subject to paragraphs (2) to (6),—

- (a) attend particular meetings;
- (b) attend particular descriptions of meetings;
- (c) perform particular duties; or
- (d) perform duties of a particular description.

(2) The member must obtain the permission of the chair of the local authority, or where a local authority has elected a presiding member, the presiding member, before attending any meeting or performing any duty.

(3) The chair of the local authority, or where a local authority has elected a presiding member, the presiding member, must inform the leaders of each

political group of the local authority before granting permission under paragraph (2).

(4) A member may complain in writing to the head of democratic services regarding a refusal under paragraph (2).

(5) The head of democratic services must refer a complaint under paragraph (4) to the chair of the local authority, or where a local authority has elected a presiding member, to the presiding member.

(6) A panel constituted in accordance with these Regulations must determine a complaint made under paragraph (4).

(7) The panel may—

- (a) confirm the decision of the chair of the local authority, or where a local authority has elected a presiding member, the decision of the presiding member, under paragraph (2); or
- (b) substitute its own decision as to the member attending any meeting or performing any duty.

**39.** A local authority must, as soon as is reasonably practicable after the coming into force of these Regulations, make provision in standing orders as to the extent of the duties, if any, which remain applicable to members during a period of family absence.

## **FAMILY ABSENCE**

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

#### **Introduction**

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**

This is 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.

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; newborn absence; adopter’s absence; new adoption absence; and parental absence.

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.

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, cancellation and end of any maternity absence. The Measure restricts the period of maternity absence to a maximum of 26 weeks.

Newborn 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 newborn absence. Newborn 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 newborn absence and when it should be taken.

Section 26 creates an entitlement to adopter’s absence. The Regulations prescribe the condition to be satisfied, the length of such absence and when it can be taken, subject to the provision that it cannot last more than two weeks. Section 27 deals with new adoption absence available to a member who satisfies prescribed conditions as to their relationship to an adopter.

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.

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**

The Measure and Regulations must be read together with this guidance.

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.

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.

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.

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.

Under normal circumstances, the HDS should not be expected to 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.

Newborn absence is aimed to assist partners of mothers by enabling them to take a period of absence during the first 56 days after childbirth.

Adopter's absence entitles members to a period of absence of two 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.

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.

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.

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.

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.

The HDS is required to inform the chair of the local 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.

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.

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 who must then place it before a panel of three members appointed by the authority for the purpose (which cannot include the chair of the authority).

A local authority's standing orders must include provisions describing the circumstances in which a member on maternity 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. 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 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.

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.

# Agenda Item 9

<b>Report To:</b>	<b>Democratic Services Committee</b>
<b>Date of Meeting:</b>	<b>14<sup>th</sup> November 2013</b>
<b>Lead Member / Officer:</b>	<b>Gary Williams, Head of Legal and Democratic Services</b>
<b>Report Author:</b>	<b>Gary Williams, Head of Legal and Democratic Services</b>
<b>Title:</b>	<b>Independent Remuneration Panel for Wales draft Annual Report 2014/15</b>

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## **1 What is the report about?**

- 1.1 The report is about the Independent Remuneration Panel for Wales' draft report for 2014/15 upon which the Council is being consulted.

## **2 What is the reason for making this report?**

- 2.1 To seek Members' views on the draft report in order that the Council's views be fed back to the Panel.

## **3 What are the Recommendations?**

- 3.1 That Members note the contents of the draft report and provide views to be included in a response.

## **4 Report details.**

- 4.1 The Independent Remuneration Panel for Wales was established in 2008. The Panel's remit and functions were extended in the Local Government (Wales) Measure 2011. The Panel's remit includes Councillors, other members of National Park Authorities, Welsh Fire and Rescue Authorities and Community and Town Councils in addition to County and County Borough Councils.
- 4.2 The Panel is able to stipulate the actual amount of payment an authority may make to a Member and the duties and responsibilities which may qualify Councillors to receive payments.
- 4.3 The Panel is required to produce an annual report setting out the levels at which Members are to be paid for various duties and responsibilities for the coming municipal year. That report has to be prepared by February in each year and must be the subject of consultation with Welsh Ministers, local authorities and the other bodies to whom the Panel's requirements apply.
- 4.4 The Panel has produced for consultation a draft report for the municipal year 2014/15. The consultation on the draft report is open until 26th November. The Panel will then publish a final report by the end of February 2014, the recommendations of which will take effect in the municipal year 2014/15. The draft report is attached as Appendix 1.
- 4.5 The Local Government (Wales) Measure 2011 requires local authorities to implement the recommendations of the Panel.

- 4.6 In preparing the draft Annual Report for 2014/15 members of the Panel did visit all 22 local authorities to seek the views of Members and officers.
- 4.7 The draft report sets out three bands of Council, sets out the number of councillors in each and the maximum number of senior salaries that the relevant council may pay. These groupings are set out in Table 1. Table 2 sets out the basic salary and senior salaries that shall be payable to Members of Councils in 2014/15.
- 4.8 The basic salary has risen from £13,175 to £13,300.
- 4.9 The Panel remains firmly of the view that maintaining the democratic values of local government is not cost free. Publicly funded remuneration is made available to encourage a diversity of willing and able local people to undertake local government, through their elected, appointed or co-opted roles.
- 4.10 When the Panel made its initial determinations in its 2009 report it aligned payments to Members to the medium gross earnings of all full time employees resident in Wales. The basic salary was set at  $\frac{3}{5}$  of the All Wales medium salary and senior salary at multiples of this annual medium salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.
- 4.11 In the last three years there has been a reduction in resources for local authorities in a freeze of public sector pay. The Panel concluded that to retain this alignment would have resulted in an inappropriate uplift in levels of remuneration. This has resulted in a reduction of the amount of the basic salary in real terms over this period. Given the modest relaxation in the constraints on public sector pay this year, the Panel has decided to increase the basic salary by less than 1% from Spring 2014 and to increase other payment proportionately.
- 4.12 In its discussions with Members and officers of Councils, the Panel have felt that there was a desire to increased flexibility in the remuneration framework whilst retaining nationally consistent levels of remuneration. The Panel also noted the wide range of structures for Council committees across Wales and different methods of allocating duties and responsibilities to elected Members.
- 4.13 The Panel has therefore introduced responsibility levels for each Council to determine the level of payments to Committee Chairs, Civic Heads and Deputy Civic Heads.
- 4.14 Senior Salary Band 1 and 2 – The Panel has determined five bands of Senior Salary. Band 1 includes Leader and Deputy Leader and Band 2 includes Cabinet Members. In the Panel's discussions with elected Members across Wales there was a consistent view expressed that leadership with executive roles carried the greatest accountability. The Panel also received representations that these accountabilities are often the same regardless of the size of population served by the Council. The Panel has however determined that the size of population remains a major factor in levels of responsibility and has decided to maintain the use of the population groups as set out in Table 1 for the purposes of Senior Salaries in Bands 1 and 2. The Panel have however made minor adjustments for salaries paid in Bands 1 and 2 to narrow the differentials between Councils in the different population groups.
- 4.15 Band 3 – The Panel states that there was a significant consensus across Wales that a single salary rate for Chairs of Committees of Council did not reflect the variety of roles, responsibilities and workload undertaken by Committee Chairs.



- 4.16 The Panel have therefore introduced responsibility levels. There are three responsibility levels for a Band 3 Senior Salary and it will be for local determination by each authority as to the most appropriate of these levels of remuneration to be paid to Chairs of Committees and to Civic Heads and Deputy Civic Heads.
- 4.17 Band 4 and 5 – The Panel have taken the view that the payment of the leader of the largest opposition group is important for local democracy. The Panel have therefore determined that this Senior Salary must be paid.
- 4.18 The level of this payment is to be pegged at Level 1 of the Band 3 Senior Salary i.e. the highest responsibility level for Committee Chairs.
- 4.19 The Panel notes that very few leaders of other political groups have been allocated a salary in Welsh authorities. The Panel has determined that where such salaries are paid the level should be at £17,000 per annum as set out in Table 2.
- 4.20 Civic Heads and Deputies – during its consultation in 2013 the Panel has taken into account that the level of support given, the personal financial outlay and the level of activity during the year in office varies considerably between authorities and that the size of the authority is no reliable indicator as to the commitment required of or given by Civic Heads. The Panel has decided that the amount to be paid to Civic Heads will be a matter for local authorities taking into account the anticipated workloads and responsibilities of Civic Heads. Table 3 sets out what Civic Salaries are available to be paid to Members of Principal Councils. There are three bands, A, B and C which local authorities may choose to apply to their Civic Salaries. The population groups do not apply in relation to Civic Salaries. The payment of Civic Salaries is not included in the cap on the number of Senior Salaries available to an authority. A Council may decide not to pay any Civic Salaries.
- 4.21 There is to be no change to mileage rates available to be claimed. The Panel has removed the category of overnight stay in Cardiff from the recommended levels for accommodation costs for overnight stays such that there is now only a London rate and an all other areas rate.
- 4.22 The Local Government Democracy Act 2013 allows local authorities to appoint a Presiding Member who would Chair the business meetings of the Council in addition to a Civic Head. A Council may also appoint a Deputy Presiding Member.
- 4.23 The Panel has determined that where appointed, a Presiding Member will be remunerated at the appropriate level of a Band 3 Senior Salary as determined by the Council and that such a post would count towards the cap on Senior Salaries. The Panel has determined that the post of Deputy Presiding Member will not be remunerated.
- 4.24 The Panel has made determinations in respect of the operation of Joint Overview and Scrutiny Committees. The Chair of a Joint Overview and Scrutiny Committee is eligible for salary equivalent to that part of a Band 3 Senior Salary that remunerates a Committee Chair. It is for the constituent authorities to decide at which level the salary for the Chair should be set. The salaries reflect the Senior Salaries payable under Band 3 to Committee Chairs.

- 4.25 Where the Chair is already in receipt of a Senior Salary for a Band 3, 4 or 5 role, the payment will be at one of three lesser levels and again it is for the constituent authorities to determine at which level it should be set. The Chair of a Sub-Committee of a Joint Overview and Scrutiny Committee is eligible for a salary at one of 3 levels set out in the report, again the actual level is for the constituent authorities to determine and there is a lesser level to be paid to a Chair of a Sub-Committee if they are already in receipt of a Senior Salary for a Band 3, 4 or 5 role.
- 4.26 It is possible to make payments to Chairs of Task and Finish Sub-Committees of Joint Overview and Scrutiny Committees but these are to be pro rata to the duration of the task. Payments made to a Chair of a Joint Overview and Scrutiny Committee or of a Sub-Committee are additional to the maximum proportion of the authorities' membership eligible for a Senior Salary. In this case the maximum number of Senior Salaries in Denbighshire is 17, however, the statutory limit of no more than 50% of the Council's Membership receiving a Senior Salary still applies. The Panel has kept the levels of payment for co-opted members at the same rates as in previous years.
- 4.27 Payments to co-opted members remain at the same level as currently set. There are some changes to the way in which the amount of time allowable to be claimed is calculated.

## **5 How does the decision contribute to the Corporate Priorities?**

- 5.1 The decision is a response to consultation and does not contribute to the corporate Priorities.

## **6 What will it cost and how will it affect other services?**

- 6.1 The cost will depend on the decision made by Council following the publication of the final Annual Report by the Panel in February 2014.

## **7 What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?**

- 7.1 The Chair and Vice Chairs of Scrutiny and Cabinet have been consulted.

## **8 Chief Finance Officer Statement**

- 8.1 The report is simply a response to a consultation and, as such, has no major financial implications. These will be determined once the revisions to the scheme are confirmed

## **9 What risks are there and is there anything we can do to reduce them?**

- 9.1 The risk of not responding to the consultation is that the Council's views will not be taken into account.

## **10 Power to make the Decision**

- 10.1 Section 111 Local Government Act 1972



# Independent Remuneration Panel for Wales

## Annual Report

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February 2014

## Foreword



This is our sixth Annual Report since the Panel was established in 2008 and is the third Annual Report since the approval of the Local Government (Wales) Measure 2011 ('the Measure')<sup>1</sup>. Anne Abel joined the Panel from June 2012 and was joined by Gregory Owens and Stephen Mulholland from January 2013.

As four years had elapsed since the original framework was set and, given that a number of subsequent decisions affecting the remuneration of members has been made, we considered it an appropriate time in 2013 to revisit the 22 principal authorities, the 3 National Park Authorities (NPAs) and the 3 Fire and Rescue Authorities (FRAs) to discuss how our determinations are working in practice and what matters we should be considering for this Annual Report and for the future. A number of issues raised during our visits indicated that there was a need to clarify some elements of the current framework and I wrote to all authorities in July 2013 to action this. We also identified particular issues concerning co-optees that we considered should be dealt with earlier than the implementation in May 2014 of this Report. In order to effect these amendments to the Framework a Supplementary Report was issued in August 2013, in accordance with Section 147 of the Measure.

Having taken account of the constraints on public sector pay the Panel has not increased the amount of any payment in its framework since it established the current levels in its 2011 Annual Report. However, given the modest relaxation in the constraints on public sector pay this year, the Panel has decided to increase the basic salary for members of principal authorities by less than 1% from spring 2014 and to increase other payments proportionately. This will help to prevent a further erosion of relative levels of remuneration.

From our consultation it was clear to the Panel that local authorities would like increased local flexibility in applying the national Remuneration Framework. The Panel has therefore in its determinations in this Annual Report provided opportunities for increased local determination whilst retaining the nationally consistent prescription of levels of remuneration. Individual local authorities will now be able to choose locally the most appropriate levels of remuneration to be paid to chairs of committees and to civic heads and deputy civic heads.

The Panel has made revised determinations in relation to payments for members of NPAs and FRAs and in particular we have corrected what we concluded had been previous under-remuneration of NPA senior posts and the level of basic salary for members of FRAs.

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

We have also taken the opportunity to clarify certain aspects of the current determinations in relation to support for members to enable them to discharge their functions effectively, and in relation to the reimbursement of subsistence costs. The Panel's determinations can be found at Annex 1. Section 147 (7) & (8) of the Measure requires the Panel to consult on its annual reports before final publication, and we will take account of the representations which we receive.

Finally, on behalf of the Panel I would like to put on record our appreciation of the support we receive for our work from the Welsh Government officials who constitute our Secretariat.

*Richard Penn*

**Chairman**

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Annex 1: The Panel's Determinations 2014/15

Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations for the remuneration of members and co-opted members of relevant authorities

Annex 3: Schedule of member remuneration

Annex 4: Publicity requirements

Annex 5: Supplementary Report - Joint Overview and Scrutiny Committees

Annex 6: Draft Supplementary Report - Payments to co-opted members of local authorities

Annex 7: Letter of clarification

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## Summary of salaries for members and co-opted members of principal councils, National Park authorities and Welsh fire and rescue authorities in 2014/15

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

Council	Number of councillors	Number of senior salaries
<b>Group A</b>		
Cardiff	75	19
Rhondda Cynon Taff	75	19
Swansea	72	19
<b>Group B</b>		
Bridgend	54	18
Caerphilly	73	18
Carmarthenshire	74	18
Conwy	59	18
Flintshire	70	18
Gwynedd	75	18
Neath Port Talbot	64	18
Newport	50	18
Pembrokeshire	60	18
Powys	73	18
Vale of Glamorgan	47	18
Wrexham	52	18
<b>Group C</b>		
Blaenau Gwent	42	17
Ceredigion	42	17
Denbighshire	47	17
Isle of Anglesey	30	15
Merthyr Tydfil	33	16
Monmouthshire	43	17
Torfaen	44	17

### Table 1 notes

(i) Since the commencement of the provisions of the Local Government (Democracy) (Wales) Act 2013, there is no longer a need for the Panel to express the limit on senior salaries in terms of percentages. It should be remembered, however, that the Measure restricts the maximum number of senior salaries to 50% of the membership of the council, unless Welsh Ministers agree that the Panel may determine an increased proportion<sup>2</sup>. That has implications for Merthyr Tydfil where the

<sup>2</sup> As set out in The Local Government (Wales) Measure 2011: Section 142; sub-section 5.



maximum number is 16 and for Isle of Anglesey where the equivalent number is 15 (both of which include civic salaries in respect of the posts of civic head and deputy civic head).

(ii) The civic salaries in respect of civic head and deputy civic head do not count towards the maximum proportion of senior salaries that a council is allowed to pay (except for the Isle of Anglesey and Merthyr Tydfil).

**Table 2:** Basic salary and senior salaries shall be payable as follows to members of principal councils

<b>Basic salary (payable to all elected members) £13,300</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	£53,000	£48,000	£43,000
Deputy leader	£37,000	£33,500	£30,000
<b>Band 2</b>			
Other executive	£32,000	£29,000	£26,000
<b>Band 3</b>			
Committee chairs:			
Responsibility Level 1		£22,000	
Level 2		£20,000	
Level 3		£18,000	
<b>Band 4</b>			
Leader of largest opposition group <sup>3</sup>		£22,000	
<b>Band 5</b>			
Leader of other political groups		£17,000	

<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 2 Notes

(i) The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group (subject to the 10% requirement).

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

<b>Remuneration of civic leaders and deputy civic leaders</b> <i>(inclusive of basic salaries)</i>		
	Civic leaders	Deputy civic leaders
a	24000	18000
b	21500	16000
c	19000	14000

**Table 4:** Fees for co-opted members (with voting rights) of local authorities

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

**Table 5:** Basic and senior salaries shall be payable as follows to members of National Park Authorities (NPAs)

<b>Basic salary</b>	£3,600
<b>Senior salaries (inclusive of basic salary)</b>	
Chair <sup>4</sup> (Band 3)	£12,300
Deputy chair/committee chair (see note i)	
Level 1	£7300
Level 2	£6000

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<sup>4</sup> Brecon Beacons, Pembrokeshire Coast, Snowdonia.

**Table 6:** Basic and senior salaries shall be payable as follows to members of Welsh fire and rescue authorities (FRAs)

<b>Basic salary</b>	£1,700
<b>Senior salaries (inclusive of basic salary)</b>	
Chair <sup>5</sup> (Band 3)	£10,400
Deputy chair/committee chair (see note i)	£5,400

**Tables 5 & 6 notes**

- (i) An NPA/FRA senior salary can be paid to a maximum of two committee chairs.
- (ii) National Park authorities and Welsh fire and rescue authorities can decide on the maximum number of days for which co-opted members may be paid in any one year.

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<sup>5</sup> Mid & West Wales, North Wales, South Wales.

# 1. Introduction

1.1 This is the sixth annual report of the Independent Remuneration Panel for Wales (the Panel), and the third published under the requirements of the Measure. The Panel, established by the Welsh Government in 2008, is now in its sixth year. It comprises five members appointed by the Minister for Local Government, three of whom are newly appointed: Anne Abel, Stephen Mulholland and Gregory Owens. Richard Penn has been reappointed as the Chair of the Panel and John Bader was reappointed as a member of the Panel and, subsequently, elected as Vice Chair.

1.2 The previous Panel had undertaken visits to all 22 principal authorities in 2009, meeting many members and officers and gathering information and evidence to produce an equitable and consistent remuneration framework across Wales. These visits provided much of the basis for the creation of the current Panel's Remuneration Framework for councillors in Wales. Since then there have been incremental changes to the framework over the last four years, but the basic principles set in 2009 remain in place.

1.3 The Measure extended the responsibilities of the Panel and its powers under Section 142 to decide (prescribe) payments to members of relevant authorities. This enabled the Panel to move beyond its previous limitation of setting maximum limits for member payments. This was welcomed by authorities as it had been an issue for which there had been strong support from all of the councils we visited in 2009. The Panel was able to use this power of prescription from April 2012 at the time of the election of the new councils. The Measure also extended the Panel's remit to include responsibility for the remuneration of members of NPAs, FRAs and community and town councils.

1.4 Given that four years had elapsed since the original framework was set and that a number of subsequent decisions affecting the remuneration of members had been made, we considered it an appropriate time to revisit the 22 principal authorities, the 3 NPAs and 3 FRAs to discuss with a cross section of members and officers how our determinations were working in practice and what matters the Panel should be considering for its next Annual Report and for the future.

1.5 The 28 visits that subsequently took place over a 10 week period from March to June 2013 gave the Panel the opportunity to meet with more than 600 members and officers across Wales. We are most grateful to the authorities for the organisation of the visits and for the welcome that we were given by the members and officers that we met. We were impressed by the commitment to public service shown by those members that we met, a commitment that is not always reflected in public opinion or recognised by the media.

1.6 The Panel Secretariat took extensive notes of each of the visits so that the Panel has a comprehensive record of the issues that were raised. As we made clear at the time, none of the notes are attributable either to the authority or to any individual member or officer. Some of the issues fall outside the remit of the Panel but where appropriate we will bring these to the attention of the Welsh Government Ministers.

1.7 A number of issues raised during our visits indicated that there was a need to clarify some elements of the existing framework. Subsequently the Chair of the Panel wrote to all authorities in July 2013 to action this. For information a copy of this letter is contained at Annex 7.

1.8 The Panel also identified a number of issues in relation to co-optees that we considered should be dealt with earlier than the implementation of this Report in May 2014. In order to effect these amendments to the Remuneration Framework a Supplementary Report was issued in August 2013 in accordance with Section 147 of the Measure.

1.9 Many of the points raised and issues discussed during our visits require longer-term examination. Over the next few years these will be the subject of detailed consideration that will require further consultation.

1.10 In the determinations for this Annual Report we continue to take into account affordability and acceptability, given the ongoing constraints on local authority budgets.

1.11 While there has been population growth throughout Wales, the 2011 census<sup>6</sup> did not indicate that this growth has been sufficient to move any local council to a higher or lower population group and the Panel's Framework is unchanged in respect of population groups. It is recognised in the chapters that follow that NPAs, FRAs and community and town councils serve population groups of a different size to those of principal councils.

1.12 As with the Panel's earlier reports, and no less now under the Measure, our determinations of member payments are underpinned by the set of principles set out in Section 2 of this Annual Report.

1.13 The Panel remains firmly of the view that maintaining the democratic values of local governance is not cost-free. Elected and co-opted members of local authorities and town and community councils, elected and co-opted members of NPAs and FRAs and Welsh Government appointees of national park authorities are there to represent the interests of local people, undertake the governance of local communities, and to secure value-for-money public services for local tax payers through effective scrutiny.

1.14 These are significant and considerable tasks for relevant authorities within the Panel's remit. Publicly funded remuneration is made available to encourage a diversity of willing and able local people to undertake local governance, through their elected, appointed or co-opted roles.

1.15 In determining member payments in local councils hitherto, the Panel has sought to meet its principle of '*acceptability*' by determining maximum levels that 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

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<sup>6</sup> 2011 Census table CP04: Usual resident population all ages, unitary authorities in Wales.

states that “*when setting an amount*<sup>7</sup> ... .. *the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities*”.

Meeting the requirement of the Measure in regard to affordability has been a challenge for the Panel not least because of public interest in the payments made to members. The Panel acknowledges that the issue of affordability – in relation both to relevant authorities’ service budgets and to the electorate’s disposable incomes – is likely to exert a powerful impact on the public perception of any proposed increases to members’ payments.

1.16 As a charge on the public purse, payments to members for their time, worth and responsibility must be, and must be seen to be fair and affordable. The Panel’s determinations in its 2009 Report aligned payments to the median gross earnings of all full-time employees resident in Wales, as reported in the Annual Survey of Hourly Earnings (ASHE). The basic salary was set at three-fifths of the All Wales Median Salary, and senior salaries at multiples of this annual median salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.

1.17 In the last three years there has been a reduction in resources for local authorities and a freeze on public sector pay. The Panel concluded that to retain this alignment would have resulted in an inappropriate uplift in levels of remuneration. This has resulted in a reduction of the amount of the basic salary in real terms over this period.

1.18 Taking account of the constraints on public sector pay in recent years the Panel has not increased the amount of any payment in its framework since it established the current levels in its 2011 Annual Report. However, given the modest relaxation in the constraints on public sector pay this year, the Panel has decided to increase the basic salary by less than 1% from spring 2014 and to increase other payments proportionately. This will help to prevent a further erosion of the relative value of the basic salary which is paid in recognition of the duties expected of all elected members.

1.19 The Panel has also taken the opportunity to adjust some payments marginally through ‘rounding up’ and ‘rounding down’ of the amounts. The major change in the level of payments has been to allow reduced payments to some committee chairs in order to enable an increased differential between the salaries of executive members and committee chairs, an issue frequently raised during the consultation.

1.20 From its discussions with members and officers of all principal councils it is clear to the Panel that there is a desire for increased flexibility in the remuneration framework whilst, however, retaining the nationally consistent prescription of levels of remuneration. The Panel also noted the wide range of configurations for council committees across Wales and different methods of allocating duties and responsibilities to elected members.

1.21 The Panel has therefore in its determinations in this Annual Report introduced *responsibility levels* for each council to determine the level of payments to committee chairs, civic heads and deputy civic heads. This provides the opportunity for increased

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<sup>7</sup> <http://www.legislation.gov.uk/mwa/2011/4/contents/enacted>.

local determination in this diverse context and at the same time maintains a clearly prescribed core of remuneration. Individual local authorities will now be able to determine locally the most appropriate of three levels of remuneration to be paid to chairs of committees and to civic heads and deputy civic heads.

1.22 The Panel has further determined that, where appointed, a presiding member will be paid at the appropriate level of Band 3 as determined by the council. This post will count towards the maximum cap. The Panel has determined that the post of deputy presiding member will not be remunerated.

1.23 The Panel used its visits to NPAs and FRAs to check whether the determinations it made following the extension of its remit as a result of the Measure to include these Authorities reflected the workload and responsibilities of the members involved. The Panel has consequently made revised determinations in relation to payments for members of NPAs and FRAs and, in particular, has corrected what we concluded had been a previous under-remuneration of NPA senior posts and the level of basic salary for members of FRAs.

1.24 The Panel has taken the opportunity to clarify certain aspects of the current determinations in relation to the reimbursement of subsistence costs as well as to introduce greater local flexibility particularly in respect of overnight stays.

1.25 The Panel noted with concern the wide variation and inconsistency of support provided to members to enable them to discharge their functions effectively. The Panel has determined that in order to provide consistency such support should be provided without cost to the individual elected member. Where such support is facilitated through additional payments through the council this should be for the actual amounts incurred and must be supported by appropriate receipts or invoices. Costs of support must be appropriate, reasonable and publicly declared. Deductions must not be made from members salaries by the respective authority as a contribution towards those support costs which the authority considers necessary for the effectiveness and/or efficiency of members.

## **2. The Panel's framework: principles of remuneration**

### **Upholding trust and confidence**

2.1 Citizens rightly expect that all those who choose to serve in public authorities uphold the public trust by embracing the values and ethics implicit in such public service. The Principles show the contribution that the work of the Panel and its framework make towards upholding public trust and confidence.

### **Simplicity**

2.2 The framework is clear and easily understandable. This is essential for the Panel to communicate effectively its priorities to all those who are affected by, or who have an interest in, its work.

### **Remuneration**

2.3 The framework provides for payment to members of public authorities who carry a responsibility for serving their identified communities of geography and of interest. The level of remuneration should not act as a barrier to taking up or continuing in post. The Framework provides additional recompense for those who are given greater levels of responsibility.

### **Diversity**

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

### **Accountability**

2.5 Taxpayers and citizens have the right to expect 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 works to ensure that all principal councils make information readily available about the activities of their members in support of public services. In particular, the Panel expects all local authority councillors to produce an annual report of their council-related activity.

### **Fairness**

2.6 As an essential test of the framework's fairness, the Panel ensures that its decisions on remuneration for members take account of the earnings of the Welsh electorate. The framework will be capable of being applied consistently to members of all public authorities as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable.



## **Quality**

2.7 The Panel recognises that the complex mix of governance, scrutiny and regulatory duties incumbent upon members of principal councils requires all members to engage with a process of continuous quality improvement. The Panel expects each member of a local authority to undertake such training and personal development opportunities as are required to properly discharge the duties for which they are remunerated.

## **Transparency**

2.8 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.

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### 3. Payments to elected members of principal councils: basic, senior and civic salaries

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

3.1 The Panel's previous determination (IRP Annual Report December, 2009) aligned the payment of basic salary to the median gross earnings of all full-time employees resident in Wales, as reported in the Annual Survey of Hourly Earnings (ASHE).

3.2 In the last three years there has been a reduction in funding for local authorities and a freeze on public sector pay. Therefore the Panel has determined during that period that to retain this alignment would have resulted in an inappropriate uplift in levels of remuneration. The Panel has not increased the amount of any payment in its framework since it established the current levels in its 2011 Annual Report. This has resulted in a reduction of the basic salary level in real terms over this period.

3.3 However, given the modest relaxation in the constraints on public sector pay this year, the Panel has decided to increase the Basic Salary by less than 1% from spring 2014 and to increase other payments proportionately. This will help to prevent a further erosion of relative levels of remuneration in the basic salary paid in recognition of the duties expected of all elected members.

**Determination (1) The Panel has concluded that it is now appropriate for basic salary levels in 2014/15 for members of principal local authorities to be raised from £13,175 to £13,300.**

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

3.4 The limit on the number of senior salaries payable ('the cap') will remain in place. Responses to the Panel's consultation in 2013 indicated that whilst some councils would prefer an increase in the cap, almost all felt able to operate effectively as required, each within their designated maximum. In 2014/15 the maximum number of senior salaries payable within each principal authority will not be altered and will be as set out in Table 1.

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

Council	Number of councillors	Number of senior salaries
<b>Group A</b>		
Cardiff	75	19
Rhondda Cynon Taff	75	19
Swansea	72	19

<b>Council</b>	<b>Number of councillors</b>	<b>Number of senior salaries</b>
<b>Group B</b>		
Bridgend	54	18
Caerphilly	73	18
Carmarthenshire	74	18
Conwy	59	18
Flintshire	70	18
Gwynedd	75	18
Neath Port Talbot	64	18
Newport	50	18
Pembrokeshire	60	18
Powys	73	18
Vale of Glamorgan	47	18
Wrexham	52	18
<b>Group C</b>		
Blaenau Gwent	42	17
Ceredigion	42	17
Denbighshire	47	17
Isle of Anglesey	30	15
Merthyr Tydfil	33	16
Monmouthshire	43	17
Torfaen	44	17

3.5 It was clear to the Panel in its discussions in 2013 with members and officers of all principal councils that there is a desire for increased flexibility in the remuneration framework whilst retaining the nationally consistent prescription of levels of remuneration. The Panel also noted the wide range of configurations for council committees and different methods of allocating duties and responsibilities to elected members.

3.6 The Panel has identified opportunities to increase local determination in this diverse context whilst at the same time maintaining a clearly prescribed core of remuneration across Wales.

3.7 The Panel has also taken the opportunity to adjust some senior salaries marginally through 'rounding up' and 'rounding down' the amounts.

3.8 In order to accommodate views expressed to the Panel about the duties and workload discharged in different roles senior salaries will be grouped into five bands [see table 2 below]. In Band 3, which sets the salary levels for committee chairs, individual councils will be able to set varied remuneration levels at £22,000, at £20,000 or at £18,000. All principal authorities, regardless of their size will have this option open to them as the Population Group Categories (Groups A, B and C based on size of population) will not apply in Band 3.

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

<b>Basic salary (payable to all elected members) £13,300</b>			
	<b>Group A</b> (Cardiff, Rhondda Cynon Taf, Swansea)	<b>Group B</b> (Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham)	<b>Group C</b> (Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey)
<b>Senior salaries (inclusive of basic salary)</b>			
<b>Band 1</b> Leader Deputy leader	£53,000 £37,000	£48,000 £33,500	£43,000 £30,000
<b>Band 2</b> Other executive members	£32,000	£29,000	£26,000
<b>Band 3</b> Committee chairs:			
Responsibility	Level 1	£22,000	
	Level 2	£20,000	
	Level 3	£18,000	
<b>Band 4</b> Leader of largest opposition group <sup>8</sup>		£22,000	
<b>Band 5</b> Leader of other political groups		£17,000	

**Table 2 Notes**

- a. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group (subject to the 10% rule).
- b. When adjusting these figures for use from spring 2014 the practice of ‘rounding’ of figures has been used. The successive years’ application of formulae previously resulted in irregular sums and these have been presented as rounded figures in the updated remuneration table.

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<sup>8</sup> Leader of largest opposition group. See IRPW Regulations, Annex 2, Part 1(2) for a definition of “largest opposition group” and “other political group”.

## The senior salary bands

### Bands 1 and 2

3.9 In the Panel's discussions with elected members at all salary levels there was a consistent view expressed that the leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability. It was also strongly expressed by some that these accountabilities are regardless of the size of population served. However, the Panel remains of the view 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) is retained. Notwithstanding that, the Panel has made minor adjustments to the salaries paid in Bands 1 and 2 to narrow the current differentials.

**Determination (2) The Panel has concluded that differentials in remuneration between different sized authorities for these key roles should be narrowed (see Table 2 above).**

3.10 In order to keep levels of payment fair, affordable and generally acceptable, where uplifts have been made to Band 1 and 2 salaries they are modest.

### Band 3

3.11 There was a significant consensus of opinion that the payment of one single salary rate for chairs of committees of principal councils throughout Wales did not accord with the wide variety of roles, responsibilities and workload undertaken by committee chairs.

3.12 The Panel has therefore introduced *responsibility levels* in its Framework to be determined by each council in determining the level of payments to committee chairs, civic heads and deputy civic heads. This provides the opportunity for increased local determination and at the same time maintains a clearly prescribed core of remuneration. Individual local authorities will now be able to determine the most appropriate of three levels of remuneration to be paid to chairs of committees and to civic heads and deputy civic heads.

**Determination (3) The Panel has determined that each individual authority, regardless of population size, may choose to pay committee chairs at a Band 3 senior salary of either a. £22,000, or b. £20,000 or c. £18,000 commensurate with the duties to be discharged in a particular role.**

3.13 It is for each council to decide the number of remunerated committee chairs it requires and at which level each of those should be remunerated within Band 3. These decisions will need to be considered by each council and balanced with its requirement for other leadership and executive roles within its cap.

## **Bands 4 and 5**

3.14 The responsibilities and accountability of the leader of the largest opposition group are not well defined. However the Panel takes the view that the payment for this position is important for local democracy.

**Determination (4) The Panel has therefore determined to pay the leader of the largest opposition group at Level 1 of a Band 3 senior salary.**

**Determination (5) The Panel has determined that a Band 5 senior salary of £17,000 is available for leaders of other political groups.**

3.15 The qualifying size for remuneration of an opposition group leader ('the 10% rule') remains unchanged.

3.16 The Panel notes that to date very few of the 'leader of other political group' posts have been allocated a salary.

### **Payments to civic heads and deputies (civic salaries)**

3.17 The Panel has had responsibility for determining the salaries of civic heads and their deputies in principal councils in Wales since the implementation of the Measure in 2011. In the Panel's 2013 consultation the following points which underpinned the Panel's original determinations have been reiterated:

- These civic roles are senior posts within councils which are distinct from political or executive leadership. In addition to chairing major meetings the civic head is the authority's 'first citizen' and 'ambassador', representing the council to a wide variety of institutions and organisations, and requiring the postholder to exemplify and promote good citizenship.
- Civic heads and deputies retain ward duties to their electorates during their year of office.
- Deputy civic heads are often 'civic heads in waiting' for the following year, 'learning the ropes' by participating in a separate schedule of events as well as deputising for the civic head. Without this role it would not be possible for a council to fully meet the requirements for civic leadership and representation.
- The intention of the civic allowance as defined by sections 3(5) and 5(4) of the Local Government Act 1972 remains to allow a council to pay a chair and vice-chair of a council an allowance which it thinks fit for the purposes of meeting the expenses of those offices.
- In many instances civic heads receive secretarial support, are provided with transport for official duties, and can access a separate hospitality budget which is managed and controlled by council officers.

3.18 Having based its initial views on research carried out in early 2011, the Panel has now refined its determinations, taking particular account of the following points from its 2013 consultation:

- The level of support given, the personal financial outlay and the level of activity during the year of office varies considerably between authorities and the size of authority is no reliable indicator as to the commitment required of or given by civic heads.
- Activity levels between civic heads and their deputies are not consistent, with some deputies matching time commitment whilst others are less active.
- Some principal councils have a number of town and community councils within their areas, each with their own civic head, which has some impact on the number of events attended.
- The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint an additional post of presiding member whose role it will be to chair meetings of the whole council. Where appointed, there would be a consequential reduction in the responsibilities of the respective civic head.

3.19 The Panel has revised its determinations on the remuneration of civic heads and their deputies, and now allows authorities to set remuneration levels which reflect activity and responsibility rather than population or budget. It has set three levels of civic salary for each role which can be paid by any authority according to local factors. For example, a busy mayor in a small council may be paid at the highest rate, whilst a less busy deputy mayor in a large council may be paid at the lowest rate. This would also allow for civic heads and their deputies in the same authority to be paid at different levels.

**Determination (6) Having regard to the time, role and senior responsibilities of civic heads and deputy civic heads, the Panel has determined that (where paid) civic salaries within the following levels are payable (table 3) and will be applied by authorities as each considers appropriate, taking account of the anticipated workloads and responsibilities**

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

<b>Remuneration of civic heads and deputy civic heads (inclusive of basic salaries)</b>		
	Civic heads	Deputy civic heads
a	24000	18000
b	21500	16000
c	19000	14000

### Table 3 Note

Flexibility is introduced in the payment of civic salaries using the same principle applied in Band 3 (see paragraph 3:12 above). A choice of levels of remuneration is set and all principal authorities, regardless of their size will have this option open to them as the Population Group Categories (Groups A, B and C ) not apply in relation to civic salaries

3.20 These posts of civic head and deputy civic head are not included in the cap. It should be noted that the statutory limit of no more than 50% of a council's total membership receiving a senior salary applies (section 142 (5) of the Measure).

3.21 A council may decide not to apply any civic salary to the posts of civic head and/or deputy civic head.

**Determination (7) The Panel has determined that, where appointed, a presiding member will be remunerated at the appropriate level of a Band 3 senior salary as decided by the council. This post will count towards the cap.**

**Determination (8) The Panel has determined that the post of deputy presiding member will not be remunerated.**

3.22 The Panel's principle that a member's salary must not be required to subsidise the necessary support needed to carry out the duties applies particularly to civic heads. The Panel recognises the range of different levels of provision made for civic heads in respect of transport, secretarial support, charitable giving or clothing. The Panel does not consider it appropriate for councils to expect or require that contributions towards this provision should be met from the senior salaries paid to civic heads.

### Basic, senior and civic salaries

3.23 Other matters:

- The basic salary, paid to all members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory or related functions of local governance at the time equivalent of three days a week. Any time commitment beyond three days is an unpaid public service contribution.
- A councillor must not be paid more than one senior salary.
- A councillor must not be paid a senior salary and a civic salary.
- All senior and civic salaries are paid inclusive of basic salary.
- If a council chooses to have more than one 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.

- The remuneration of council leaders and executive members (Band 1 and Band 2 senior salaries) is based on the Panel's assumption that the roles are equivalent to full-time.
- 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 nominated.
- The prescribed salary 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. The term 'member' applies to any person elected or co-opted to the authority.

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

3.24 The Panel noted with concern the wide variation and inconsistency of support provided to members to enable them to discharge their functions effectively. Some made a flat rate payment; some provided IT equipment and consumables, some provided funded telephones/mobiles and/or tablets. Others made little or no provision, and in at least one instance a deduction was made from basic salary.

**Determination (9) The Panel has determined that each authority must ensure that all its councillors are given as much support as is necessary to enable them to fulfil their duties effectively. All councillors should be provided with adequate telephone and email facilities and electronic access to appropriate information.**

**Determination (10) The Panel has determined that such support should be without cost to the individual elected member. Where such support is facilitated through additional payments through the council this should be for the actual amounts incurred and must be supported by appropriate receipts or invoices. Costs of support must be appropriate, reasonable and publicly declared. Deductions must not be made from members salaries by the respective authority as a contribution towards those support costs which the authority considers necessary for the effectiveness and/or efficiency of members.**

3.25 The Panel expects that the support provided should take account of the specific needs of individual councillors.

### **Reimbursement of travel, subsistence and care costs when on official authority business**

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

3.26 The Panel has decided there will be no change to mileage rates that can be claimed for travel. All authorities may only reimburse travel costs for their members undertaking official business at current HMRC rates which are:

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles by car
5p per passenger per mile	Passenger supplement
24p per mile	Private motor cycles
20p per mile	bicycles

### Reimbursement of other travel and subsistence costs

3.27 All other claims for travel must only be reimbursed on production of receipts showing actual expense, and are 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.

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£150 per night	London overnight
£95 per night	Elsewhere overnight
£25 per night	Staying with friends and/or family

3.28 The Panel has removed the particular rate for overnight stays in Cardiff. This brings payable rates 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.

3.29 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.

3.30 It is for the members of each council to determine its policy for when the reimbursement of mileage/travel costs are appropriate. If an authority has determined that costs are reasonable and in the discharge of official business then such costs may be reimbursed for journeys made within and/or outside the authority's boundaries. The limits which apply when an individual member claims in arrears for overnight accommodation costs do not apply when the respective authority reserves and pays directly for accommodation.

3.31 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 in such a case it is reasonable and cost effective to reimburse overnight accommodation costs instead of repeated daily mileage costs then it is permissible to do so.

3.32 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.

## **Reimbursement of costs of care**

3.33 All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursements shall only be made on production of receipts from the carer.

3.34 The reimbursement of costs of care allowance is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer. As a result of its 2013 consultation the Panel urges authorities to encourage greater take-up of this support to facilitate increased diversity amongst authority members.

3.35 Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented on authorities but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

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

4.1 The Panel issued a Supplementary Report in July 2013 setting out the arrangements for the remuneration of chairs of Joint Overview and Scrutiny Committees and Sub committees. A copy of the Supplementary Report is at Annex 5 for information.

4.2 However, the level of the payments contained in that Report have been modified to align with the proposals relating to chairs of committees of principal councils set out in Section 3.

**The following determinations apply with effect from the commencement of this Annual Report:**

**Determination (11a) The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 senior salary that remunerates a committee chair of a principal authority at one of the following levels:**

**Level 1 – £8,700**

**Level 2 – £6,700**

**Level 3 – £4,700**

**It is a matter for the constituent authorities to decide at which level the salary for the chair should be set.**

**Determination (11b) In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be at one of the following levels:**

**Level 1 – £4,350**

**Level 2 – £3,350**

**Level 3 – £2,350**

**It is a matter for the constituent authorities to decide at which level the salary should be set.**

**Determination (11c) The chair of a sub committee of a Joint Overview and Scrutiny Committee is eligible for a salary set at one of the following levels:**

**Level 1 – £2,175**

**Level 2 – £1,675**

**Level 3 – £1,175**

**It is a matter for the constituent authorities to decide at which level the salary should be set.**

**Determination (11d) In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be at one of the following levels:**

**Level 1 – £1,090**

**Level 2 – £850**

**Level 3 – £600**

**It is a matter for the constituent authorities to decide at which level the salary should be set.**

**Determination (11e) Payments to chairs of task and finish sub committees are to be pro rated to the duration of the task.**

**Determination (11f) Payments made to a chair of a JOSC or a chair of a sub committee of a JOSC are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (section 142 (5) of the Measure).**

**Determination (11g) A deputy chair of a JOSC or sub committee is not eligible for payment.**

**Determination (11h) Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.**

4.3 It is a matter for the constituent authorities to decide whether chairs of JOSCs (or sub committees of JOSCs) should be paid. However, if a senior salary is awarded it must comply with the determinations set out in this Section.

## **5. Pension provision for elected members of principal councils**

The Local Government (Wales) Measure 2011 (“*The Measure*”) 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 elected members of principal councils.**

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## 6. Payments to members of National Park authorities

6.1 The visits made by the Panel to each NPA in 2011 produced valuable information that assisted in setting our previous determinations. The Panel repeated these visits in 2013 and once again met with chairs, members and officers gathering information and views about the application of the Panel's framework in NPAs.

6.2 Key points from the 2013 consultation that underpin the Panel's determinations for NPA member remuneration in 2014/15 are that:

- The functions of the National Parks have not materially changed since the Panel's visits in 2011 except they are subject to significant financial pressures. Development control continues to be a key function.
- NPA Members are drawn from two sources. Welsh Government appointees make up one third of the total of members, and two thirds are local authority members nominated by constituent authorities.
- In addition standards committees of NPAs have co-opted members whose remuneration is included in the framework.
- Welsh Government appointees and council nominated members are treated equally in relation to remuneration. A team-working ethos is promoted in NPAs to support a productive working relationship between members who have joined the authority through different routes.
- NPAs manage their work via formal Authority meetings, committees and task and finish groups. Each has a Development /Management/ Planning Committee and other committees include Performance and Resources and Audit and Scrutiny. Ordinary NPA members are members of at least one committee as well as being involved in site visits and inspection panels.
- NPAs encourage member 'champions' for different aspects of the work of the Authority.
- There is an expectation that members will participate in training and development. Some NPAs reported issues of attendance from some members from principal authorities. Members are encouraged to take on their responsibilities with the support and encouragement of a member development process including mentoring in some instances.
- Generally it was *not* thought that the level of remuneration was a factor in low attendance, but the option of a hybrid form of remuneration was raised, for example, an annual retainer and an attendance allowance for each meeting.
- The chair of the 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 especially when controversial issues arise that can lead to high exposure in local media. The chair is not only the leader of the Authority but is also the public face of the particular Park and the link with the Minister and with AMs with whom they have regular meetings. The role requires a high level of commitment and time.

## Basic and Senior Salaries

6.3 The Panel has previously determined (in its 2011 Annual Report ) that the role of ordinary members of an NPA warranted alignment to the basic salary of a member of a principal authority and be paid for a time commitment of 42 days per year. The Panel has made no change to this level of remuneration beyond the application of the same percentage rise as applies to the basic salary for members of principal authorities.

6.4 However, the Panel has reached the view that the current remuneration of NPA Chairs was too low in relation to the level of responsibility they carry. The Panel based its previous determination in 2011 on a multiple of the NPA basic salary that reflected the historical payments for this role prior to the Panel being given responsibility. The Panel has carefully reconsidered its previous determination and has concluded that the payment of an NPA chair should be set on the same basis as that of chairs of FRAs whereby the role of the chair has been aligned to that part of a Band 3 senior salary that remunerates a committee chair of a principal authority. Although this is a significant increase for the three NPA chairs involved it reflects what the Panel considers to be the appropriate payment for a role which has been previously under remunerated.

6.5 The Panel's determination in 2011 was that the size of the role of a deputy chair and a committee chair equated to two thirds of the chair's role. In its 2013 consultation the Panel was told that the workload and level of responsibility of the chair of development control/planning was greater than that of some of the other committee chairs. Planning applications are often contentious. There can be high exposure in the media for the chair of the committee and a risk of reputational damage to the NPA. The workload of an NPA chair of development control was considered by some to be at least equal to the chair of planning in a principal authority.

6.6 The Panel has therefore concluded that to provide local flexibility an NPA can decide at which of two levels the roles of deputy chair and other committee chairs can be remunerated. An NPA may choose to pay its deputy chair and/or committee chairs a salary of either a. £7,300, or b. £6,000 commensurate with the duties to be discharged in a particular role.

The Panel has therefore determined that:

**Determination (13) The basic salary for NPA ordinary members should be £3,600 ( $42/156 \times \text{£}13,300$ )**

**Determination (14) The senior salary of the chair of an NPA should be £12,300 ( $\text{£}3,600 + \text{£}8,700$ )**



**Determination (15) The senior salary of a deputy chair and chairs of NPA committees can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility:**

**Level 1: £7,300 (£3,600 + £3,700)**

**Level 2: £6,000 (£3,600 + £2,400)**

**Determination (16) Members must not receive more than one NPA senior salary.**

**Determination (17) An NPA senior salary is paid inclusive of the NPA basic salary.**

**Determination (18) Members of principal local authorities in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.**

#### **Reimbursement of travel, subsistence and care costs when on official authority business**

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

6.7 The Panel has decided there will be no change to mileage rates that can be claimed for travel. All authorities may only reimburse travel costs for their members undertaking official business at current HMRC rates which are:

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles by car
5p per passenger per mile	Passenger supplement
24p per mile	Private motor cycles
20p per mile	bicycles

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

6.8 All other claims for travel must only be reimbursed on production of receipts showing actual expense, and are 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.

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£150 per night	London overnight
£95 per night	Elsewhere overnight
£25 per night	Staying with friends and/or family

6.9 The Panel has removed the particular rate for overnight stays in Cardiff. This brings payable rates 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.

6.10 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.

6.11 It is for the members of each authority to determine its policy for when the reimbursement of mileage/travel costs are appropriate. If an authority has determined that costs are reasonable and in the discharge of official business then such costs may be reimbursed for journeys made within and/or outside the authority's boundaries. The limits which apply when an individual member claims in arrears for overnight accommodation costs do not apply when the respective authority reserves and pays directly for accommodation.

6.12 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 in such a case it is reasonable and cost effective to reimburse overnight accommodation costs instead of repeated daily mileage costs then it is permissible to do so.

6.13 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.

#### **Reimbursement of costs of care**

6.14 All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursements shall only be made on production of receipts from the carer.

6.15 The reimbursement of costs of care allowance is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer. Following its 2013 consultation the Panel urges authorities to encourage greater take-up of this support to facilitate increased diversity amongst authority members.

6.16 Such provision would be especially relevant to those individuals in sectors of the population which may currently be under-represented on authorities but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

## 7. Payments to members of Welsh fire and rescue authorities

7.1 The visits made by the Panel to each FRA in 2011 produced valuable information that assisted in setting our previous determinations. The Panel repeated these visits in 2013 and once again met with chairs, members and officers gathering information and views about the application of the Panel's framework in FRAs.

7.2 Key points from the 2013 consultation that underpin the Panel's determinations for FRA member remuneration in 2014/15 are that:

- The chair 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 especially when controversial issues relating to the emergency service arise that can lead to high exposure in local media. The chair provides briefings to Minister and to AMs. Each FRA chair takes on a share of the duty of representing all 3 FRAs with bodies such as the WLGA. Chairs are involved in collaborative projects including the National Issues Committee, established since the last Panel visit in 2011. Chairs include regular visits to fire stations as part of their community engagement role.
- Deputy chairs are required to be equally conversant with current issues as the chair and frequently have a similarly heavy meeting schedule. Chairs and deputy chairs work very closely together and frequently attend the same meetings.
- The chair and the deputy chair may sit on Appeals Panels which require extra work and members may sit on disciplinary hearings.
- 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 /working groups.
- In the Panel's 2012 report all FRAs were allocated 4 SRAs that were payable to the chair, deputy chair and up to two committee chairs.
- Members are often unaware of the level of commitment needed to fulfil their role before they accept appointment to the FRA. As well as formal meetings of the Authority and committees members are encouraged to take on a community engagement role including visiting fire stations.
- There is a very strong training ethos in FRAs. Members are expected to participate in training and development. Training sessions are often added on to Authority meetings to make the training accessible. Induction programmes are available as well as specialist training for appeals and disciplinary hearings.

## Basic and Senior Salaries

7.3 The Panel has previously determined (in its 2011 Annual Report) that the role of ordinary members of a FRA warranted alignment to the basic salary of a member of a principal authority and be paid for a time commitment of 16 days per year. Information obtained during its 2013 consultation indicated that the time commitment required is actually in the region of 20 days per year.

7.4 The Panel has previously determined in 2011 that the role of a FRA chair warranted remuneration to be aligned to that part of a Band 3 senior salary that remunerates a committee chair of a principal authority. The Panel considers that this alignment is still valid subject to the application of the same percentage rise as applies to the basic salary for members of principal authorities.

7.5 The Panel has previously determined that the role of a FRA deputy chair where there is significant and sustained senior responsibility warranted alignment to that part of a Band 4 senior salary that remunerates a leader of an 'other opposition group' of a principal authority and that this also applied to the role of a FRA committee chair. In the revised framework in this report these roles will now be aligned with the new Band 5 senior salary.

The Panel has therefore determined that:

**Determination (19) The basic salary for FRA ordinary members should be £1,700 ( $20/156 \times \text{£}13,300$ ).**

**Determination (20) The senior salary of the chair of an FRA should be £10,400 ( $\text{£}1,700 + \text{£}8,700$ ).**

**Determination (21) The senior salary of a deputy chair and chairs of committees of FRAs should be £5,400 ( $\text{£}1,700 + \text{£}3,700$ ).**

**Determination (22) Members must not receive more than one FRA senior salary**

**Determination (23) An FRA senior salary is paid inclusive of the FRA basic salary**

**Determination (24) Members of a principal local authority in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.**

## Reimbursement of travel, subsistence and care costs when on official authority business

### Reimbursement of travel costs

7.6 The Panel has decided there will be no change to mileage rates that can be claimed for travel. All authorities may only reimburse travel costs for their members undertaking official business at current HMRC rates which are:

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles by car
5p per passenger per mile	Passenger supplement
24p per mile	Private motor cycles
20p per mile	bicycles

### Reimbursement of other travel and subsistence costs

7.7 All other claims for travel must only be reimbursed on production of receipts showing actual expense, and are 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.

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£150 per night	London overnight
£95 per night	Elsewhere overnight
£25 per night	Staying with friends and/or family

7.8 The Panel has removed the particular rate for overnight stays in Cardiff. This brings payable rates 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.

7.9 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.

7.10 It is for the members of each authority to determine its policy for when the reimbursement of mileage/travel costs are appropriate. If an authority has determined that costs are reasonable and in the discharge of official business then such costs may be reimbursed for journeys made within and/or outside the authority's boundaries. The limits which apply when an individual member claims in arrears for overnight accommodation costs do not apply when the respective authority reserves and pays directly for accommodation.

7.11 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 in such a case it is reasonable and cost effective to reimburse overnight accommodation costs instead of repeated daily mileage costs then it is permissible to do so.

7.12 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.

### **Reimbursement of costs of care**

7.13 All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursements shall only be made on production of receipts from the carer.

7.14 The reimbursement of costs of care allowance is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer. Following its 2013 consultation the Panel urges authorities to encourage greater take-up of this support to facilitate increased diversity amongst authority members.

7.15 Such provision would be especially relevant to those individuals in sectors of the population which may currently be under-represented on authorities but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

## 8. Payments to co-opted members of local authorities<sup>9</sup>

8.1 During its 2013 consultation the Panel met with many co-opted members. The discussions elicited a variety of views relating to the payment for the roles that they undertake. Some argued for the previous arrangement of annual payments to be reinstated, others considered that a daily/half daily fee was a more reasonable approach.

8.2 The Panel has also examined a hybrid system that would provide an annual retainer together with a reduced daily/half daily fee.

8.3 Each of these has merits but equally each has implications which vary according to the specific arrangements of the authority. The annual payment which was the Panel's determinations in 2010 had as its major disadvantage the wide variation between authorities in the number of meetings. This resulted in some co-opted members being paid an excessive amount for the call on their time, whereas others were not being fully rewarded for the number of meetings/events that they were required to attend. The hybrid system would present a difficulty in determining both the amount of the annual retainer and the level of the attendance fee; it would also result in some increase in administration.

8.4 The Panel recognised that the current framework had matters that needed to be addressed to deal with inequities and dealt with this by issuing a Supplementary Report in August 2013 that set out revised determinations which the Panel considers have resolved many of the concerns raised by co-optees.

8.5 It has therefore been concluded that the existing arrangements of a daily/half daily fee as amended is an appropriate approach to remunerating the important role undertaken by co-opted members of local authorities. The level of payments is equivalent to the current daily rates for chairs and members of the Welsh Government's Band 2 sponsored bodies.

8.6 The revised determinations for 2014/15 (incorporating those in the Supplementary Report) are set out below:

**Determination (25) Local authorities must pay the following fees to co-opted members (table 4) (who have voting rights).**

**Table 4:** Fees for co-opted members (with voting rights) of local authorities

Chairs of standards, and audit committees	£256 (4 hours and over) £128 (up to 4 hours)
Ordinary members of standards committees who also chair standards committees for community and town councils.	£226 daily fee (4 hours and over)

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<sup>9</sup> This section does not apply to co-opted members of town and community councils.

	£113 (up to 4 hours)
Ordinary members of standards committees; education scrutiny committee; crime and disorder scrutiny committee and audit committee	£198 (4 hours and over) £99 (up to 4 hours)

**Determination (26) Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.**

**Determination (27) Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).**

**Determination (28) The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.**

**Determination (29) Meetings eligible for the payment of fee include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.**

### Reimbursement of travel and subsistence costs

8.7 The Panel has decided there will be no change to mileage rates that can be claimed for travel. All authorities may only reimburse travel costs for their members undertaking official business at current HMRC rates which are:

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles by car
5p per passenger per mile	Passenger supplement
24p per mile	Private motor cycles
20p per mile	bicycles

### Reimbursement of other travel and subsistence costs

8.8 All other claims for travel must only be reimbursed on production of receipts showing actual expense, and are 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.

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
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£150 per night	London overnight
£95 per night	Elsewhere overnight
£25 per night	Staying with friends and/or family

8.9 The Panel has removed the particular rate for overnight stays in Cardiff. This brings payable rates 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.

8.10 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.

8.11 It is for the members of each authority to determine its policy for when the reimbursement of mileage/travel costs are appropriate. If an authority has determined that costs are reasonable and in the discharge of official business then such costs may be reimbursed for journeys made within and/or outside the authority's boundaries. The limits which apply when an individual member claims in arrears for overnight accommodation costs do not apply when the respective authority reserves and pays directly for accommodation.

8.12 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 in such a case it is reasonable and cost effective to reimburse overnight accommodation costs instead of repeated daily mileage costs then it is permissible to do so.

8.13 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.

#### **Reimbursement of costs of care**

8.14 All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) up to a maximum of £403 per month. Reimbursements shall only be made on production of receipts from the carer.

8.15 The reimbursement of costs of care allowance is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer. Following its 2013 consultation the Panel urges authorities to encourage greater take-up of this support to facilitate increased diversity amongst authority members.

8.16 Such provision would be especially relevant to those individuals in sectors of the population which may currently be under-represented on authorities but who may

become engaged when awareness of the support available for the costs of care becomes more widely known.

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## 9. Specific or additional senior salaries

9.1 In the course of the Panel's 2013 consultation there were requests for greater flexibility such as including other roles for which senior salaries could be paid within the Remuneration Framework. For instance, a number of leaders requested changes to the Framework to include what they described as 'development', posts which they indicated would support and assist members of the executive.

9.2 The Panel has considered this request for greater flexibility and has concluded that it would be most appropriately addressed by allowing 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.

9.3 This process was operated previously by the Panel and provided opportunities for an authority to make a case to extend its scheme and its schedule of allowances to include a post or posts that it considers to be important and involves a significant, sustained and additional responsibility.

**Determination (30) The Panel has determined to formally introduce this provision into the Remuneration Framework**

9.4 Guidance will be issued prior to the implementation of this Annual Report. However, the following principles will apply:

- a. The total number of senior salaries cannot exceed fifty percent<sup>10</sup> of the membership. (applies to principal councils; different restrictions will apply to National Park Authorities and Fire and Rescue Authorities).
- b. Applications will have to be approved by the authority as a whole (cannot be delegated).
- c. There must be clear evidence that the post/posts has additional responsibility demonstrated by a description of the role, function and duration.
- d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

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<sup>10</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.

## **10. Payments to members of community and town councils**

10.1 In its last Annual Report (December 2012) the Panel set out determinations for payments in respect of community and town councils resulting from the extension of its remit provided by the Measure in 2011. These came into effect for the financial year 2013/2014, so it is too soon to establish the impact and any implications of these determinations. Therefore, there are no changes to the previous determinations (except for the deletion of a Cardiff rate in the overnight subsistence arrangements). The determinations are set out below.

10.2 The Panel will be consulting further prior to its next Annual Report.

10.3 The Panel has determined that:

**Determination (31) Community and town councils are authorised to make a payment to each of their members of a maximum amount of £100 per year for costs incurred in respect of telephone usage, information technology, consumables etc.**

**Determination (32) Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties outside the area of the council. 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 passenger per mile – passenger supplement.
- 24p per mile for private motor cycles.
- 20p per mile for bicycles.

**Determination (33) Community and town councils are authorised to reimburse subsistence expenses to their members for attending approved duties outside the area of the council at the maximum rates set out below on the basis of receipted claims:**

- £28 per day allowance for meals, including breakfast where not provided in the overnight.
- £150 – London overnight.
- £95 – elsewhere overnight.
- £25 – staying with friends and/or family.

**Determination (34) Community and town councils are authorised to pay an Attendance Allowance<sup>11</sup> to each of their members for attending approved duties outside the area of the council as follows:**

- £16.23 for a period not exceeding 4 hours.
- £32.46 for a period exceeding 4 hours but not exceeding 24 hours.

**Determination (35) Community and town councils are authorised to pay a Financial Loss Allowance<sup>12</sup> to each of their members where such loss has actually occurred, for attending approved duties outside the area of the council as follows:**

- £30.05 for a period not exceeding 4 hours.
- £60.11 for a period exceeding 4 hours but not exceeding 24 hours.
- £60.11 plus such amount as is payable under (a) and (b) above as appropriate for a period exceeding 24 hours.

**Determination (36) Community and town councils are authorised to provide a civic allowance to the mayor/chair and deputy mayor/chair of the council of an amount that they deem appropriate to undertake the functions of that office.**

**Note (for information): The Principal Councils (Allowances for Members of Community Councils) (Wales) Regulations 2003 were revoked with effect from 1<sup>st</sup> April 2013.**

10.4 For clarity, determinations 31 to 36 are permissive powers that require a formal decision by each community or town council. But where a community and town council makes such a decision, it must apply to all its members at the levels determined. An individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these allowances by giving notice in writing to the proper officer of the council.

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<sup>11</sup> Set out in the Local Authorities (Allowances for Members of Community Councils)(Wales) Regulations 2003 SI No. 895 (W.115). Rate is frozen as the index stipulated in the Regulations for calculating the percentage annual increase “the Average Male Non-Manual Wage for Wales” has become obsolete.

<sup>12</sup> Local Authorities (Allowances for Members of Community Councils)(Wales) regulations 2003.

## 11. Compliance with Panel requirements

### The Panel's remit under the Measure

11.1 Section 153 of the Measure empowers the Panel to require a relevant authority<sup>13</sup> to comply with the requirements imposed on it by a Panel Annual Report and further enables the Panel to monitor the compliance of relevant authorities with the Panel's determinations.

11.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting.

### Monitoring compliance

11.3 The Panel will monitor the compliance with the determinations in this Annual Report by all relevant authorities against the following requirements:

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

**Note: The above requirements do not apply to community and town councils at this time.**

- (v) A relevant authority must make arrangements for publication within the authority area of the total sum paid by it to each member and co-opted member in respect of salary (basic, senior and civic), allowances, fees and reimbursements (in accordance with Annex 4 that sets out the content that must be included in the Publicity Requirements) as soon as practicable and no later than 30 September following the close of the year to which it relates.

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<sup>13</sup> Interpretation of "Relevant Authority" provided in the Independent Remuneration Panel for Wales (IRPW) Regulations, Part 1, 'Interpretation'.

## **Annex 1: The Panel's determinations 2014/15**

**(1)** The Panel has concluded that it is now appropriate for basic salary levels in 2014/15 for members of principal local authorities to be raised from £13,175 to £13,300.

**(2)** The Panel has concluded that differentials in remuneration between different sized authorities for these key roles should be narrowed (see Table 2 above).

**(3)** The Panel has determined that each individual authority, regardless of population size, may choose to pay committee chairs at a Band 3 senior salary of either a. £22,000, or b. £20,000 or c. £18,000 commensurate with the duties to be discharged in a particular role.

**(4)** The Panel has therefore determined to pay the leader of the largest opposition group at Level 1 of a Band 3 senior salary.

**(5)** The Panel has determined that a Band 5 senior salary of £17,000 is available for leaders of other political groups.

**(6)** Having regard to the time, role and senior responsibilities of civic heads and deputy civic heads, the Panel has determined that (where paid) civic salaries within the following levels are payable (table 3) and will be applied by authorities as each considers appropriate, taking account of the anticipated workloads and responsibilities.

**(7)** The Panel has determined that, where appointed, a presiding member will be remunerated at the appropriate level of a Band 3 senior salary as decided by the council. This post will count towards the cap.

**(8)** The Panel has determined that the post of deputy presiding member will not be remunerated.

**(9)** The Panel has determined that each authority must ensure that all its councillors are given as much support as is necessary to enable them to fulfil their duties effectively. All councillors should be provided with adequate telephone and email facilities and electronic access to appropriate information.

**(10)** The Panel has determined that such support should be without cost to the individual elected member. Where such support is facilitated through additional payments through the council this should be for the actual amounts incurred and must be supported by appropriate receipts or invoices. Costs of support must be appropriate, reasonable and publicly declared. Deductions must not be made from members salaries by the respective authority as a contribution towards those support costs which the authority considers necessary for the effectiveness and/or efficiency of members.

**(11a)** The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to that part of a Band 3 senior salary that remunerates a committee chair of a principal authority at one of the following levels:

Level 1 – £8,700.

Level 2 – £6,700.

Level 3 – £4,700.

It is a matter for the constituent authorities to decide at which level the salary for the chair should be set.

**(11b)** In cases where the chair is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be at one of the following levels:

Level 1 – £4,350.

Level 2 – £3,350.

Level 3 – £2,350.

It is a matter for the constituent authorities to decide at which level the salary should be set.

**(11c)** The chair of a sub committee of a Joint Overview and Scrutiny Committee is eligible for a salary set at one of the following levels:

Level 1 – £2,175.

Level 2 – £1,675.

Level 3 – £1,175.

It is a matter for the constituent authorities to decide at which level the salary should be set.

**(11d)** In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3, 4 or 5 role the payment will be at one of the following levels:

Level 1 – £1,090.

Level 2 – £850.

Level 3 – £600.

It is a matter for the constituent authorities to decide at which level the salary should be set.

**(11e)** Payments to chairs of task and finish sub committees are to be pro rated to the duration of the task.

**(11f)** Payments made to a chair of a JOSC or a chair of a sub committee of a JOSC are additional to the maximum proportion of the authority's membership eligible for a senior salary. It should be noted that the statutory limit of no more than 50% of a council's membership receiving a senior salary applies (section 142 (5) of the Measure).

**(11g)** A deputy chair of a JOSC or sub committee is not eligible for payment.



**(11h)** Co-optees to a JOSC or to a sub committee are not eligible for a co-opted member fee unless they are appointed by an authority under Section 144(5) of the Measure.

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

**(13)** The basic salary for NPA ordinary members should be £3,600 (42/156 x £13,300).

**(14)** The senior salary of the chair of an NPA should be £12,300 (£3,600 + £8,700).

**(15)** The senior salary of a deputy chair and chairs of NPA committees can be paid at either of the following levels to be decided by the authority to reflect the appropriate responsibility:

Level 1: £7,300 (£3,600 + £3,700).

Level 2: £6,000 (£3,600 + £2,400).

**(16)** Members must not receive more than one NPA senior salary.

**(17)** An NPA senior salary is paid inclusive of the NPA basic salary.

**(18)** Members of principal local authorities in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.

**(19)** The basic salary for FRA ordinary members should be £1,700 (20/156 x £13,300).

**(20)** The senior salary of the chair of an FRA should be £10,400 (£1,700 + £8,700).

**(21)** The senior salary of a deputy chair and chairs of committees of FRAs should be £5,400 (£1,700 + £3,700).

**(22)** Members must not receive more than one FRA senior salary.

**(23)** An FRA senior salary is paid inclusive of the FRA basic salary.

**(24)** Members of a principal local authority in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.

**(25)** Local authorities must pay the following fees to co-opted members (table 4) (who have voting rights).

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

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

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

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

**(30)** The Panel has determined to formally introduce this provision into the Remuneration Framework.

**(31)** Community and town councils are authorised to make a payment to each of their members of a maximum amount of £100 per year for costs incurred in respect of telephone usage, information technology, consumables etc.

**(32)** Community and town councils are authorised to make payments to each of their members in respect of travel costs for attending approved duties outside the area of the council. Such payments must be 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 passenger per mile – passenger supplement.
- 24p per mile for private motor cycles.
- 20p per mile for bicycles

**(33)** Community and town councils are authorised to reimburse subsistence expenses to their members for attending approved duties outside the area of the council at the maximum rates set out below on the basis of receipted claims:

- £28 per day allowance for meals, including breakfast where not provided overnight.
- £150 – London overnight.
- £95 – elsewhere overnight.
- £25 – overnight staying with friends and/or family.

**(34)** Community and town councils are authorised to pay an Attendance Allowance<sup>14</sup> to each of their members for attending approved duties outside the area of the council as follows:

- £16.23 for a period not exceeding 4 hours.
- £32.46 for a period exceeding 4 hours but not exceeding 24 hours.

**(35)** Community and town councils are authorised to pay a Financial Loss Allowance<sup>15</sup> to each of their members where such loss has actually occurred, for attending approved duties outside the area of the council as follows:

- £30.05 for a period not exceeding 4 hours.
- £60.11 for a period exceeding 4 hours but not exceeding 24 hours.
- £60.11 plus such amount as is payable under (a) and (b) as appropriate.

**(36)** Community and town councils are authorised to provide a civic allowance to the mayor/chair and deputy mayor/chair of the council of an amount that they deem appropriate to undertake the functions of that office.

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<sup>14</sup> Set out in the Local Authorities (Allowances for Members of Community Councils)(Wales) Regulations 2003 SI No. 895 (W.115). Rate is frozen as the index stipulated in the Regulations for calculating the percentage annual increase “the Average Male Non-Manual Wage for Wales” has become obsolete.

<sup>15</sup> Local Authorities (Allowances for Members of Community Councils)(Wales) regulations 2003.

# **Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations for the remuneration of members and co-opted members of relevant authorities**

## **Introduction**

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

The powers contained in part 8 and schedules 2 and 3 have replaced the following Statutory Instruments:

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

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

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

## **Part 1**

### **General**

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

## Interpretation

### 2. In the IRPW Regulations:

- “The 1972 Act” means the Local Government Act 1972.
- “The 2000 Act” means the Local Government Act 2000.
- “Allowance” means the actual or maximum amount which may be reimbursed to members and co-opted members of a relevant authority for expenses necessarily incurred when carrying out the official business of the relevant authority.
- “Annual report” means a report produced by the Panel in accordance with section 145 of the Measure.
- “Approved duty” in relation to community and town councils has the meaning as set out in Part 5 of these Regulations.
- “Attendance Allowance” in relation to community or town councils has the meaning set out in Part 5 of these Regulations.
- “Authority” means a relevant authority in Wales as defined in Section 144(2) of the Measure, and includes a local authority (county or county borough council), a National Park authority and a Welsh fire and rescue authority, a community or town council.
- “Basic Salary” has the same meaning as set out in paragraph 6 of these regulations, and may be qualified as “LA Basic Salary” to refer to the Basic Salary of a member of a principal council; “NPA Basic Salary” to refer to the Basic Salary of a member of a National Park authority; and “FRA Basic Salary” to refer to the Basic Salary of a member of a Welsh fire and rescue authority.
- “Care allowance” has the same meaning as set out in paragraph 21 of these regulations.
- “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, that as set out in Part 7 of the Measure.
- “Consultation draft” means the draft of a Panel annual report under Section 146 (7) or 147(8) of the Measure, representations on which must be taken into account by the Panel.
- “Constituent authority” – for National Park authorities this is a local authority falling within the area of a National Park authority; for Welsh fire and rescue authorities it is a local authority falling within the area of a fire and rescue authority.
- “Controlling group” means a political group in a local authority where any of its members form part of the executive.

- “Co-opted Member” has the meaning contained in section 144 (5) of the Measure, that is those with the right to vote on matters within the purview of the committee on which they serve.
- “Co-opted Member fee” has the same meaning as set out in paragraph 19 of these regulations.
- “Democratic Services Committee” means the local authority committee established under section 11 of the Measure.
- “Deputy Civic Head” is a person elected by the council to deputise for the mayor or chair of that council.
- “Executive” means the executive of an authority in a form as specified in sections 11(2) to (5) of the 2000 Act, as amended by section 34 of the Measure.
- “Executive arrangements” has the meaning given by section 10(1) of the 2000 Act.
- “Family absence” as defined in Section 142 (2)(b) of the Measure has the meaning given to it by Part 2 of the Measure.
- “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.
- Joint Overview and Scrutiny Committee means a committee or sub committee set up by two or more principal councils under the Local Authority (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
- “Largest opposition group” means a political group other than a controlling group which has a greater number of members than any other political group in the authority.
- “Local authority” means a county or county borough council.
- “Member” means in respect of a local authority or a community or town council a person who has been elected to serve as a councillor for that authority; for a National Park authority means a member appointed by a constituent authority and also a person appointed by Welsh Ministers; for Welsh fire and rescue authorities means a member appointed by a constituent authority.
- “National Park authority” means a National Park authority established under section 63 of the Environment Act 1995.
- “Official business” has the meaning contained in Section 142 (10) of the Measure in relation to the payment of allowances for care, travel and subsistence as reimbursement of expenses necessarily incurred by members and co-opted members of a relevant authority (excluding community and town councils) when:

- a. Attending a meeting the authority or any committee of the authority or any body to which the authority makes appointments or nominations or of any committee of such a body.
  - b. Attending a meeting of any association of authorities of which the authority is a member.
  - c. Attending a meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities.
  - d. Attending any training or development event approved by the authority or its executive.
  - e. A duty undertaken for the purpose of or in connection with the discharge of the functions of an executive within the meaning of Part 2 of the 2000 Act, as amended.
  - f. A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.
  - g. A duty undertaken in connection with the discharge of any function of the authority to inspect or authorise the inspection of premises.
  - h. A duty undertaken by members of Principal councils in connection with constituency or ward responsibilities which arise from the discharge of local authority functions.
  - i. Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.
- “Other political group” means a political group other than a controlling group or the largest opposition group (if any) which comprises not less than ten per cent of the members of that authority.
  - “Overview and Scrutiny Committee” means a committee of the authority which has the powers set out in sections 21(2) and (3) of the 2000 Act, as amended by Part 6 of the Measure.
  - “Panel” means the Independent Remuneration Panel for Wales as set out in section 141(1) and schedule 2 of the Measure.
  - “Principal council” means a county or county borough council
  - “Proper officer” has the same meaning as in section 270(3) of the 1972 Act.
  - “Relevant authority” is set out in Section 144(2) of the Measure and, for the purposes of these Regulations, includes a local authority/principal council, a community or town council, a National Park authority and a Welsh fire and rescue authority.
  - “Relevant matters” are as defined in Section 142(2) of the Measure.
  - “Schedule” means a list setting out the authority’s decisions in respect of payments to be made during the year (as relating to that authority) to all members and co-opted members of that authority.

- “Senior Salary” has the same meaning as set out in paragraph 11 of these regulations and may be qualified as “Local Authority/Principal council Senior Salary” to refer to the senior salary of a member of a principal council; “National Park Senior Salary” to refer to the senior salary of a member of a National Park authority; or “Fire and Rescue authority Senior Salary” to refer to the senior salary of a member of a Fire and Rescue authority.
- “Supplementary report” has the meaning contained in section 146(4 to 8) of the Measure.
- “Travelling and subsistence allowance” has the same meaning as set out in paragraph 25 of these regulations.
- “Year” has the following meanings:
  - “financial year” – the period of twelve months ending 31 March;
  - “calendar year” – the period of twelve months ending 31 December;
  - “municipal year” – the year commencing on the date of the annual meeting of the local authority and ending the day before the annual meeting of the following year; for National Park authorities and Welsh fire and rescue authorities it is the period of up to twelve months following the annual meeting of the authority.

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

### **Commencement of Term of Office**

#### 3. The term of office of:

- A Member of a local authority or community or town council begins on the date which that member makes a declaration of acceptance of that office under section 83(1) of the 1972 Act.
- A councillor member of a National Park authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of a Welsh Government appointed member begins on the date of that appointment. The term of office of the Chair and Deputy Chair of the National Park authority begins on the date of election by that authority to that office.
- A councillor member of a Welsh fire and rescue authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of the Chair and Deputy Chair of the fire and rescue authority begins on the date of election by that authority to that office.
- A co-opted Member of a relevant authority begins on the date of appointment by the relevant authority.



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

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

### **Amendment to the Schedule**

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

### **Basic salary**

6. An authority must provide for the payment of a basic salary, as determined by the Panel in its Annual or Supplementary Reports, to each of its members. The amount of the salary must be the same for each member. For Principal councils only, this salary remains payable during a period of family absence.

7. A member may not receive more than one Basic Salary from a relevant authority, but a member of one relevant authority may receive a further Basic Salary by being appointed as a member of another relevant authority (except in the case as indicated in paragraph 16).

8. The amount of the Basic Salary will be set in accordance with section 142(3) of the Measure and will be one of the following:

- The amount the authority must pay to a member of the authority.
- The maximum amount that the authority may pay to a member of the authority.

9. Where the term of office of a member begins or ends other than at the beginning or end of the year (as relating to the authority), the entitlement of that member is to such proportion of the basic salary as the number of days during which the member's term of office subsists during that year bears to the number of days in that year.

10. Where a member is suspended or partially suspended from being a member of an authority (Part 3 of the 2000 Act refers) the part of the Basic Salary payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

### **Senior salary**

11. Subject to paragraphs 12 to 18 an authority can make payments of a senior salary to members that it has given specific responsibilities. Such payments

must accord with the Panel's determination for the year (as relating to the authority) that the payments are made and must be set out in the Schedule of that authority. For principal councils only, a senior salary will remain payable during the family absence of the office holder.

12. The Panel will prescribe in its Annual or Supplementary Reports the following:

- The categories of members eligible for the payment of a senior salary which may not be the same for all authorities or categories of authorities.
- The discretion available to authorities in relation to the payment of senior salaries which may not be the same for all authorities or categories of authorities.

13. The amount of the senior salaries payable will be in accordance with section 142(3) of the Measure and specify.

- The amount that a relevant authority must pay to a member of the authority.
- The maximum amount that a relevant authority may pay to a member of the authority.

14. The Senior Salary will comprise an amalgam of the basic salary and an additional amount for the relevant specific responsibility determined by the Panel in its Annual or Supplementary Reports. This may not be the same for all authorities or categories of authorities.

15. The Panel in its Annual or Supplementary Reports will determine either the maximum proportion of its membership or the total number of members that an authority can pay as senior salaries. The percentage may not exceed fifty percent without the express approval of Welsh Ministers (Section 142(5) of the Measure). For Principal councils only, the maximum proportion or number may be exceeded to include payment of a senior salary to an additional member who is appointed to provide temporary cover for the family absence of a senior salary office holder (subject to the 50% limit). For National Park authorities and Welsh fire and rescue authorities senior salary payments will be restricted to specified post-holders as determined by the Panel in its Annual or Supplementary Reports.

15(a) Payments to chairs of Joint Overview and Scrutiny Committees or Sub Committees are additional to the maximum proportion of its membership that an authority can pay as senior salaries subject to the overall maximum of fifty percent as contained in Section 142(5) of the Measure. The Panel will determine the amounts of such payments in an Annual or Supplementary Report.

16. An authority must not pay more than one senior salary to any member. A principal council member in receipt of a senior salary as leader or executive member of a local authority (determined as full-time by the Panel) may not receive a second salary as a member appointed to serve on a National Park authority or a Welsh fire and rescue authority.

16(a). Paragraph 16 does not apply to payments made to a chair of a Joint Overview and Scrutiny Committee or Sub Committee who is in receipt of a senior salary for a role that is not classified as full time equivalent. It continues to apply to leaders or members of the executive.

17. Where a member does not have, throughout the year specific responsibilities that allow entitlement to a senior salary, that member's payment is to be such proportion of the salary as the number of days during which that member has such special responsibility bears to the number of days in that year.

18. Where a member is suspended or partially suspended from being a member of the authority (Part 3 of the 2000 Act refers) the authority must not make payments of the member's senior salary for the duration of the suspension (Section 155(1) of the Measure) If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the basic salary.

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

19. A relevant authority must provide for the payment of a fee to a co-opted member as determined by the Panel in its Annual or Supplementary Reports. In relation to this regulation co-opted member means a member as determined in Section 144(5) of the Measure and set out in paragraph 2 of these regulations.

20. Where a co-opted member is suspended or partially suspended from an authority (Part 3 of the 2000 Act refers) the authority must not make payment of a co-opted member fee for the duration of the suspension (Section 155(1) of the Measure).

### **Allowances**

#### **Care allowances**

21. Authorities must provide for the payment to members and co-opted members of an authority an allowance ("care allowance") in respect of such expenses of arranging the care of children or dependants as are necessarily incurred in carrying out official business as a member or co-opted member of that authority. Payments under this paragraph must not be made:

- In respect of any child over the age of fifteen years or dependant unless the member/co-opted member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of the duties of a member or co-opted member.
- To more than one member/co-opted member of the authority in relation to the care of the same child or dependant.
- Of more than one care allowance 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 care allowance 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 care allowance payable to that member/co-opted member in receipt of the responsibilities or duties from which that member/co-opted member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

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

### **Travel and subsistence allowances**

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

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

26. Payment of a subsistence allowance to a local authority member for the performance of official business within the boundaries of a county or county borough where s/he is a member should only be made when the authority is satisfied that it can be justified on economic grounds. This does not apply in respect of co-opted members of a local authority who live outside that authority.

27. A local authority **may** make provision, subject to any limitations **it thinks fit**, for members to claim mileage expenses for official business in connection with constituency or ward responsibilities where they arise out of the discharge of the functions of the county or county borough.

28. Where a member or co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers), travelling and subsistence allowances payable to that member/co-opted member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).

### **Part 3: Further Provisions**

#### **Pensions**

29. Under Section 143 of the Measure, the Panel may make determinations in respect of pension arrangements for local authority members in its Annual or Supplementary Reports. Such determinations may:

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

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

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

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

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

### **Arrangements in relation to Family Absence**

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

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

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

33. An authority must require that such part of a salary, allowance or fee be repaid where payment has already been made in respect of any period during which the member or co-opted member concerned:

- Is suspended or partially suspended from that member's/co-opted member's duties or responsibilities in accordance with Part 3 of the 2000 Act or regulations made under that Act.
- Ceases to be a member or co-opted member of the authority.
- Or in any way is not entitled to receive a salary, allowance or fee in respect of that period.

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

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

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

### **Interpretation**

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

### **Allowances**

36. Allowances:

- a) The council can if it so determines make an annual payment to members in respect of costs incurred in carrying out the role of a member. The maximum amount payable will be set out in the Annual or Supplementary Report of the Panel.
- b) The council can if it so determines make payments to members in respect of costs of travel for attending approved duties outside the area of the council. The amounts claimable will be set out in the Annual or Supplementary Report of the Panel.
- c) The council can if it so determines reimburse subsistence expenses to its members when attending approved duties outside the area of the council. The arrangements for reimbursement will be set out in the Annual or Supplementary Report of the Panel.
- d) The council can if it so determines pay an Attendance Allowance to its members for attending approved duties outside the area of the council. The Allowance will be set out in the Annual or Supplementary Report of the Panel.
- e) The council can if it so determines pay a Financial Loss Allowance to its members where such loss has occurred for attending approved duties outside the area of the council. The Allowances will be set out in the Annual or Supplementary Report of the Panel.
- f) The council can if it so determines pay an allowance to the chair or mayor of the council for the purposes of undertaking the role of that office. The allowance will be set out in the Annual or Supplementary Report of the Panel.

37. A member is not entitled to more than one Attendance Allowance in respect of any period of 24 hours or if that member claims a Financial Loss Allowance for the same period.

38. A member may elect to forgo any part of an entitlement to an allowance under these Regulations by giving notice in writing to the proper officer of the council.

39. A member making a claim for Attendance or Financial Loss Allowance 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.

40 “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 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**

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

### **Claims**

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

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

### **Avoidance of duplication**

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

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

45. An authority must keep a record of the payments made in accordance with these regulations. Such record must:

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

## **Publicity requirement (paragraph 48 applies only to principal councils)**

(The required content of Publicity Requirements is given at Annex 4.)

46. An authority must, as soon as practicable after determining its Schedule of Remuneration for the year under these regulations and any Report of the Panel, and not later than 31 July of the year to which the Schedule refers, make arrangements for the schedule's publication within the authority's area. (This section does not apply to community and town councils).

47. As soon as practicable and no later than 30 September following the end of a year an authority must make arrangements for the publication within the authority's area, the total sum paid by it to each member/co-opted member in respect of basic salary, senior salary, co-opted member fee, care, travel and subsistence allowances.

48. In the same timescale and in the same manner, a local authority must make arrangements for the publication of any further remuneration received by a member nominated or appointed to another relevant authority.

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

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

50. 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**

51. 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.

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## 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:
  - a. Named members who are to receive only the basic salary.
  - 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.
  - e. Named members who are to receive the co-opted member fee and whether chair or ordinary member.
  - f. Named members who are to receive a senior salary as a chair of a joint overview and scrutiny committee or sub committee.
2. Amendments made to the Schedule during the municipal year must be communicated to the Panel as soon as it is practicable.
3. Principal councils must confirm in their annual Schedule that the maximum limit of senior salaries set for the council has not been exceeded.
4. Principal councils, NPAs and FRAs must include a statement of allowable expenses and the duties for which they may be claimed for care, travel and subsistence in their annual Schedule which is in accord with the Panel's determinations.
5. The Schedule must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of the relevant authority (IRPW Regulation 35); arrangements for making claims for care, travel and subsistence expenses (IRPW Regulations 24 and 36-37); arrangements for the avoidance of duplication (IRPW Regulation 38) and arrangements for re-payment of salaries, allowances and fees (IRPW Regulation 33). This schedule must also include the duties for which members and co-opted members are able to claim travel, subsistence and care allowances.
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.
  - Annual reports are prepared by councillors, and published on the council website.

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.

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## Annex 4: Publicity requirements

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

Relevant authorities must make arrangements for the publication within the authority area of the remuneration received by its members and co-opted members. This information must be published no later than 30 September following the end of the year to which the payments relate. The following information must be provided:

- a. The amount of basic salary, senior salary, civic salary and co-opted member fee paid to each named member/co-opted member of the relevant authority, including where the member had chosen to forego all or part of the salary, or fee for the municipal year in question. Where a Senior Salary has been paid, the title of the senior office held is to be provided.
- b. The payments made by community and town councils to named members as:
  - i. Attendance Allowance.
  - ii. Financial Loss Allowance.
  - iii. Payments for costs incurred in respect of telephone usage, broadband etc.
  - iv. Allowances made to a mayor/chair and deputy mayor/chair.
- c. All care, 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.
- e. Named 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.

## Annex 5: Supplementary Report - Joint Overview and Scrutiny Committees



Our Ref: qA900196

To:  
Leaders and Chief Executives of County and County Borough Councils  
Leader and Chief Executive of Welsh Local Government Association  
Head of Democratic/Members Services of County and County Borough Councils

19 July 2013

Dear Colleagues

### **SUPPLEMENTARY REPORT – JOINT OVERVIEW AND SCRUTINY COMMITTEES – REMUNERATION – JULY 2013**

1. This constitutes a Supplementary Report of the Independent Remuneration Panel for Wales (the Panel) in accordance with Section 147 of the Local Government Measure (Wales) 2011 (“the Measure”) and relates to matters of remuneration for Joint Scrutiny and Overview Committees.
2. The Welsh Government issued the Regulations and Statutory Guidance for Local Authority Joint Overview and Scrutiny Committees (JOSCs) in May 2013. The Panel published a draft Supplementary Report on the 15<sup>th</sup> March 2013 for comments by 14<sup>th</sup> May. Three responses have been received and these have been considered by the Panel. The current Remuneration Framework has to be amended to provide for payment to the Chairs of JOSCs and to determine the appropriate level of payment and any other matters of remuneration.
3. The Panel has considered the following issues:
  - a) Whether a chair of a JOSC should be eligible for payment:

The panel considers that it is appropriate for such payments to be included within the framework but the decision whether to make a payment is a matter for each JOSC or its constituent councils

b) The appropriate level of remuneration for a chair of a JOSC:

As there is no information at this point regarding the responsibility of holders of such posts or whether this will vary according to the specific functions of different JOSCs, the only comparison is the chair of scrutiny of individual councils,

c) Which local authority should be responsible for the payment:

This must fall to the council of which the chair is a member. However, the manner in which costs may be apportioned is a matter for the authorities involved in the joint arrangements.

d) Should the remuneration of JOSC office holders count against the maximum proportion of members a council is allowed to pay a senior salary:

It would be inequitable and act as a disincentive if senior salaries for office holders of JOSC had to be contained within the authority maximum, so they will be additional and relate specifically to the individual JOSC. However, this cannot apply to Merthyr Tydfil and the Isle of Anglesey Councils where the current maximum is 50% (the maximum set by the Measure) so JOSC office holders from these two councils will have to be contained within their maximum. Should this situation arise, the Panel will be providing advice to Welsh Ministers in respect of the powers contained in section 142(5) of the measure.

e) Can a member who is in receipt of a senior salary for a post in his/her authority receive payment as chair of a JOSC:

The regulations prohibit a member of a local authority executive from chairing a JOSC. So this issue could only arise if the member was in receipt of a senior salary for a post falling within Bands 3 or 4 (which are not classified as full time) of the Panel's Framework. The general principle of the Panel is that members can only receive one senior salary from their authority even if they carry out more than one remunerable role. However, members who are not remunerated on a full time basis are able to claim a salary (including a senior salary from a National Park Authority or a Fire and rescue authority).

The Panel considers that a similar approach should be taken in respect of specific office holders of JOSCs and it would be reasonable for a supplement to be paid in such cases. It is proposed that this is set at 50% of the Band 3 responsibility element (senior salary minus basic salary). This is £4368 p.a.

f) Should chairs of sub committees of JOSCs be remunerated:

The draft regulations provide for sub committees to be established but reports and recommendations are subject to the approval of the JOSC. The sub committee is required to appoint a chair from among its members. The Panel considers it is reasonable for a chair of a sub committee to be eligible for payment but at a level that reflects a lesser responsibility. This is to be set at 50% of the salary of the Chair of the JOSC, £4368 p.a. For a member who is in receipt of a senior salary this is to be reduced by 50% to £2184 p.a.

In cases where the sub committee is set up on a task and finish basis the payments should be pro rated according to the duration of the task.

g) Deputy chairs of JOSCs and deputy chairs of sub committees of JOSCs will not be remunerated.

h) Co-optees:

The draft regulations allow for the co-option of additional members by JOSCs or sub committees. Normally, these co-optees will not have voting rights. The Remuneration Framework is clear that only co-optees with voting rights are eligible for a fee, therefore they would not be eligible for the payment of a co-optee fee.

4. The Panel has therefore decided that:

### **Determinations**

i) (a) The chair of a Joint Overview and Scrutiny Committee is eligible for a salary equivalent to Band 3 of the Remuneration Framework set at £8735 per annum.

(b) In cases where the Chair is already in receipt of a senior salary for a Band 3 or 4 role the payment is set at £4368 per annum

ii) (a) The chair of a sub committee of a Joint Overview and Scrutiny Committee is eligible for a salary set at £4368 per annum.

(b) In cases where the chair of the sub committee is already in receipt of a senior salary for a Band 3 or 4 role the payment is set at £2184 per annum.

(c) Payments to chairs of task and finish sub committees are to be pro rated to the duration of the task.

iii) Payments to a chair of a JOSC or a chair of a sub committee of a JOSC are additional to the maximum proportion of the authority's membership eligible for a senior salary. This does not apply to Merthyr Tydfil Borough Council or The Isle of Anglesey County Council and the maximum of 50% will continue to apply.

iv) A deputy chair of a JOSC or sub committee is not eligible for payment.

v) Co-optees to a JOSC or to a sub committee are not eligible for a co-optee fee unless they are co-optees appointed by an authority under section 144 (5) of the Measure.

vi) The Regulations of the Panel are amended as set out in the Annex to this Supplementary Report.

5. The remuneration of chairs of JOSCs (or a sub committee of a JOSC) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is awarded, it must be at the level set out in paragraph 4 of this Report. Individual chairs can forgo part or all of the payment if they so decide.

6. The Panel will review these determinations as the system for JOSCs develops and information and experience of their operation emerges.

Regards

Yours sincerely



Chair  
Independent Remuneration Panel for Wales

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## **CONSEQUENTIAL AMENDMENTS TO THE REGULATIONS OF THE INDEPENDENT REMUNERATION PANEL FOR WALES**

### **Part 1 Interpretation**

Paragraph 2. After Fire and rescue authorities insert:

- Joint Overview and Scrutiny Committees means a committee or sub committee set up by two or more principal councils under the Local Authority (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

### **Part 2 Schedules of member/co-opted member remuneration**

After paragraph 15 add:

15(a) 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.

After paragraph 16 add:

16(a) Paragraph 16 does not apply to payments made to a chair of a Joint Overview and Scrutiny Committee who is in receipt of a senior salary for a role which is not classified as full time equivalent. It continues to apply to Leaders or members of the Executive who are remunerated on the equivalence of full time.

## Annex 6: Draft Supplementary Report - Payments to co-opted members of local authorities



Our Ref: qA900196

To:

Leaders and Chief Executives of County and County Borough Councils  
Chairs and Chief Executives of National Park Authorities  
Chairs and Clerks of Fire and Rescue Authorities  
Leader and Chief Executive of Welsh Local Government Association  
Head of Democratic/Members Services of County and County Borough Councils, National Park Authorities and Fire and Rescue Authorities

1 August 2013

Dear Colleagues

### **DRAFT SUPPLEMENTARY REPORT – PAYMENTS TO CO-OPTED MEMBERS OF LOCAL AUTHORITIES**

1. This constitutes a Supplementary Report of the Independent Remuneration Panel for Wales (the Panel) in accordance with Section 147 of the Local Government Measure (Wales) 2011 (the Measure). It relates to payments made to co-opted members of Principal Authorities, National Park Authorities and Fire and Rescue Authorities, who have the right to vote.
2. During a 10 week period, from March to June 2013 the Panel visited each of the 28 authorities and a significant number of points were raised at these meetings. The Panel will be considering these over the coming months in relation to the next or future Annual Reports. However, issues came to light in respect of payments to co-opted members that the Panel believes should be

actioned in advance of the next Annual Report which will not take effect until Spring 2014.

3. These issues are:

- i) Recognising that the preparation for meetings can be very time consuming but the current Remuneration Framework does not allow this time to be included for payment.
- ii) While co-opted members are entitled to claim travelling expenses, the Framework does not indicate whether travelling time to and from meetings can be counted in the assessment of whether a meeting is a full day or half day for payment purposes.
- iii) Several co-opted members expressed concerns that they were not made aware, in advance whether meetings were scheduled for a half day or a full day. This created difficulties for planning their diaries, particularly if the individual member had other work related activities to be planned. It was suggested that the Monitoring Officer (or other relevant officer) could be authorised to set the appropriate fee in advance having determined the likely time required to deal with the agenda.
- iv) There was a lack of clarity over what constituted a "meeting". The Panel was asked to consider whether it includes other committees or working groups (including task & finish groups) that co-opted members are requested to attend.

4. The Panel has considered these matters and has decided:

**Determinations**

- i) Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
- ii) Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
- iii) The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- iv) Meetings eligible for the payment of fee include other committees and working groups (including task and finish groups) or any other formal meeting to which co-opted members are requested to attend. (pre meetings with officers, training and attendance at conferences are already eligible for payment).

Regards

Yours sincerely



Chair

Independent Remuneration Panel for Wales

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## Annex 7: Letter of clarification



Our Ref: qA991372

To:

Leaders and Chief Executives of County and County Borough Councils

Chairs and Chief Executives of National Park Authorities

Chairs and Clerks of Fire and Rescue Authorities

Leader and Chief Executive of Welsh Local Government Association

Head of Democratic/Members Services of County and County

Borough Councils, National Park Authorities and Fire and Rescue Authorities

19 July 2013

Dear Colleague

### **Letter of Clarification**

The Panel has now completed its visits to all 22 Principal Councils, 3 National Park Authorities and 3 Fire and Rescue Authorities. We are grateful for the welcome we received and for the open and constructive nature of the discussions. Over the next two months the Panel will be considering changes to the present remuneration framework, informed significantly by these discussions. Changes will be presented as determinations in our next Annual Report to be implemented from spring 2014. We will also shortly be circulating a draft Supplementary Report on changes to be implemented concerning Co-opted Members.

We have, however, identified a number of issues relating to salaries and expenses which are already set out in the current framework but which have not yet been properly or fully implemented across every authority. The purpose of this letter is to clarify the Panel's intentions to those who set, claim or process such payments.

These clarifications apply to the current framework of determinations which may be revised in future Annual Reports. The page references relate to relevant paragraphs in the current 2012/13 Annual Report.

1. **Prescribed Salary** (Annex 2 Part 4 Section 34 on page 34): The prescribed salary 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. The term 'member' applies to any individual elected, appointed or co-opted to the authority.
2. **Salary Deductions** (Annex 1 Section 3 paragraph (ix) on page 23): A member must not have any deduction(s) made from her/his salary by the respective authority as a contribution towards those support costs (such as telephones, broadband, postal costs or IT equipment) which the authority considers necessary for the effectiveness and/or efficiency of members.
3. **Payment of Travel Expenses** (Paragraph 27 page 33): It is for each Council to determine its policy for when mileage/travel expenses are appropriate. If an authority has determined that payments are reasonable and in the discharge of official business then such expenses may be paid for journeys made within and/or outside the authority's boundaries. There may be instances where an authority has determined that travel expenses within its boundaries are payable and require a journey to be repeated on consecutive days. Where in such a case it is cost effective and reasonable to reimburse overnight accommodation costs instead of repeated daily mileage expenses then it is permissible to do so.
4. **Overnight Accommodation Cost Limits** (Annex 1 Section 3 paragraph (iii) on page 22): These limits which apply when an individual member claims in arrears for overnight accommodation costs do not apply when the respective authority reserves and pays directly for accommodation.
5. **Schedule of Member Remuneration** (Annex 3 page 39): Clarity as well as openness is required in publishing the Schedule of Member Remuneration. To this end each authority must ensure that the full salary, both basic and senior elements, is shown clearly against each member's record of remuneration.

We would ask that our communications are circulated as a matter of routine to all members: elected, appointed and co-opted.

Yours sincerely



Chair

Independent Remuneration Panel for Wales

Secretariat

Independent Remuneration Panel for Wales  
Room M.05  
First Floor  
Crown Buildings  
Cathay's Park  
Cardiff  
CF10 3NQ

Telephone: 029 2080 1047

E-mail: [irpmailbox@wales.gsi.gov.uk](mailto:irpmailbox@wales.gsi.gov.uk)

The Report is available on our website at:

[www.remunerationpanelwales.org.uk](http://www.remunerationpanelwales.org.uk)

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