

Committee: The Chair & Members of the Democratic Services Committee

Date of meeting: **9th November 2020**

Report Subject: **Draft Report of the Independent Remuneration Panel for Wales 2021/22**

Portfolio Holder: **Councillor N.J. Daniels**

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Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
x	x			x			x	

1.0 Purpose of the Report

1.1 To inform Members of the proposals contained within the draft report of the Independent Remuneration Panel for Wales for 2021/22.

2.0 Scope and Background

2.0.1 The report considers the main proposals included within the 2021/22 draft report of the Independent Remuneration Panel for Wales (the Panel) as they relate to Blaenau Gwent County Borough Council.

2.0.2 The Local Government (Wales) Measure 2011 extended the responsibilities of the Independent Remuneration Panel for Wales (the Panel) and its powers under Section 142 to decide (prescribe) payments to members of relevant authorities.

2.0.3 On an annual basis the Panel publish its report on Members remuneration. The draft annual report for 2021/22 (attached at Appendix 1, point 7.2 – published October 2020) details the determinations for the upcoming year.

2.0.4 Although the draft IRPW report is in respect of the Panel’s determinations for 2021/2022, the consideration has inevitably been influenced by the impact of the coronavirus pandemic. The ongoing issues affect the operation of all local authorities and will continue to do so for the foreseeable future.

2.0.5 As with all the Panel’s Annual Reports the determinations on member remuneration are underpinned by the principles set out within Section 1 of the report within appendix 1. In May 2020 the Panel published a Supplementary Report that set out specific principles relating to the provision of financial support for care needs. These are incorporated in Section 10 of appendix 1 and will be included in future Annual Reports.

2.1 **Basic & Senior Salaries**

2.1.1 The Panel remains aware that the key activities required of an elected member of a principal council vary. Duties undertaken should enable all members to discharge their core non-executive responsibilities in the governance of their council and in representing those living in their ward.

Despite the pandemic, Panel members continue meeting with the Chairs of Democratic Services Committees, their officers and councillors. The Panel has also, through varied correspondence with councils and individual council members and others, maintained its ongoing dialogue. The position generally expressed by councillors and officers remains that the basic workload discharged by all elected members is substantial and exceeds 3 days per week.

2.1.2 When making financial determinations for the draft Annual Report, the Panel has considered the progression of the variety of benchmark figures for the period from 2012 to 2020. Any adjustments in recent years have been in keeping with the Panel's principle that its determinations should be affordable and acceptable. This principle is maintained in the proposed increase for 2021/2022 an increase in the basic salary of elected members of £150.

2.1.3 This salary shall be paid by each principal authority in Wales from 1 April 2021 to each of its elected members unless any individual member opts personally and in writing to receive a lower amount

2.2 **Executive**

2.2.1 Many Councils operate with a cabinet (Executive) of 10 (the statutory maximum) others choose to have a smaller cabinet and the range of individual portfolios is much greater. The Panel's previous determinations contained flexibility for each council to decide the appropriate range of portfolios to meet local needs and to adjust payments within the Executive to reflect responsibility.

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

2.3 **Chairs of Committee**

2.3.1 There is a significant difference in the responsibilities and functions of chairing different committees. Councils do not have to pay chairs of committees and it is a matter for each council to decide which, if any, are remunerated. This allows councils to take account of differing levels of responsibility.

2.3.2 Where chairs of committees are paid then the remuneration for 2021/22 will be £23,161.

2.3.3 Payment of basic & senior salaries for 2021/22 are therefore:-

	2020/21 £	2021/22 £
Basic Salary	14,218	14,368
Senior Salaries		
Leader	44,450	44,921
Deputy Leader	31,450	31,783
Executive Members	27,450	27,741
Committee Chairs	22,918	23,161
Leader of Largest Opposition Group	22,918	23,161
Leader of other political groups	17,918	18,108

2.4 **Leader of Largest Opposition Group**

2.4.1 The Panel remains of the view that a council must make a senior salary available to the leader of the largest opposition group and has determined that this role should be remunerated at £23,161.

2.5 **Civic Heads and Deputies**

2.5.1 The Panel had previously allowed councils to vary salaries of civic heads and deputy civic heads to reflect the specific responsibilities attached to the roles. However, Councils strongly expressed to the Panel that elected members do not wish to make decisions and as such, the choices and options were removed in 2019.

In the case of civic salaries, if paid, the payment for Band 3 is set at £23,161 for a civic head and at the Band 5 salary of £18,108 for a deputy civic head (Determination 3). A council may decide not to apply any civic salary to the posts of civic head and or deputy civic head.

2.6 **Presiding Member**

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

2.7 **Specific or additional senior salaries**

2.7.1 Councils can apply for specific or additional salaries that do not fall within the current Remuneration Framework or which could not be accommodated within the maximum number of senior salaries.

2.8 **Job Share Arrangements**

2.8.1 Some Councils have also raised the possibility of operating some senior salary posts on a 'job share' arrangement. The Panel is supportive of this principle and have determined that:-

- For members of an executive each 'share' will be paid 50% of the appropriate salary
- The Statutory maximum for cabinets cannot be exceeded and both job sharers will count towards the maximum

- It is the number of persons in receipt of a senior salary, not the number of senior salary posts that count towards the cap
- The Panel must be informed of the details of any job share arrangements

2.9 **Supporting the Work of Elected members**

2.9.1 The Panel expects the support provided should take account of the specific needs of individual members. The functions of Democratic Services Committees include a requirement to review periodically the level of support provided to members to carry out their duties and the Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is considered to be reasonable. Any proposals should be made with due regard to Determinations 9 and 10 of the report.

2.9.2 The Panel considers it is necessary for each elected member to have ready use of e-mail services, and electronic access to appropriate information via an internet connection. The Panel does not consider it appropriate that elected members should be required to pay for internet related services to enable them to discharge their council duties as a ward member, committee member or cabinet member.

Councils are committed to 'paperless working' and without electronic access members would be significantly limited in their ability to discharge their duties. It is not appropriate for facilities required by members to be available only within council offices within office hours.

2.9.3 The responsibility of each council through its Democratic Services Committee to provide support should be based on an assessment of the needs of its members. When members' additional needs or matters of disability apply, or there are specific training requirements indicated, each authority will need to assess any particular requirements of individual members.

2.10 **Key Factors underpinning the Panel's determinations**

2.10.1 The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance for the time equivalent of three days a week. Any time commitment beyond three days is an unpaid public service contribution.

2.10.2 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the authority's proper officer to forego all or any element of the payment. It is fundamental there is transparency in this process so any possible suggestion that members are put under pressure to forego some of the salaries is avoided.

2.10.3 The following must be applied:
Determination 6:

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

Determination 7: Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any National Parks Authority or Fire Rescue Authority to which they have been appointed. They remain eligible to claim travel and subsistence expenses and reimbursement of costs of care.

Determination 8: Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member other than travel and subsistence expenses and reimbursement of costs of care.

2.11 **Reimbursement of Mileage, Other Travel & Subsistence Costs**

2.11.1 The Panel has determined there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and or outside the authority's boundaries at the current HM Revenue and Customs (HMRC) rates which are:-

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

2.11.2 The Subsistence rates will be as follows, these rates are in line with Welsh Government Rates:-

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

2.11.3 Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the Authority, in which case the authority may set its own reasonable limits. – we would not normally divert from these levels.

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

2.12.1 The purpose of this section is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel believes that additional costs of care required to carry out approved duties should not deter any individual from becoming and remaining a member of an authority or limit their ability to carry out the role. The Panel has adopted specific principles related to support for the costs of care which were the subject of a Supplementary Report published in February 2020.

2.12.2 The Panel has reviewed the arrangements for this financial support and proposes the following changes:

- a) As payments are taxable under the current HMRC rules, full reimbursement is not possible so for clarity this will be retitled to “Contribution towards the costs of care and personal assistance”. It will still require receipts to accompany claims.
- b) Claims can be made in respect of a dependant under 16 years of age, or a minor or adult who normally lives with the member as part of their family and who cannot be left unsupervised.
- c) Clarification in respect of a member’s own care or support needs: Reimbursement may be claimed where the support and or cost of any additional needs are not available or are not met directly by the authority such as Access to work, Personal Payments, Insurance. These could arise when the needs are recent and or temporary

2.12.3 Members, including co-opted members are entitled to claim towards the costs of care and personal assistance, for activities that the individual council has designated official business or an approved duty which might include appropriate and reasonable preparation and travelling time. It is a matter for individual authorities to determine specific arrangements to implement this; each authority must ensure that any payments made are appropriately linked to official business or approved duty.

2.12.4 The Panel has reviewed the maximum monthly payment in recognition that this has not changed for several years. Information indicates that monthly costs and claims vary considerably. These can depend on the number of dependants, their ages and other factors. Therefore the monthly cap will be replaced with the following arrangements:

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

For clarification, care costs cannot be paid to someone who is a part of a member’s household. Reimbursement shall only be made on production of receipts from the carer.

- 2.12.5 Within Annex 2, point 2, paragraph 22, the draft report states, “*The maximum amount of the cost of care payable by an authority is to be determined by the Panel in its Annual or Supplementary Reports*”

Point 2.12.4 above has superseded this cap and the IRPW has confirmed they will amend the final report once the panel has taken into account the consultation responses.

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

2.13 **Entitlement to Family Absence**

- 2.13.1 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.

- 2.13.2 When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.

- 2.13.3 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.

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.

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

2.14 **Sickness Absence for Senior Salary Holders**

- 2.14.1 The Family Absence Regulations are very specific relating to entitlement, absence for reasons of ill health is not included. The Panel has considered this and is amending the framework to provide specific arrangements for long term sickness of Senior salary holders.

- 2.14.2 A senior salary holder on long term sickness can, if the authority decides, continue to receive remuneration for the post held (the maximum length of sickness absence is proposed as 26 weeks or until the individual's term of office ends).

2.14.3 It will be a decision for the Council whether to make a substitute appointment but the substitute will be eligible to be paid the senior salary appropriate to the post.

2.14.4 If the paid substitution results in the authority exceeding the maximum number of senior salaries payable an addition will be allowed for the duration of the substitution. The Panel must be informed within 14 days of the decision and the authority's Schedule of Remuneration amended accordingly.

2.15 Payments to Co-opted Members

2.15.1 The Panel has determined that a daily/half daily fee remains appropriate remuneration for the role undertaken by co-opted members of the Council as follows:-

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

2.15.2 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.

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

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

2.15.5 Meetings eligible for the payment of fees include other committees and working groups (including task & 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.

2.15.6 The Council can decide on the maximum number of days in any one year for which co-opted members may be paid. Blaenau Gwent County Borough Council has previously decided that 10 days is the maximum.

3. Options for Recommendation

3.1 Democratic Services Committee to consider and agree the Draft IRPW proposals for 2021/2022 prior to Consideration by full Council.

Option 1:

Agree with the determinations set out in the draft IRPW report in Appendix 1 for 2021/2022

Option 2:

Consider each of the determinations contained in the draft IRPW report for 2021/2022 and give comments for submission to the IRPW as part of the consultation process that ends on 23rd November 2020.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

5. **Implications Against Each Option**

5.1 **Impact on Budget (short and long term impact)**

Based upon current arrangements, the additional costs for 2021/22 are estimated to be £12,000.

5.2 **Risk including Mitigating Actions**

Failure to comply with the Panel's determinations will result in reputational damage for the Council. This is mitigated by Democratic Services Committee and Council considering and agreeing the determinations.

5.3 **Legal**

The report outlines the plans of the IRPW in terms of elected member remuneration which will become regulation.

It is also the responsibility of the Council to establish our position on how to respond to any Freedom of Information requests we receive in relation to reimbursement of costs of care. The IRPW states within annex 4 of appendix 1, that it is not the intention to disclose details of individual's claims.

5.4 **Personnel**

There are no direct staffing implications from this report.

6. **Supporting Evidence**

Independent Remuneration Panel for Wales Draft Report 2021/22
<https://gov.wales/sites/default/files/publications/2020-09/independent-remuneration-panel-draft-annual-report-2021-2022.pdf>

6.1 **Performance Information and Data**

Not applicable to this report

6.2 **Expected outcome for the public**

Not applicable to this report

6.3 **Involvement (consultation, engagement, participation)**

Not applicable to this report

6.4 Thinking for the Long term (forward planning)

Not applicable to this report

6.5 Preventative focus

Not applicable to this report

6.6 Collaboration / partnership working

Not applicable to this report

6.7 Integration(across service areas)

Not applicable to this report

6.8 EqIA(screening and identifying if full impact assessment is needed)

Not applicable to this report

7. Monitoring Arrangements

7.1 *State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements*

7.2 Background Documents /Electronic Links

Appendix 1

- <https://gov.wales/sites/default/files/publications/2020-09/independent-remuneration-panel-draft-annual-report-2021-2022.pdf>