



Appendix 1

# Independent Remuneration Panel for Wales

## Annual Report

February 2015



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## Foreword



This is our seventh Annual Report since the Panel was established in 2008 and is the fourth Annual Report since the approval of the Local Government (Wales) Measure 2011 ('the Measure')<sup>1</sup>.

In 2013 we revisited the 22 principal authorities, the 3 national park authorities (NPAs) and the 3 fire and rescue authorities (FRAs) to discuss how our determinations were working in practice and what matters we should address in our Annual Report. This resulted in a number of significant changes to the Panel's remuneration framework in its Annual Report published in February 2014.

In that Report, and in order to enable flexibility at a local level, the Panel introduced the opportunity for principal authorities to apply for specific or additional senior salaries outside the remuneration framework. To date only one application has been received.

This year we decided to undertake further work on the remuneration of civic heads. The Panel circulated a questionnaire and arranged three regional sessions with those officers who provide support to civic heads and their deputies to ascertain the extent of the use of the local flexibility that has now been introduced into our framework and to gather more information about the remuneration of and support to the civic roles.

We also circulated a questionnaire to the clerks of all town and community councils in Wales to establish the extent to which those councils had utilised the determination in our December 2012 Annual Report which allowed them to make a payment to each of their members of a maximum of £100 per year for costs incurred in respect of telephone usage, information technology, consumables etc. Only 11.5% of the 735 councils responded which was very disappointing and meant that the Panel has not been able to establish a clear picture of the use of this permissive arrangement.

Last year the Panel decided, given the very modest relaxation in the constraints on public sector pay and also to prevent a further erosion of relative levels of remuneration, to increase the basic salary for members of principal authorities by 0.9% from spring 2014, and to increase other payments proportionately. This year we have decided that there will be no increase in remuneration in 2015/16 given the continuing constraints on local government spending.

The Panel remains concerned at the inconsistency of support provided to members to enable them to discharge their functions effectively and has made a number of amendments to its previous determinations to ensure there is greater consistency across Wales. We are also concerned that some councillors have not always fully utilised the support that has been provided through the Panel's remuneration framework and urges all those involved to ensure that the Panel's determinations are

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

fully implemented and that individual councillors are encouraged to access all the support available including the Care Allowance.

The Panel has noted reports in the media indicating that a number of local authorities intended to take or had made a decision on behalf of all members not to implement the modest increase in basic salary and other payments. Monitoring Officers have been reminded by the Panel that any such decision would be *ultra vires*, and it appears that no local authority has in fact made such a decision.

The Welsh Government amended the Local Government (Wales) Measure 2011 by inserting section 143A that enables the Panel to take a view on any change to the salary of the Head of Paid Service (normally the Chief Executive or Chief Fire Officer) or anything in the Pay Policy Statement of an authority that relates to this post. The Welsh Government has subsequently issued guidance on this to the Panel.

The Panel has continued to contribute wherever possible through its determinations to enhancing diversity in local government in Wales. It has also taken steps to help broaden the Panel's membership when the opportunity occurs.

The Panel is keenly aware of the way the Welsh Government is progressing the work of the Commission on Public Service Governance and Delivery and will be liaising closely with the Local Democracy and Boundary Commission for Wales in preparation for the implementation of the various Acts that will determine the future shape of local government in Wales.

The Panel's determinations for 2015/16 can be found at Annex 1.

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  
Chair

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## Summary of payments to members and co-opted members of principal councils, community and town councils, national park authorities and Welsh fire & rescue authorities in 2015/16

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

<b>Council</b>	<b>Number of councillors</b>	<b>Number of senior salaries</b>
<b>Group A</b>		
Cardiff	75	19
Rhondda Cynon Taf	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) Following 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 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 Deputy leader	£53,000 £37,000	£48,000 £33,500	£43,000 £30,000
<b>Band 2</b> Other executive	£32,000	£29,000	£26,000
<b>Band 3</b> Committee chairs:		£22,000	
<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>2</sup> As set out in The Local Government (Wales) Measure 2011: Section 142; sub-section 5.

<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	24,000	18,000
b	21,500	16,000
c	19,000	14,000

**Table 4:** Fees for co-opted members (with voting rights) of local authorities (including national park authorities and fire and rescue 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	£7,300
Level 2	£6,000

<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	£5,400
Committee chair (see note i)	£5,400

**Tables 5 & 6 notes**

**(i)** A National Park Authority / Fire & Rescue Authority senior salary can be paid to the chair, deputy chair, and up to two other members.

**(ii)** National Park Authorities and Fire & Rescue Authorities, as in the case of principal councils, 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 seventh Annual Report of the Independent Remuneration Panel for Wales (the Panel), and the fourth published under the requirements of the Local Government (Wales) Measure 2011. 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 the previous limitation of setting maximum limits for member payments and the Panel has been able to use this power of prescription from April 2012. The Measure also extended the Panel's remit to include responsibility for the remuneration of members of National Park Authorities (NPAs), Fire and Rescue Authorities (FRAs) and Community and Town Councils.
- 1.2 The Panel, established by the Welsh Government in 2008, is now in its seventh year. It comprises five members appointed by the then Minister, Richard Penn, John Bader, Anne Abel, Stephen Mulholland and Gregory Owens. Richard Penn is the Panel member appointed as Chair by the Minister and John Bader is the Vice Chair elected by members of the Panel.
- 1.3 In the determinations for this Annual Report the Panel has continued to take into account affordability and acceptability, given the ongoing constraints on local authority budgets.
- 1.4 Although there has been an increase in population throughout Wales, the 2011 census<sup>6</sup> did not indicate that this has been sufficient to move any principal council to a higher population group and the Panel's framework is unchanged in respect of population groups.
- 1.5 As with the Panel's previous Reports, and no less now under the Measure, its determinations on member remuneration are underpinned by a set of principles set out in Section 2 of this Annual Report.
- 1.6 The Panel remains firmly of the view that maintaining the democratic values of local governance is not cost-free. Members of local authorities (including co-opted and appointed members) are there to represent the interests of local people, undertake the governance of local communities, and secure value-for-money public services for local tax-payers through effective scrutiny. 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 people to undertake local governance through their elected, appointed or co-opted roles.
- 1.7 In determining the level of payments to members of local councils, the Panel has sought to meet its principle of '*acceptability*' by ensuring that these are not '*so great as to require a significant diversion of resources from key council priorities*'. But Section 142(8) of the Measure is more explicit on '*affordability*'

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

when it 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.

- 1.8 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 were set at multiples of this annual median salary. In setting these salaries the Panel recognised that there was an unpaid public service contribution.
- 1.9 Given the very modest relaxation in the constraints on public sector pay and also to prevent further erosion of the relative levels of remuneration, the Panel decided last year to increase the basic salary by 0.9% from spring 2014 and other payments were affected proportionately. The Panel considered that this would go a small way to prevent further erosion of the relative value of the basic salary that is paid in recognition of the duties expected of all elected members. This year has seen a continuation of the severe constraints on local government resources with local authorities being forced to reduce expenditure on services to the public. In view of this the Panel has, with some regret, decided not to increase remuneration in 2015/16. This will further compromise the alignment to median gross earnings in Wales that underpinned the basic salary set in 2009. This is a matter that the Panel intends to re-examine at an appropriate time in the future.
- 1.10 In 2013 we decided 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 were working in practice and what matters we should address in the Annual Report 2014. This year we decided to focus on the remuneration of civic heads. The Panel circulated a questionnaire and arranged regional sessions with officers who provide support to civic heads and their deputies to ascertain the extent of the use of the local flexibility that was incorporated into the framework last year and to gather more information about the remuneration of civic heads and deputy civic heads. It is clear that whilst there has been variation between councils in the remuneration of civic heads and their deputies, payment has in the main been aligned to the population group for each council rather than taking the opportunity to assess the responsibilities and workloads involved.

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

- 1.11 We also circulated a questionnaire to the clerks of all town and community councils in Wales to establish the extent to which those councils had utilised the determination in our December 2012 Annual Report that enabled those councils to make a payment to each of their members of a maximum of £100 per year for costs incurred in respect of telephone usage, information technology, consumables etc. There was a very disappointing response, with less than 11.5% of questionnaires completed and returned, so it has not been possible to establish a clear picture of the situation. The Panel will be undertaking additional evidence gathering and will consult again with town and community councils in Wales in 2015 to further develop the remuneration framework that applies to these councils.
- 1.12 The Panel remains concerned at the wide variation and inconsistency of support provided to members to enable them to discharge their functions effectively. The Panel has determined that such support should be provided without cost to the individual elected member. 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. However, the Panel is aware that a number of authorities have not fully implemented the Panel's determinations in this regard and has therefore made amendments to its previous determinations to ensure there is greater consistency across Wales. The Panel is also concerned that councillors have not always utilised the support that has been provided through the Panel's remuneration framework, particularly in respect of the care allowance. In some instances this is because the relevant council officers do not always fully implement the Panel's determinations at a local level, but more often it is because some members are reluctant to claim all that they are entitled to claim in support of their work, particularly the care allowance, because of concerns about the adverse publicity this can attract. The Panel urges all those involved to ensure that the Panel's determinations are fully implemented and that individual members are encouraged to access all the available support, including the care allowance.
- 1.13 The Panel has been concerned at media reports indicating that some local authorities intended to take a decision on behalf of all members not to implement the modest increase this year in basic salary and other payments. The Panel Secretariat wrote to all Monitoring Officers to remind them that any such decision would be *ultra vires*, and it appears that no local authority has in fact made such a decision.
- 1.14 Section 63 of The Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting Section 143A. This requires that any principal council or fire and rescue authority that intends to change the salary of its Head of Paid Service must consult the Panel unless the change is in keeping with changes applied to other officers. Section 143A also enables the Panel to take a view on anything in the Pay Policy Statement of an authority that relates to the salary of the Head of Paid Service (normally the Chief Executive or Chief Fire Officer). The Panel's approach to its use of this

power is set out in Section 11 of this Report and accords with the guidance issued to the Panel by the Welsh Government that can be found at Annex 5.

- 1.15 The Panel has continued to contribute wherever possible to enhancing diversity in local government in Wales through its determinations. It has also taken steps along with the Public Appointments Unit that should help broaden the Panel's membership when the opportunity occurs. The Panel responded to an invitation from the then Minister for Local Government and Government Business to report on its approach to increasing diversity within its membership. The report can be found on the Panel's website<sup>8</sup>.
- 1.16 Section 153 of the Measure empowers the Panel to monitor relevant authorities' compliance with its requirements. An examination of the level of compliance by principal authorities revealed that over half of the councils had significant deficiencies in respect of the requirements relating to the Schedule of Member Remuneration and the publication of remuneration as set out in Annual Reports. Although specific concerns were raised with individual authorities and actions taken to address them, the Panel continues to emphasise the importance of providing accurate and timely information about payments to councillors that can be readily accessed by members of the public. In the spring of 2015 Panel members will be meeting with democratic service officers to discuss measures to achieve improving the consistency and ease of access to this information in the future.
- 1.17 The Panel recognises the importance that Welsh Government places on effective scrutiny as an essential element of the cabinet system of local government. Since the Panel was formed members have visited all principal councils in 2009 and 2013. There is a clear indication that during the period between these visits there have been encouraging developments in the way scrutiny is undertaken although there is inconsistency in the manner it is delivered. The Panel has met with the Welsh Government's Scrutiny Reference Panel and will use the outcomes of that Panel's research to inform future determinations in relation to the scrutiny function.
- 1.18 The Panel is also very aware of the way the Welsh Government is progressing the work of the Commission on Public Service Governance and Delivery and will be liaising closely with the Local Democracy and Boundary Commission for Wales in preparation for the implementation of the legislation that will determine the future shape of local government in Wales.

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<sup>8</sup> <http://wales.gov.uk/docs/dsilg/publications/140926-irp-report-on-local-diversity.pdf>

## **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 underpin 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 be able to communicate its priorities effectively 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. There should be no requirement that resources necessary to enable the discharge of duties are funded from the salary. The Framework provides additional recompense for those who are given greater levels of responsibility.

### **Diversity**

- 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 always take in to account the contribution its framework can make in encouraging the participation of those who are significantly under-represented at local authority level.

### **Accountability**

- 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 electorate in Wales. 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.

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

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

- 3.1 In view of the current public sector funding climate and the increase in the basic salary of 0.9% in our Annual Report February 2014, the Panel has determined there shall be no increase from spring 2015 in the level of basic salary for members of Principal Councils.

**Determination 1: Basic salary in 2015/16 for elected members of principal local authorities shall remain at £13,300.**

#### **Note to Determination 1:**

The Panel originally determined (IRP Annual Report December, 2009) that the payment of basic salary would be aligned to the median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). Given the pressures on public expenditure it was not possible for this alignment to be maintained. The Panel will revisit in a future report the basis on which the basic salary has been determined.

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

- 3.2 The limit on the number of senior salaries payable ('the cap') will remain in place. In 2015/16 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 numbers of council membership eligible for payment of a senior salary

<b>Council</b>	<b>Number of councillors</b>	<b>Number of senior salaries</b>
<b>Group A</b>		
Cardiff	75	19
Rhondda Cynon Taf	75	19
Swansea	72	19
<b>Group B</b>		
Bridgend	54	18
Caerphilly	73	18
Cardiff	74	18
Carmarthenshire	59	18
Conwy	70	18
Flintshire	75	18
Gwynedd	64	18
Neath Port Talbot	50	18
Newport	60	18
Pembrokeshire	73	18
Powys	47	18
Vale of Glamorgan	52	18
Wrexham		
<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 note:**

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 within the designated maximum.

**The senior salary bands**

**Determination 2: The Panel has determined that senior salary levels in 2015/16 for members of principal councils shall remain as set out in table 2.**

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

<b>Basic salary (payable to all elected members) £13,300</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 (if remunerated):		£22,000	
<b>Band 4</b> Leader of largest opposition group <sup>9</sup>		£22,000	
<b>Band 5</b> Leader of other political groups		£17,000	

**Table 2 notes:**

- a. The Panel considers that the leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability and that ‘size of population’ remains a major factor in influencing levels of responsibility and the use of the three population groups (A, B and C) has therefore been retained.
- b. Committee chairs will continue to be paid at Band 3 level, regardless of local authority population size, although an individual authority may determine not to pay particular chairs.

<sup>9</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”.

- c. The Panel is aware of the importance placed by the Welsh Government on the value of the scrutiny function for local democracy and has noted that in total there are currently 89 chairs of scrutiny who receive senior salaries. The Panel believes that this is a clear recognition of the importance of this function and anticipates that this will be maintained.
- d. The stipulation that an opposition group leader or any other group leader must represent at least 10% of the council membership before qualifying for a senior salary remains unchanged.
- e. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group. The range of responsibility and accountability of the leader of the largest opposition group varies across authorities. Nevertheless, the Panel remains of the view that payment for this position is important for local democracy.
- f. The Panel has determined that, if remunerated, a Band 5 senior salary of £17,000 must be paid to leaders of other political groups.
- g. See IRPW Regulations, Annex 2, Part 1(2) for a definition of “*largest opposition group*” and “*other political group*”.

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

- 3.3 The Panel remains of the view that it is appropriate for authorities to set remuneration levels which reflect activity and responsibility rather than population. It has set three levels of civic salary which can be paid by any authority according to local factors for each of these roles. For example, the civic head of a small council may be paid at the highest rate, whilst the civic head of a large council may be paid at the lowest rate, rates of payment to deputy civic heads may be similarly varied. This also allows for civic heads and their deputies in the same authority to be paid at different levels.
- 3.4 A council may decide not to apply any civic salary to the posts of civic head and/or deputy civic head.

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

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

<b>Remuneration of civic heads and deputy civic heads (inclusive of basic salaries)</b>		
	Civic heads	Deputy civic heads
a)	£24,000	£18,000
b)	£21,500	£16,000
c)	£19,000	£14,000

**Table 3 notes:**

- a. The posts of civic head and deputy civic head are not included in the cap (with the exception of Isle of Anglesey and Merthyr Tydfil Councils).
  - b. The Panel's principle that members should not have to pay for the cost of the support (see paragraph 3.22) that is needed to carry out their duties applies also in respect of civic heads. The Panel recognises the range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing. The Panel does not consider it appropriate for councils to expect or require that contributions towards any such provision should be met from the net senior salaries paid to civic heads.
- 3.5. In 2014 the Panel met with those officers who support these roles and further developed its understanding of the way these roles are carried out across Wales.
  - 3.6. 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 this requires the post holder to exemplify and promote good citizenship.
  - 3.7. 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.
  - 3.8. The intention of the civic allowance as defined by sections 22(5) and 24(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.
  - 3.9. 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.

- 3.10 The level of support given, the personal financial outlay and the level of activity during the year of office varies considerably between authorities and the size of authority does not necessarily relate to the commitment required of, or given by, civic heads.
- 3.11 All principal councils have a number of town and community councils within their areas, some of which have active civic heads, and this may have some impact on the workload of the principal council's civic head.
- 3.12 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.

### **Payments to presiding members**

**Determination 4: The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £22,000. This post will count towards the cap.**

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

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

- 3.13 The basic salary, paid to all members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and 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.
- 3.14 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.
- 3.15 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the authority's proper officer to forego all or any element of the payment.

The following must be applied:

- 3.16 An elected member must not be remunerated for more than one senior post within his or her authority (but see section 4 on JOSCs).
- 3.17 An elected member must not be paid a senior salary and a civic salary.
- 3.18 All senior and civic salaries are paid inclusive of basic salary.

- 3.19 If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.
- 3.20 Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed.

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

- 3.21 The Panel remains concerned that there has been wide variation and inconsistency of support provided to members. Some authorities 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. Insufficient support potentially undermines the ability of members to discharge their functions effectively.
- 3.22 The Panel expects that the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable.
- 3.23 The Panel has been requested to give additional guidance in relation to the level of basic IT provision for members of principal authorities. The Panel is of the view that it is necessary for each elected member to have ready use of telephone and e-mail services, and to have electronic access to appropriate information via an internet connection. This comprises the necessary provision for a member to be in proper contact with council services and to maintain contact with those they represent. Many councils in Wales are committed to 'paperless working' and without electronic access a member would be significantly limited in his or her ability to discharge their duties. As indicated above it is the responsibility of each council through its Democratic Services Committee to establish its provision of support based on an assessment of the needs of its members. It would not be appropriate for such facilities only to be available within council offices within office hours. When specific training, additional needs or matters of disability apply, each authority will need to assess any particular requirements of individual members.

**Determination 6: The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.**

**Determination 7: The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.**

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

### **Reimbursement of mileage costs**

3.24 The Panel has determined that there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at 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 in a year by car
5p per passenger per mile	Passenger supplement
24p per mile	Motor cycles
20p per mile	Bicycles

3.25 Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member.

3.26 The Panel notes that the UK Government has announced in its Autumn Statement 2014<sup>10</sup> that travel expenses paid to councillors by their local authority will be exempt from Income Tax and employee NICs. The exemption will be limited to the Approved Mileage Allowance Payment rates where it applies to mileage payments. This change will take effect from 6 April 2015.

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

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

3.28 The Panel noted that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response

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<sup>10</sup> Paragraph 2.61, HM Treasury Autumn Statement 2014

following the publication of their travel costs. This is not the case in those authorities where travel arrangements are made directly by the authority.

### Reimbursement of subsistence costs

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

- 3.29 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 3.30 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.
- 3.31 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 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

**Determination 8: 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. Reimbursement shall only be made on production of receipts from the carer.**

- 3.33 The reimbursement of cost 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. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense. However the Panel urges authorities to promote this allowance and encourage greater take-



up of this support to facilitate increased engagement amongst authority members.

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

### **Entitlement to family absence**

- 3.35 The Regulations relating to Family Absence for elected members of Principal Councils were approved by the National Assembly for Wales in November 2013.

- 3.36 The Panel considered the implications for the remuneration of such members who are given absence under the terms set out in the Regulations and issued a Supplementary Report in March 2014.

The determinations contained in the Supplementary Report are consolidated in this Annual Report and are set out below.

**Determination 9: An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.**

**Determination 10: When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.**

**Determination 11: It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.**

**Determination 12: If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.**

**Determination 13: When an authority agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.**

**Determination 14: The schedule of remuneration must be amended to reflect the implication of the family absence.**

## **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.
- 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:

**Determination 15: 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, £8,700.**

**Determination 16: 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 £4,350.**

**Determination 17: The chair of a sub committee of a JOSC is eligible for a salary of £2,175.**

**Determination 18: 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 £1,090.**

**Determination 19: Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.**

**Determination 20: 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 21: A deputy chair of a JOSC or sub committee is not eligible for payment.**

**Determination 22: 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 The remuneration of chairs of JOSCs (or a sub-committee of JOSCs) is not prescribed and is a matter for the constituent councils to decide whether such a post will be paid. However, if a senior salary is paid, it must be at the level set out in section 4 of this report.

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

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

## **6. Payments to members of national park authorities**

6.1 The Panel has based its determinations on the following key points:

The functions of the national parks have not materially changed since the Panel's visits in 2011 and 2013.

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

### **Basic and senior salaries**

6.2 The Panel has previously determined (in its 2011 Annual Report, and confirmed in its 2014 report) that the role of ordinary members of an NPA warranted alignment to the basic salary of a member of a principal authority and are to be paid for a time commitment of 42 days per year.

6.3 The payment of NPA and FRA chairs is set on the same basis (See Section 7). The remuneration of the chair has been aligned to that part of a Band 3 senior salary received by a committee chair of a principal authority.

6.4 The workload of an NPA chair of development control corresponds to the chair of planning in a principal authority.

6.5 The Panel decided in 2014 to provide local flexibility so that 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 £7,300 or £6,000, commensurate with the duties to be discharged in a particular role.

The Panel has made the following determinations:

**Determination 24: The basic salary for NPA ordinary members should be £3,600 ( $42/156 \times £13,300$ )**

**Determination 25: The senior salary of the chair of an NPA should be £12,300 (£3,600 + £8,700)**

**Determination 26: 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 27: Members must not receive more than one NPA senior salary.**

**Determination 28: An NPA senior salary is paid inclusive of the NPA basic salary.**

**Determination 29: 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 business**

### **Reimbursement of mileage costs**

- 6.6 The Panel has decided that there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at 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 in a year by car
5p per passenger per mile	Passenger supplement
24p per mile	Motor cycles
20p per mile	Bicycles

6.7 Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member.

### Reimbursement of other travel costs

6.8 All other claims for travel must only be reimbursed on production of receipts showing the actual cost, 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.

6.9 The Panel noted that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. This is not the case in those authorities where travel arrangements are made directly by the authority.

### Reimbursement of subsistence costs

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

6.10 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.

6.11 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.

6.12 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 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. Reimbursement shall only be made on production of receipts from the carer. (See Determination 8)
- 6.15 The reimbursement of cost 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. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense. However the Panel urges authorities to promote this allowance and encourage greater take-up of this support to facilitate increased engagement amongst authority members.
- 6.16 Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government 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 Key points that underpin the Panel's determinations for FRA member remuneration in 2015/16 are that:
- The chair has a leadership and influencing role in the authority, and a high level of accountability especially when controversial issues relating to the emergency service arise. In addition to fire authority meetings, all FRAs have committees that include in different combinations: audit, performance management, scrutiny, human resources, resource management as well as task and finish groups and disciplinary panels. As well as attending formal meetings of the authority and committees, members are encouraged to take on a community engagement role, including visiting fire stations.
  - There is a strong training ethos in FRAs. Members are expected to participate in training and development. Induction programmes are available as well as specialist training for appeals and disciplinary hearings.
  - Training sessions often follow on from authority meetings to make the training accessible.

### Basic and senior salaries

- 7.2 The Panel has previously determined that the remuneration of ordinary members of an FRA should be aligned to the basic salary of a member of a principal authority and that the time commitment required is in the region of 20 days per year.
- 7.3 The Panel determined that the remuneration of an FRA chair should be aligned to that part of a Band 3 senior salary that remunerates a committee chair of a principal authority.
- 7.4 The Panel determined that the role of an FRA deputy chair where there is significant and sustained senior responsibility will be aligned with the Band 5 senior salary.

The Panel has therefore determined that:

**Determination 30: The basic salary for FRA ordinary members should be £1,700 (20/156 x £13,300).**

**Determination 31: The senior salary of the chair of an FRA should be £10,400 (£1,700 + £8,700).**

**Determination 32: The senior salary of a deputy chair and chairs of**

**committees of FRAs should be £5,400 (£1,700 + £3,700).**

**Determination 33: Members must not receive more than one FRA senior salary.**

**Determination 34: An FRA senior salary is paid inclusive of the FRA basic salary.**

**Determination 35: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.**

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

### **Reimbursement of mileage costs**

7.5 The Panel has decided there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at 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 in a year by car
5p per passenger per mile	Passenger supplement
24p per mile	Motor cycles
20p per mile	Bicycles

7.6 Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member.

### **Reimbursement of other travel 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.

7.8 The Panel noted that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. This is not the case in those authorities where travel arrangements are made directly by the authority.

## Reimbursement of subsistence costs

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

- 7.9 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 7.10 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.
- 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. (See Determination 8)
- 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. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense. However the Panel urges authorities to promote this allowance and encourage greater take-up of this support to facilitate increased engagement amongst authority members.
- 7.15 Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government 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 principal councils, national park authorities and fire & rescue authorities<sup>11</sup>

- 8.1 The Panel has determined that a daily/half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities. The level of payments is equivalent to the current daily rates for chairs and members of the Welsh Government's Band 2 sponsored bodies.
- 8.2 Authorities can decide on the maximum number of days in any one year for which co-opted members may be paid.
- 8.3 The determinations are set out below:

**Determination 36: Principal Councils, NPAs & FRAs 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)

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

**Determination 37: 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 38: 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 39: 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.**

<sup>11</sup> This section does not apply to co-opted members of community and town councils.

**Determination 40: Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.**

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

**Reimbursement of mileage costs**

8.4 The Panel has decided there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and/or outside the authority's boundaries at 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 in a year by car
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8.5 Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member.

**Reimbursement of other travel costs**

8.6 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.

8.7 The Panel noted that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. This is not the case in those authorities where travel arrangements are made directly by the authority.

**Reimbursement of subsistence costs**

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

- 8.8 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 8.9 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.
- 8.10 There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where 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.
- 8.11 It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24 hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

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

- 8.12 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. (See Determination 8)
- 8.13 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. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense. However the Panel urges authorities to promote this allowance and encourage greater take-up of this support to facilitate increased engagement amongst authority members.
- 8.14 Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government but who may become engaged when awareness of the support available for the costs of care becomes more widely known.

## 9. Specific or additional senior salaries

- 9.1 The Panel has allowed for greater flexibility through the provision for authorities to apply for specific or additional senior salaries that do not fall within the current Remuneration Framework, or which could not be accommodated within the maximum number of senior salaries relating to the authority.

**Determination 41: The Panel has determined to include a provision for development posts within the Remuneration Framework.**

- 9.2 Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:
- a. The total number of senior salaries cannot exceed fifty percent<sup>12</sup> of the membership (this 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 (this cannot be delegated).
  - c. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration.
  - d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

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<sup>12</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 The Annual Report of December 2012 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.
- 10.2 A report published by Professor Michael Woods in 2013 commented that *“there is no comprehensive information available on the extent to which community councils have introduced allowances under the new regulations but anecdotal evidence suggests that uptake has been very limited.”* At that point the Panel’s determinations had only just taken effect. However, the Panel has endeavoured to establish the impact of the determinations in its 2013/14 report by conducting its own survey amongst all 735 councils affected. It asked to what extent the permissive powers had been adopted. A total of 85 councils returned a completed questionnaire which equates to a very disappointing response rate of 11.5%. The Panel will be consulting further in 2015.

The Panel has determined that:

**Determination 42: 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 43: 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.<sup>13</sup> Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:**

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

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<sup>13</sup> Authorities should pay mileage at the prescribed rates to a member who has been a passenger in a vehicle driven by someone else provided the authority is satisfied that a cost has been incurred by the member.

**Determination 44: 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.
- £150 – London overnight.
- £95 – elsewhere overnight.
- £25 – staying with friends and/or family overnight.

**Determination 45: 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.

**Determination 46: 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) above as appropriate for a period exceeding 24 hours.

**Determination 47: 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 Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 were revoked with effect from 1<sup>st</sup> April 2013.**

<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.

- 10.3 For clarity, determinations 42 to 47 are permissive powers that require a formal decision by each community or town council. But where a community or a town council makes such a decision, it must apply to all its members at the levels determined by the Panel. 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.

## **11. Salaries of heads of paid service of principal councils and fire and rescue authorities**

- 11.1 Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting section 143A. This enables the Panel to take a view on anything in the Pay Policy Statements of these authorities that relates to the salary of the head of paid service (normally the chief executive or chief fire officer).
- 11.2 Following a consultation exercise, the Welsh Government issued guidance on this to the Panel in the spring of 2014. The guidance, which can be found at Annex 5, sets the basis on which the Panel will carry out the function contained in the legislation.
- 11.3 In essence the functions of the Panel and the requirements on authorities established by the legislation and the subsequent guidance are:
- a) If a principal council or fire and rescue authority intends to change the salary of the head of paid service it must consult the Panel unless the change is in keeping with changes applied to other officers of that authority (whether the change is an increase or decrease). 'Salary' includes payments under a contract for services as well as payments of salary under an employment contract.
  - b) The authority must have regard to the recommendation(s) of the Panel when reaching its decision.
  - c) The Panel may seek any information that it considers necessary to reach a conclusion and produce a recommendation. The authority is obliged to provide the information sought by the Panel.
  - d) The Panel may publish any recommendation that it makes. It is the intention that, in the interests of transparency, it will normally do so.
  - e) The Panel's recommendation(s) could indicate:
    - approval of the authority's proposal
    - express concerns about the proposal
    - recommend variations to the proposal
- as long as these comply with any guidance issued by the Welsh Government.
- 11.4 The Panel also has a general power to review the Pay Policy Statements of authorities so far as they relate to the heads of paid service.
- 11.5 It is important to note that the Panel will not decide the amount that an individual head of paid service will receive.
- 11.6 The Panel is very aware that this additional function is significantly different

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

- 11.7 Future Annual Reports will include appropriate information on any recommendation(s) made by the Panel in respect of this function during the previous year.

## 12. Compliance with Panel requirements

### The Panel's remit under the Measure

- 12.1 Section 153 of the Measure empowers the Panel to require a relevant authority<sup>16</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.
- 12.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting.

### Monitoring compliance

- 12.3 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.**

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

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<sup>16</sup> Interpretation of "Relevant Authority" provided in the Independent Remuneration Panel for Wales (IRPW) Regulations, Part 1, 'Interpretation'.

## **Annex 1: The Panel's determinations for 2015/16**

- (1)** Basic salary in 2015/16 for elected members of principal local authorities shall remain at £13,300.
- (2)** The Panel has concluded that senior salary levels in 2015/16 for members of principal councils shall remain as set out in table 2.
- (3)** 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.
- (4)** The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 senior salary of £22,000. This post will count towards the cap.
- (5)** The Panel has determined that the post of deputy presiding member will not be remunerated.
- (6)** The Panel has determined that each authority, through its Democratic Services Committee, must ensure that all its members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone and email facilities and electronic access to appropriate information.
- (7)** The Panel has determined that such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and/or efficiency of members.
- (8)** 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.
- (9)** An elected member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
- (10)** When a senior salary holder is eligible for family absence, he/she will continue to receive the salary for the duration of the absence.
- (11)** It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.

- (12)** If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
- (13)** When an authority agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.
- (14)** The schedule of remuneration must be amended to reflect the implication of the family absence.
- (15)** 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, £8,700.
- (16)** 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 £4,350.
- (17)** The chair of a sub committee of a Joint Overview and Scrutiny Committee is eligible for a salary of £2,175.
- (18)** 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 £1,090.
- (19)** Payments to chairs of task and finish sub committees are to be pro-rated to the duration of the task.
- (20)** 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).
- (21)** A deputy chair of a JOSC or sub committee is not eligible for payment.
- (22)** 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.
- (23)** The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
- (24)** The basic salary for NPA ordinary members should be £3,600 ( $42/156 \times £13,300$ )
- (25)** The senior salary of the chair of an NPA should be £12,300 (£3,600 + £8,700)



- (26)** 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)
- (27)** Members must not receive more than one NPA senior salary.
- (28)** An NPA senior salary is paid inclusive of the NPA basic salary.
- (29)** Members of principal councils in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed.
- (30)** The basic salary for FRA ordinary members should be £1,700 ( $20/156 \times £13,300$ ).
- (31)** The senior salary of the chair of an FRA should be £10,400 (£1,700 + £8,700).
- (32)** The senior salary of a deputy chair and chairs of committees of FRAs should be £5,400 (£1,700 + £3,700).
- (33)** Members must not receive more than one FRA senior salary.
- (34)** An FRA senior salary is paid inclusive of the FRA basic salary.
- (35)** Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.
- (36)** Principal Councils, NPAs & FRAs must pay the following fees to co-opted members (Table 4) (who have voting rights).
- (37)** 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.
- (38)** 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).
- (39)** 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.
- (40)** Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.

- (41) The Panel has determined to include a provision for development posts within the Remuneration Framework.
- (42) 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.
- (43) 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.
- (44) 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.
  - £150 – London overnight.
  - £95 – elsewhere overnight.
  - £25 – staying with friends and/or family overnight.
- (45) Community and town councils are authorised to pay an Attendance Allowance 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.
- (46) Community and town councils are authorised to pay a Financial Loss Allowance 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.
- (47) 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.

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

**a) for the remuneration of members and co-opted members of relevant authorities**

**b) for functions relating to the salaries of heads of paid service of local 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 Panel).

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

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

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

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

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

### **Part 1**

#### **General**

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

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

## Interpretation

### 2. In the IRPW Regulations:

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

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

authority; for a national park authority means a member appointed by a constituent authority and also a person appointed by Welsh Ministers; for Welsh fire and rescue authorities means a member appointed by a constituent authority.

- “National Park authority” means a national park authority established under section 63 of the Environment Act 1995.
- “Official business” has the meaning contained in Section 142 (10) of the Measure in relation to the payment of allowances for care, travel and subsistence as reimbursement of expenses necessarily incurred by members and co-opted members of a relevant authority (excluding community and town councils) when:
  - a. Attending a meeting the authority or any committee of the authority or any body to which the authority makes appointments or nominations or of any committee of such a body.
  - b. Attending a meeting of any association of authorities of which the authority is a member.
  - c. Attending a meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities.
  - d. Attending any training or development event approved by the authority or its executive.
  - e. A duty undertaken for the purpose of or in connection with the discharge of the functions of an executive within the meaning of Part 2 of the 2000 Act, as amended.
  - f. A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.
  - g. A duty undertaken in connection with the discharge of any function of the authority to inspect or authorise the inspection of premises.
  - h. A duty undertaken by members of principal councils in connection with constituency or ward responsibilities which arise from the discharge of local authority functions.
  - i. Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.
- “Other political group” means a political group other than a controlling group or the largest opposition group (if any) which comprises not less than ten per cent of the members of that authority.
- “Overview and Scrutiny Committee” means a committee of the authority which has the powers set out in sections 21(2) and (3) of the 2000 Act, as amended by Part 6 of the Measure.
- “Panel” means the Independent Remuneration Panel for Wales as set out in section 141(1) and schedule 2 of the Measure.

- “Pay policy statement” means a statement produced by a relevant authority under section 38 of the Localism Act 2011.
- “Presiding Member” means a member of a principal council who has been designated by that council to carry out functions in relation to the chairing of its meetings and proceedings.
- “Principal council” means a county or county borough council
- “Proper officer” has the same meaning as in section 270(3) of the 1972 Act.
- “Public body” means a body as defined in section 67(b) of the 2013 Act.
- “Qualifying provision” means a provision that makes a variation to a previous decision of the Panel. (Section 65 (c) of the 2013 Act).
- “Qualifying relevant authority” is an authority within the meaning of section 63 of the 2013 Act, required to produce a pay policy statement.
- “Relevant authority” is set out in Section 144(2) of the Measure (as amended) and in section 64 of the 2013 Act and, for the purposes of these Regulations, includes a local authority/principal council, a community or town council, a national park authority and a Welsh fire and rescue authority.
- “Relevant matters” are as defined in Section 142(2) of the Measure.
- “Schedule” means a list setting out the authority’s decisions in respect of payments to be made during the year (as relating to that authority) to all members and co-opted members of that authority.
- “Senior Salary” has the same meaning as set out in paragraph 11 of these Regulations and may be qualified as “Local Authority/Principal council Senior Salary” to refer to the senior salary of a member of a principal council; “National Park Senior Salary” to refer to the senior salary of a member of a National Park authority; or “Fire and Rescue authority Senior Salary” to refer to the senior salary of a member of a Fire and Rescue authority.
- “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 requirements

(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. **(This section applies to all relevant authorities).**
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. **(This section applies only to principal councils).**

## 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.



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

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

In respect of a Principal Council:

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

In respect of National Park and Fire & Rescue Authorities:

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

4. Principal councils, NPAs and FRAs must include a statement of allowable expenses and the duties for which they may be claimed for care, travel and subsistence in their annual Schedule which is in accord with the Panel's determinations.
5. The Schedule must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of the relevant authority (IRPW Regulation 35); arrangements for making claims for care, travel and subsistence expenses (IRPW Regulations 24 and 36-37); arrangements for the avoidance of duplication (IRPW Regulation 38) and arrangements for re-payment of salaries, allowances and fees (IRPW Regulation 33). This schedule must also include the duties for which members and co-opted members are able to claim travel, subsistence and 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. This should be sent to the Panel no later than this date. The Schedule should be published in a manner that provides ready access for members of the public.
8. The Schedule must also be sent to the Panel Secretariat to be received by 31<sup>st</sup> July.

## 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 (including chairs of JOSCs or sub-committees of JOSCs). This information must be published and provided to the Panel 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 or other public body as defined by Section 67 of the Local Government (Democracy) (Wales) Act 2013, namely:
  - a local health board
  - a police and crime commissioner panel
  - a relevant authority
  - a body designated as a public body in an order made by the Welsh Ministers.
- e. Names of members who did not receive basic or senior salary because they were suspended for all or part of the annual period to which the Schedule applies.

# **Annex 5: Guidance to the Independent Remuneration Panel for Wales on the salaries of local authority chief executives**

## **Background**

- 1.1. The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) received Royal Assent on 30 July 2013. Its prime purpose was to reform the structure and functions of what is now known as the Local Democracy and Boundary Commission for Wales. There were, however, other provisions concerning Local Government and related issues. They included:
  - Allowing Principal Councils to appoint Presiding Members to chair their meetings, in preference to the traditional civic chair or mayor;
  - Enabling Local Authorities to promote or oppose private Bills in the National Assembly, rather than Parliament, if it is the appropriate legislature;
  - Requiring Town and Community Councils to publish information on the Internet;
  - Amending provisions within the Local Government (Wales) Measure 2011 (“the 2011 Measure”) relating to remote attendance at Council meetings and the constitution of audit and democratic services committees, and
  - Enabling Local Authorities to establish joint standards committees.
- 1.2. In addition, the responsibilities of the Independent Remuneration Panel for Wales (“the Panel”) within the 2011 Measure were amended by the 2013 Act in a number of ways but particularly in relation to the pay of Heads of Paid Service of certain Local Authorities.
- 1.3. Heads of Paid Service are statutory posts introduced under the Local Government and Housing Act 1989. Principal Councils and some other Local Authorities are required to designate one of their officers as the Head of Paid Service. This is usually the Council’s Chief Executive Officer. This officer is required to advise the Council with respect to the discharge of its functions and as to the number and organisation of its staff. For the purpose of this guidance, the term Chief Executive (“CEO”) is to be considered as a reference to the Head of Paid Service and/or a Chief Fire Officer.

## **The Panel’s responsibilities in relation to CEO pay**

- 2.1. Section 63 of the 2013 Act amends the 2011 Measure by inserting a new section 143A. Sections 141 to 160 of the 2011 Measure deal with Local Authority members’ payments and pensions and the powers of the Panel in relation to them. The new section 143A enables the Panel to take a view, in relation to Principal Councils and Fire and Rescue Authorities (FRAs), on anything in their Pay Policy Statement (PPS) which relates to the salary of their CEO. For the purpose of this guidance, salaries include payments made by a relevant Authority to a Head of Paid Service who is not an employee of the Authority under a contract for provision of services, as well as payments of salary made to an employed Head of Paid Service under an employment contract. The Panel’s power to do so, however, is related only to Authorities which must produce Pay Policy Statements (Principal Councils and FRAs).

Section 64 of the 2013 Act, which enables Welsh Ministers to specify a public body which could be added to the Panel's responsibilities, does not apply in relation to Chief Executives' pay.

- 2.2. Pay Policy Statements are a requirement under the Localism Act 2011 (sections 38 to 43), to be published on an annual basis. The purpose of the statement is to provide transparency with regard to a Local Authority's approach to setting the pay of its employees, by identifying the methods by which salaries are determined. In particular, it must include:
  - a) Policies on all aspects and elements of the remuneration of Chief Officers;
  - b) The approach to the publication of, and access to, information relating to all aspects of the remuneration of Chief Officers;
  - c) The Council's policy on the remuneration of its lowest paid employees;
  - d) The relationship between the remuneration of its Chief Officers and other employees.
- 2.3. The Welsh Government has issued guidance to Local Authorities on this matter.  
[\[http://wales.gov.uk/topics/localgovernment/finandfunding/publications/payaccount/?lang=en\]](http://wales.gov.uk/topics/localgovernment/finandfunding/publications/payaccount/?lang=en).
- 2.4. Pay Policy Statements (PPSs) are designed to cater for decision-making in relation particularly, to the pay of Chief Officers and the lowest paid staff. The position of Welsh Government, expressed in the PPS guidance, is decision-making on PPSs takes place in public, is open to scrutiny and is subject to a vote of all Council Members. This is reinforced by the Local Authorities (Standing Orders) (Wales) Regulations 2014, which the Welsh Government proposes to revise to require a Principal Council to advertise publicly where it proposes to appoint a Chief Officer and the remuneration it proposes to pay in respect of that role is £100,000 per annum or greater.
- 2.5. Section 63 of the 2013 Act goes on to say the Panel may make recommendations in respect of any proposal to change the salary of a Chief Executive. Principal Councils and Fire and Rescue Authorities are obliged to have regard to any recommendation the Panel makes in relation to what is in their PPS concerning Chief Executives' pay.
- 2.6. Should a Principal Council or FRA wish to change the salary of their CEO, they will have to consult the Panel, unless the change being considered is commensurate with a general pay increase or cut for other officers. (For the purposes of section 63 of the 2013 Act, "salary" includes payments made to a CEO under a contract for services as well payments of salary under an employment contract). The Council or FRA must have regard to the Panel's recommendation when reaching their decision.
- 2.7. The Panel may request any information they need to assist them to reach a conclusion on the matter and the Council/FRA will be obliged to provide it. The Panel may publish any recommendation they decide to make.

- 2.8. The Panel's recommendation could express approval of the Local Authority's proposal, express criticism of or concerns about the proposal, or recommend variations of the proposals but it cannot make any recommendations without taking into account this guidance issued by the Welsh Government.

### **The Panel's deliberation**

- 3.1. When considering the issue of Chief Executives' salaries, it is important the Panel fully appreciates they are in a fundamentally different position to that in relation to the remuneration of Members of Local Authorities. In the latter situation, the Panel are the final arbiters in the matter. The Panel has the power to set precisely what a member of a Local Authority should receive, unless it confines itself to setting maxima instead. However, even in this situation it is the Panel, not the Local Authority or Welsh Government, who has the power to make the decisions.
- 3.2. In contrast, in relation to Chief Executives, the Panel's role is limited to taking a view and making a recommendation. Although the Local Authority/Authorities concerned must have regard to this opinion, they are not obliged to follow it. It is true other legislation will require any such decision to be made through a vote of full Council. It is also the case the decision would be open to scrutiny, not only by the Authorities' internal scrutiny processes, but also by external regulators such as the Wales Audit Office. The Authority would need to explain why they did not agree with the Panel's recommendation, if that is what has occurred.
- 3.3. Nevertheless, the Panel does not decide what an individual Chief Executive is paid. This should avoid any need for the Panel to be pulled into negotiations with Trade Unions or professional associations, for instance. Although one cannot rule out the possibility of a legal challenge to a recommendation by the Panel, it is less likely because of the indirect nature of the Panel's relationship to the final decision.
- 3.4. The Panel is being asked to use its own experience and expertise to arrive at a recommendation in each case that arises. Local Authorities are required to provide the Panel with any information it may reasonably require in reaching a conclusion and that provides the Panel with considerable power to gather necessary information. The sort of information the Panel may require could include the following:
- Papers or reports prepared by the Authority in relation to the matter;
  - Reports or other information provided to the Authority by any consultancy, Trade Union or professional association;
  - Details of the total package available, or under consideration, for the Chief Executive. This could include the length of contract on offer, pension arrangements, severance package, returning officer fees, performance bonuses, provision for annual and other leave, payment in kind (i.e. cars) and relocation costs;

- Information concerning the remuneration on offer to other Local Authority Chief Executives. (*Note: the Panel are not restricted to only requiring information from the local authority considering a variation in salary*).
- 3.5. It is also likely the Panel would wish to take into account more general data relating to prices and incomes, which they may well have available through its relevance to the remuneration of Local Authority members.
  - 3.6. The legislation does not restrict the Panel to a purely reactive role. If it wished, the Panel could use its power to make recommendations relating to provisions within Local Authorities' PPSs irrespective of any proposal to vary the pay of a Chief Executive provided the recommendation "related to" the salary of the Chief Executive. The Panel would, however, need to consider whether it had the time and resource to carry out such an exercise and bear in mind the policy driver behind the provisions in the 2013 Act was related to control over what were viewed as unacceptable decisions in relation to pay increases. Exercising the power in a way that was inconsistent with its purposes, could give rise to legal challenge. However, it does mean any individual or organisation could refer an issue concerning the Chief Executive's pay to the Panel for its consideration and the Panel could decide to act on that reference if it felt it necessary.
  - 3.7. The Panel needs to be consulted if there is a downward variation being proposed for a Chief Executive's pay (unless, as in the case of an increase, it is commensurate with a general approach to officers pay in that Authority). The Panel is likely to take the same type of evidence requirements into account.
  - 3.8. Finally, what factors should the Panel take into account in reaching a recommendation? It is for the Panel to make its own assessment of what factors are relevant to the exercise of its discretion in any particular case and how much weight is to be given to them. However, the following paragraphs cover what Welsh Ministers consider to be key factors to be taken into account by the Panel.
  - 3.9. When recruiting Chief Executives, public sector bodies are obliged to consider what remuneration will be required to recruit and retain the most suitably qualified persons. That is why there is often a large differential between the highest paid individual officer at Chief Executive level and the next level within an Authority. Particularly in relation to Chief Fire Officers, the Panel needs to recognise the professional expertise required for the post and will need to refer to the National Joint Council for Brigade Managers of Local Authority Fire and Rescue Services ("the Gold Book").
  - 3.10. The Panel will need to be sensitive to this but also take a balanced approach. Public acceptability is a legitimate factor for the Panel to take into account, but it should not be given undue weight. Although perceived excesses in remuneration of politicians and public officials have given rise to public controversy, it is understandable any significant increase in pay for an already

well-paid post may be criticised at a time when economic circumstances are difficult for many families.

- 3.11. Salary levels for Chief Executives within comparable Local Authorities need to be taken into account. In addition, there is a tendency to set arithmetic limits on the differential between the highest and lowest paid staff in an organisation, as well as the differential between the highest and second highest paid. It will be for the Panel to decide whether to take cognisance of this and how much weight to give it.
- 3.12. The Panel will also be able to take into account whether the salary under consideration is reasonable for the area concerned.
- 3.13. In conclusion, the Panel will want to satisfy itself the Local Authority concerned has made a clear business case for a proposed change and examined the options. The view of the Panel should be taken at the end, not the beginning of the process, in order that the Panel is able to see all the evidence the Authority has taken into account in making their proposal. This will be particularly important when an urgent appointment is being considered. If the Panel's view is required quickly, it will need to have all the background information readily available.





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