



## Report of the Head of Democratic Services

Council – 4 November 2020

### Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2021-2022 - Consultation

<b>Purpose:</b>	To approve the recommendations of the Democratic Services Committee as the Authority's response to the Independent Remuneration Panel for Wales' (IRPW) Draft Annual Report 2021-2022.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The comments and observations as set out in Appendix A of the report be approved as the Authority's response to the Independent Remuneration Panel for Wales.
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<b>Finance Officers:</b>	Ben Smith
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<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is tasked with setting the remuneration levels for Councillors & Co-opted Members in Wales. Each year, they publish a Draft Annual Report which is circulated for consultation. The Draft Report may be viewed at <https://gov.wales/independent-remuneration-panel-wales>
- 1.2 The consultation period closes on 23 November 2020. The final IRPW report will be published in February 2021.

## **2. Determinations within the IRPW Draft Annual Report 2021-2022**

- 2.1 The IRPW Draft Annual Report contains a number of determinations that don't affect the City and County of Swansea and are omitted from this report.
- 2.2 The Democratic Services Committee at its meeting on 14 October 2020 considered the IRPW Draft Annual Report and recommended that the Committee's comments and observations as set out in **Appendix A** to this report be adopted by Council as the Authority's response to the consultation.

## **3. Equality and Engagement Implications**

- 3.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 3.2 There are no equality implications in relation to this report.

## **4. Financial Implications**

- 4.1 The IRPW proposes setting the salaries as follows in order to avoid further erosion in relation to average earnings:
- a) Basic Salary at £14,368.
  - b) Civic Salaries & Senior Salary to receive a 1.06% increase.
- 4.2 The total theoretical financial cost envelope as a result of these draft IRPW determinations in relation to Salaries is £14,095 and this will need to be fully reflected in future budgets from 2021-2022. The actual cost in any one year will depend upon who holds any of the Civic or Senior Salary Offices in year (i.e. where one Councillor might discharge two roles but only receive one higher allowance).
- 4.3 The Costs of Care element has also been amended with the removal of the £403 monthly cap. This has been replaced with:
- 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.

- 4.4 This determination will place an additional financial burden on the Council; however given the historic low numbers of claimants, it is envisaged that this will be managed within budget.
- 4.5 The payments to Co-opted Members has also increased; however it is envisaged that this will be managed within budget.

## **5. Legal Implications**

- 5.1 There are no specific legal implications associated with this report.

**Background Papers:** None.

### **Appendices:**

- Appendix A Extract of the Determinations of the IRPW Draft Annual Report and City and County of Swansea's Comments.

**Extract of the Determinations of the IRPW Draft Annual Report 2021 and the City and County of Swansea’s Comments**

**Note:** This report only outlines the salary figures of Group A Council’s to which the City and County of Swansea belongs.

**General Observations**

1)	<p><b>Use of the terms “Elected Member” and “Elected Members.</b> The Authority suggests that the terms “Councillor” and “Councillors” be used instead, to make the document more user friendly for the public. Swansea Council has made this observation annually for the past few years and would welcome feedback on this suggestion.</p> <p>To date the Council has never received any feedback as to the IRPW’s reluctance to make this proposed change. A response would be welcomed.</p>
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**Section 3 - Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries**

<b>Determination 1</b>	<b>The Basic Salary in 2021/22 for elected members of principal councils shall be £14,368 with effect from 1 April 2021.</b>
<b>Comments</b>	This is a rise of £150 per Councillor. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.

<b>Determination 2</b>	<b>Senior Salary levels in 2021/22 for members of principal councils shall be as set out in Table 3 (of the IRPW Report) with effect from 1 April 2021.</b> <i>The proposed and current levels are outlined below for ease.</i>
<b>Comments</b>	Senior Salaries include the Basic Salary element. Senior Salaries receive a 1.06% increase. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.  Determination 2 of the IRPW would have the following effect:

<b>Senior Salaries (inclusive of basic salary) - Group A Councils</b>	<b>Current 2019/20</b>	<b>Proposed 2020/21</b>
<b>Band 1</b> Leader Deputy Leader	£54,450 £38,450	£55,027 £38,858
<b>Band 2</b> Executive Members	£33,450	£33,805
<b>Band 3</b> Committee Chairs (if remunerated)	£22,918	£23,161
<b>Band 4</b> Leader of the Largest Opposition Group	£22,918	£23,161
<b>Band 5</b> Leader of Other Political Groups	£17,918	£18,108

<b>Determination 3</b>	<b>Where paid, a Civic Head must be paid a Band 3 salary of £23,161 and, where paid, a Deputy Civic Head must be paid a Band 5 salary of £18,108 with effect from 1 April 2021.</b>
<b>Comments</b>	Civic Salaries include the Basic Salary element. Civic Salaries receive a 1.06% increase. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.

<b>Civic Salaries (inclusive of Basic Salary)</b>	<b>Current 2019/20</b>		<b>Proposed 2020/21</b>	
<b>Responsibility Level</b>	<b>Civic Leader</b>	<b>Dep Civic Leader</b>	<b>Civic Leader</b>	<b>Dep Civic Leader</b>
	£22,918	£17,918	£23,161	£18,108

<b>Determination 4</b>	<b>Where appointed and if remunerated, a Presiding Member must be paid a Band 3 Senior salary of £23,161.</b>
<b>Comments</b>	The Presiding Member within the City and County of Swansea is not remunerated. No comment.

<b>Determination 5</b>	<b>The post of Deputy Presiding Member will not be remunerated.</b>
<b>Comments</b>	No Change. Agreed.
<b>Determination 6</b>	<p>a) An elected member must not be remunerated for more than one senior post within their authority.</p> <p>b) An elected member must not be paid a senior salary and a civic salary.</p> <p>c) All senior and civic salaries are paid inclusive of basic salary.</p> <p>d) If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.</p>
<b>Comments</b>	No Change. Agreed.
<b>Determination 7</b>	<b>Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from NPA or FRA.</b>
<b>Comments</b>	Slight amendment to the wording. Agreed.
<b>Determination 8</b>	<b>Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a Community or Town Council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the Community / Town Council.</b>
<b>Comments</b>	Slight amendment to the wording. Agreed.
<b>Determination 9</b>	<b>Each authority, through its Democratic Services Committee, must ensure that all its elected members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.</b>
<b>Comments</b>	No Change. Agreed.
<b>Determination 10</b>	<b>Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 11</b>	<b>Principal Councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.</b>
<b>Comments</b>	No Change. Agreed.

### **Section 5 - Pension provision for Elected Members of Principal Councils**

<b>Determination 12</b>	<b>The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.</b>
<b>Comments</b>	No Change. Agreed.

### **Section 6 – Entitlement to Family Absence**

<b>Determination 13</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 14</b>	<b>When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 15</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 16</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 17</b>	<b>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.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 18</b>	<b>The Council's schedule of remuneration must be amended to reflect the implication of the family absence.</b>
<b>Comments</b>	No Change. Agreed.

### **Section 7 - Payments to Members of National Park Authorities**

Determinations 19-25 relate to Members of National Park Authorities. The Authority does not have any Councillors that are Members of National Park Authorities. No comment.

### **Section 8 - Payments to Members of Welsh Fire and Rescue Authorities**

<b>Determination 26</b>	<b>The basic salary for FRA ordinary members shall be £2,026 with effect from 1 April 2021.</b>
<b>Comments</b>	There are 7 Swansea Councillors that are Members of Welsh Fire and Rescue Authorities. This determination would lead to a salary increase per Councillor which would be payable by the Fire and Rescue Service. No comment.

<b>Determination 27</b>	<b>The senior salary of the Chair of an FRA shall be £10,818 with effect from 1 April 2021.</b>
<b>Comments</b>	The Chair is paid by the Fire and Rescue Service. No comment.

<b>Determination 28</b>	<b>An FRA senior salary of £5,765 must be paid to the Deputy Chair where appointed.</b>
<b>Comments</b>	The Deputy Chair is paid by the Fire and Rescue Service. No comment.

<b>Determination 29</b>	<b>Chairs of committees or other senior posts can be paid. This shall be paid at £5,765.</b>
<b>Comments</b>	Chair of Committees are paid by the Fire and Rescue Service. No comment.

<b>Determination 30</b>	<b>Members must not receive more than one FRA senior salary.</b>
<b>Comments</b>	No Comment. Agreed

<b>Determination 31</b>	<b>A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.</b>
<b>Comments</b>	No Comment. Agreed.



<b>Determination 32</b>	<b>Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated.</b>
<b>Comments</b>	No Comment. Agreed.

### Section 9 - Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire and Rescue Authorities

<b>Determination 33</b>	<b>Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights Table 6 (of the IRPW Report).</b>
<b>Comments</b>	No Change. Agreed.

Chairs of Standards, and Audit Committees	£268 (4 hours and over) £134 (up to 4 hours)
Ordinary members of Standards Committee who also Chair Standards Committees for Community / Town Councils	£238 daily fee (4 hours and over) £119 (up to 4 hours)
Ordinary members of Standards Committees; Education Scrutiny Committee, Crime and Disorder Scrutiny Committee and Audit Committee	£210 (4 hours and over) £105 (up to 4 hours)
Community and Town Councillors sitting on Principal Council Standards Committees	£210 (4 hours and over) £105 (up to 4 hours)

<b>Determination 34</b>	<b>Reasonable time for pre-meeting preparation is to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 35</b>	<b>Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 36</b>	<b>The appropriate officer within the authority must determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 37</b>	<b>Fees must be paid for meetings and other activities including other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.</b>
<b>Comments</b>	No Change. Agreed.

<b>Determination 38</b>	<b>Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.</b>
<b>Comments</b>	No Change. Agreed.

**Section 10 – Reimbursement of Costs of Care**

<b>Determination 39</b>	<p><b>All relevant authorities must provide for the reimbursement of the contribution towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.</b></li> <li>• <b>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.</b></li> </ul> <p><b>Reimbursement must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Reimbursement shall only be made on production of receipts from the carer.</b></p>
<b>Comments</b>	<p>This determination represents a significant change. It sees the removal of the £403 monthly cap and allows a Councillor and / or Co-opted Member to seek their full costs of care to be reimbursed fully for formal carers and up to a maximum rate equivalent to the real Living Wage for informal carers.</p> <p>This determination will place an additional financial burden on the Council; however given the historic numbers of claimants, it is envisaged that this will be managed within budget.</p> <p>Agree.</p>

## Section 13 - Payments to Members of Community and Town Councils

Determinations 40-48 relate to Community / Town Councils. They are listed below for information only.

<b>Determination 40</b>	<b>All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.</b>
<b>Comments</b>	No Change. Agreed.
<b>Determination 41</b>	<b>Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.</b>
<b>Comments</b>	No Change. Agreed.
<b>Determination 42</b>	<b>Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.</b>
<b>Comments</b>	No Change. Agreed.
<b>Determination 43</b>	<b>Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties. Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</b> <ul style="list-style-type: none"><li>• 45p per mile up to 10,000 miles in the year.</li><li>• 25p per mile over 10,000 miles.</li><li>• 5p per mile per passenger carried on authority business.</li><li>• 24p per mile for private motor cycles.</li><li>• 20p per mile for bicycles.</li></ul>
<b>Comments</b>	No Change. Agreed.

<b>Determination 44</b>	<p>If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> <li>• £28 per 24-hour period allowance for meals, including breakfast where not provided.</li> <li>• £200 - London overnight.</li> <li>• £95 - elsewhere overnight.</li> <li>• £30 - staying with friends and/or family overnight.</li> </ul>
<b>Comments</b>	No Change. Agreed.
<b>Determination 45</b>	<p>Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> <li>• Up to £55.50 for each period not exceeding 4 hours.</li> <li>• Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.</li> </ul>
<b>Comments</b>	No Change. Agreed.
<b>Determination 46</b>	<p>Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
<b>Comments</b>	No Change. Agreed.
<b>Determination 47</b>	<p>Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
<b>Comments</b>	No Change. Agreed.
<b>Determination 48</b>	<p>Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and reimbursement of costs of care.</p>
<b>Comments</b>	No Change. Agreed.