



Report of the Head of Democratic Services

Council – 2 December 2021

Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2022-2023 - Consultation

Purpose:	To consult and comment on the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2022-2023. The Democratic Services Committee met on 8 November 2021 and recommend Appendix A of the report as the Authority's formal reply to the IRPW.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal, Democratic Services Committee.
Recommendation(s):	It is recommended that: 1) The IRPW draft Annual Report 2022-2023 proposals be noted. 2) Appendix A of the report form the Authority's formal reply to the IRPW.
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1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is tasked with setting the remuneration levels for Councils 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 26 November 2021; however the IRPW have given Swansea Council a week's extension until 3 December 2021. The final IRPW report will be published in February 2022.

- 1.3 This report sets out the determinations affecting the City and County of Swansea and proposes responses as necessary.
- 1.4 The Democratic Services Committee held on 8 November 2021 considered the report and recommended Appendix A as the Authority's formal response to the IRPW.

2. Determinations within the IRPW Draft Annual Report 2022-2023

- 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 An "Extract of the Determinations of the IRPW Draft Annual Report and City and County of Swansea's Comments" is appended as **Appendix A**. The Appendix seeks to stimulate debate and ultimately a formal response to the IRPW consultation.
- 2.3 The Local Government (Wales) Measure 2011 requires the Panel's Annual Report to take effect from 1 April. In most years, this is in line with financial and administrative arrangements of all authorities. However, when new Councils are elected some of the Panel's determinations are to be effective for the new municipal term.
- 2.4 On 9 May 2022, new municipal arrangements will come into effect following Local Government elections. The IRPW Annual Report therefore has two different effective dates as set out below:
- i) For the period 1 April 2022 to 8 May 2022, all of the Determinations contained in the Independent Remuneration Panel for Wales' Annual Report 2021/2022 will continue to apply in respect of Principal Councils and Community and Town Councils.
 - ii) For National Park Authorities and Welsh Fire and Rescue Authorities the determinations in Sections 7 and 8 of the IRPW Report will apply from the new financial year, 1 April 2022.
 - iii) With effect from 9 May 2022, (the new municipal year) the determinations set out in the IRPW Report in Sections 3 and 13 will apply to Principal Councils and Community and Town Councils.

3. Integrated Assessment Implications

- 3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
 - 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.

3.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

3.4 There are no integrated assessment 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:

Basic Salary	Current	Proposed 2022/23
	£14,368	£16,800

Civic Salaries	Current	Proposed 2022/23
Civic Head	£23,161	£25,593
Deputy Civic Head	£18,108	£20,540

Senior Salaries	Current	Proposed 2022/23
These are inclusive of Basic Salary		
Band 1	-	-
Leader of Council	£55,027	£63,000
Deputy Leader of Council	£38,858	£44,100
Band 2	-	-
Executive Members	£33,805	£37,800
Band 3	-	-
Committee Chairs (if remunerated)	£23,161	£25,593
Band 4	-	-
Leader of Largest Opposition Group	£23,161	£25,593
Band 5	-	-
Leader of Other Political Groups	£18,108	£20,540

Note: Normally these changes are effective from 1 April each year; however given the Local Government Elections in May 2022, they are effective from 9 May 2022 on this occasion.

- 4.2 The total theoretical financial cost as a result of these draft IRPW determinations in relation to Salaries and the fact that Swansea Council will grow by 3 Councillors to 75 is £246,359. This will need to be fully reflected in future budgets from 2022-2023. 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 salary).
- 4.3 The payments to Statutory Co-opted Members has also increased; however, it is envisaged that this will be managed within budget.
- 4.4 It is important to put the proposed salary for Councillors into context. An Independent Member of a Welsh Health Board would currently earn £15,936 p.a. in line with Welsh Government set remuneration levels, based on a minimum commitment of 4 days per month. The IRPW have based a Councillors salary on 3 days per week.

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 2022 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 Comment – Promoting Diversity in Democracy

General 1	<p>Councillors are concerned at the negative feedback that some Councillors have experienced in relation to the publication of the amounts received for claims for Mileage, Allowance and ICT expenses. Their claims are all within the amount allowed. Those Councillor living the furthest from the Guildhall will have the largest claim as they travel the farthest, this often makes them stand out in any published list.</p> <p>One suggestion could be for the IRPW to consider a similar approach to the publication of expenses and allowances as those in place for Contribution towards Costs of Care and Personal Assistance (CPA).</p> <p>The Head of Democratic Services is asked to discuss this issue with the IRPW, specifically in relation to its potential impact on the excellent work of the Welsh Government and others in promoting Diversity in Democracy.</p>
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Section 3 - Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries

Determination 1	The Basic Salary in 2022/23 for elected members of principal councils shall be £16,800.
Comments	This is a rise of £2,432 per Councillor. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.
Determination 2	<p>Senior Salary levels in 2022/23 for members of principal councils shall be as set out in Table4 (of the IRPW Report).</p> <p><i>The proposed and current levels are outlined below for ease.</i></p>
Comments	<p>Senior Salaries include the Basic Salary element. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.</p> <p>Determination 2 of the IRPW would have the following effect:</p>

Senior Salaries (inclusive of Basic Salary) - Group A Councils	Current	Proposed 2022/23
Band 1		
Leader	£55,027	£63,000
Deputy Leader	£38,858	£44,100
Band 2		
Executive Members	£33,805	£37,800
Band 3		
Committee Chairs (if remunerated)	£23,161	£25,593
Band 4		
Leader of the Largest Opposition Group	£23,161	£25,593
Band 5		
Leader of Other Political Groups	£18,108	£20,540

Determination 3	Where paid, a Civic Head must be paid a Band 3 salary of £25,593 in accordance with Table 4 (of the IRPW Report).	
Comments	Civic Salaries include the Basic Salary element. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.	
Civic Salaries (inclusive of Basic Salary) - Group A Councils	Current	Proposed 2022/23
Civic Head	£23,161	£25,593

Determination 4	Where paid, a Deputy Civic Head must be paid a Band 5 salary of £20,540 in accordance with Table 4 (of the IRPW Report).	
Comments	Civic Salaries include the Basic Salary element. Given the explanation for the pay rise as outlined in the Draft Annual Report, the Authority makes no comment on the increase.	
Civic Salaries (inclusive of Basic Salary) - Group A Councils	Current	Proposed 2022/23
Deputy Civic Head	£18,108	£20,540

Determination 5	Where appointed and if remunerated, a Presiding Member must be paid £25,593 in accordance with Table 4 (of the IRPW Report).	
Comments	The Presiding Member within the City and County of Swansea is not remunerated. No comment.	
	Current	Proposed 2022/23
Presiding Member	£23,161	£25,593

Determination 6	The post of Deputy Presiding Member will not be remunerated.
Comments	No Change. Agreed.
Determination 7	<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>
Comments	No Change. Agreed.
Determination 8	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.
Comments	No Change. Agreed.
Determination 9	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. Where this situation applies, it is the responsibility of the individual member to comply.
Comments	Slight amendment to the wording. Agreed.
Determination 10	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.
Comments	No Change. Agreed.
Determination 11	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.
Comments	No Change. Agreed.

Determination 12	Principal Councils can apply for specific or additional senior salaries that do not fall within the current Framework.
Comments	Slight amendment to the wording. Agreed.

Determination 13	The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the Executive.
Comments	New determination. Agreed.

Section 4 - Joint Overview and Scrutiny Committees (JOSC)

Determination 14	The salary level for a Chair of a Joint Overview and Scrutiny Committee shall be £8,793.
Comments	New determination. Agreed.

Determination 15	The salary level for a Vice Chair of a Joint Overview and Scrutiny Committee shall be £4,396.
Comments	New determination. Agreed.

Section 5 - Pension Provision for Elected Members of Principal Councils

Determination 16	The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all eligible elected members of principal councils.
Comments	No Change. Agreed.

Section 6 - Entitlement to Family Absence

Determination 17	An elected member is entitled to retain a basic salary when taking family absence under the original regulations or any amendment to the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
Comments	Slight amendment to the wording. Agreed.

Determination 18	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
Comments	No Change. Agreed.

Determination 19	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.
Comments	No Change. Agreed.

Determination 20	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.
Comments	No Change. Agreed.

Determination 21	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.
Comments	No Change. Agreed.

Determination 22	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
Comments	No Change. Agreed.

Section 7 - Payments to Members of National Park Authorities

Determinations 23-29 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

Determination 30	The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.
Comments	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.

Determination 31	The senior salary of the Chair of an FRA shall be £11,162 with effect from 1 April 2022.
Comments	The Chair is paid by the Fire and Rescue Service. No comment.

Determination 32	An FRA senior salary of £6,109 must be paid to the Deputy Chair where appointed.
Comments	The Deputy Chair is paid by the Fire and Rescue Service. No comment.

Determination 33	Chairs of committees or other senior posts can be paid. This shall be paid at £6,109.
Comments	Chair of Committees are paid by the Fire and Rescue Service. No comment.

Determination 34	Members must not receive more than one FRA senior salary.
Comments	No Comment. Agreed

Determination 35	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
Comments	No Comment. Agreed.

Determination 36	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. Where this situation applies, it is the responsibility of the individual member to comply.
Comments	Slight amendment to the wording. Agreed.

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

Determination 37	Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights Table 7 (of the IRPW Report).
Comments	No Change. Agreed.
Observation	All references to the Audit Committee should be amended to read "Governance & Audit Committee" to reflect the Local Government & Elections (Wales) Act 2021.

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)

Determination 38	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.
Comments	No Change. Agreed.

Determination 39	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).
Comments	No Change. Agreed.

Determination 40	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.
Comments	No Change. Agreed.

Determination 41	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.
Comments	No Change. Agreed.

Determination 42	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.
Comments	No Change. Agreed.

Section 10 – Contribution towards Costs of Care and Personal Assistance (CPA)

Determination 43	<p>All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> • Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced. • Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the hourly rates as defined by the Living Wage Foundation at the time the costs are incurred. https://www.livingwage.org.uk/what-real-living-wage
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	This 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. Payment shall only be made on production of receipts from the care provider.
Comments	Agree.

Section 13 - Payments to Members of Community and Town Councils

Determinations 44-52 relate to Community / Town Councils. They are listed below for information only.

Determination 44	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, with the exception of those Councils in Group 5 where the payment is optional.
Comments	Slight amendment to the wording. Agreed.

Determination 45	<p>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:</p> <ul style="list-style-type: none"> • 45p per mile up to 10,000 miles in the year. • 25p per mile over 10,000 miles. • 5p per mile per passenger carried on authority business. • 24p per mile for private motor cycles. • 20p per mile for bicycles.
Comments	No Change. Agreed.

Determination 46	<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"> • £28 per 24-hour period allowance for meals, including breakfast where not provided. • £200 - London overnight. • £95 - elsewhere overnight. • £30 - staying with friends and/or family overnight.
Comments	No Change. Agreed.

Determination 47	<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"> • Up to £55.50 for each period not exceeding 4 hours. • Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours.
Comments	No Change. Agreed.
Determination 48	<p>Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss compensation will not be entitled to claim attendance allowance for the same event.</p> <p>Councils that intend to introduce an attendance allowance must set out the details of the scheme and publish them on their website.</p>
Comments	Agreed.
Determination 49	<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>
Comments	No Change. Agreed.
Determination 50	<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>
Comments	No Change. Agreed.
Determination 51	The application of the Remuneration Framework by relevant Group.
Comments	Agreed.
Determination 52	<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>
Comments	No Change. Agreed.