



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod arbennig

Pwyllgor Gwasanaethau Democrataidd

Lleoliad: Ystafell Bwyllgor 5, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mercher, 6 Tachwedd 2019

Amser: 4.00 pm

Cadeirydd: Y Cyngorydd Peter Black CBE

Aelodaeth:

Cynghorwyr: J E Burtonshaw, N J Davies, M Durke, L S Gibbard, J A Hale, S M Jones, E T Kirchner, W G Lewis, B J Rowlands, G J Tanner, L J Tyler-Lloyd a/ac L V Walton

Agenda

Rhif y Dudalen.

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|---|---|---------|
| 1 | Ymddiheuriadau am absenoldeb. | |
| 2 | Datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeluCysylltiadau | |
| 3 | Cofnodion.
Cymeradwyo a llofnodi, fel cofnod cywir, gofnodion y cyfarfod blaenorol. | 1 - 2 |
| 4 | Adroddiad Blynyddol Drafft Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol (PACGA) 2020-2021 - Ymgynghoriad. | 3 - 16 |
| 5 | Ad-dalu Costau Gofal. | 17 - 22 |

Cyfarfod nesaf: Dydd Mawrth, 21 Ionawr 2020 ar 4.00 pm

Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Mercher, 30 Hydref 2019

Cyswllt: Gwasanaethau Democrataidd - (01792) 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Democratic Services Committee**

Council Chamber - Guildhall, Swansea

Tuesday, 16 July 2019 at 4.00 pm

Present: Councillor P M Black (Chair) Presided

Councillor(s)

N J Davies
W G Lewis
L V Walton

Councillor(s)

L S Gibbard
B J Rowlands

Councillor(s)

S M Jones
G J Tanner

Officer(s)

Huw Evans
Allison Lowe
Tracey Meredith

Head of Democratic Services
Democratic Services Officer
Chief Legal Officer

Apologies for Absence

Councillor(s): M Durke

1 Election of Vice Chair for the Municipal Year 2019-2020.

Resolved that Councillor Wendy G Lewis be elected Vice Chair for the Municipal Year 2019-2020.

2 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City & County of Swansea, no interests were declared.

3 Minutes.

Resolved that the Minutes of the Democratic Services Committee held on 29 January 2019 be approved and signed as a correct record.

4 Democratic Services Committee Annual Report 2018-2019.

The Head of Democratic Services presented the draft Democratic Services Committee Annual Report 2018-2019 for the period 24 May 2018 to 8 May 2019.

He outlined the work undertaken by the Committee during the year which had mainly focussed on Social Media, Councillor Safety and a Review of Councillor's Broadband and Telephone, ICT and mobile Phone Allowances – May 2017 & Beyond.

The Chair wishes to convey his thanks to both the Democratic Services and Scrutiny Teams for their work in supporting Councillors at the various Council meetings.

The Committee also discussed a future work plan item in relation to e-learning modules for Councillors that the Welsh Local Government Association (WLGA) would be leading on in the coming year.

Resolved that the draft Democratic Services Committee Annual Report 2018-2019 be approved and forwarded to Council for information.

The meeting ended at 4.08 pm

Chair

Agenda Item 4



Report of the Head of Democratic Services

Special Democratic Services Committee - 6 November 2019

Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2020-2021 - Consultation

Purpose:	To consult and comment on the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report 2020-2021. The comments of the Democratic Services Committee will lead to a Council report proposing a formal reply to the IRPW.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The views of the Committee are sought.
Report Author:	Huw Evans
Finance Officer:	Jeff Dong
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

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-draft-annual-report-2020-2021>.
- 1.2 The consultation period closes on 10 December 2019. The final IRPW report will be published in February 2020.
- 1.3 This report sets out the determinations affecting the City and County of Swansea and proposes responses as necessary.

2. Determinations within the IRPW Draft Annual Report 2020

- 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.

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 has proposed an increase of £350 / 2.5% to the Basic Salary in order to avoid further erosion in relation to average earning.
- 4.2 The total theoretical financial cost envelope as a result of these draft IRPW determinations is £25,200 and this will need to be fully reflected in future budgets from 2020-2021. 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).

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 2020-2021 and the City and County of Swansea’s Comments

Note: For ease 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>Use of the terms “Elected Member” and “Elected Members. 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>
2)	<p>Decisions of Council Required. The Council notes and welcomes that the IRPW is keen to ensure that there are no options relating to levels of remuneration by Principal Councils that require a decision of full Council. However, there remains a number of areas where a decision of full Council is required. It would be useful, if those options were removed. One example is set out below:</p>
2a)	<p>Section 9 - Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire and Rescue Authorities Paragraph 9.2 states that a Principal Council <i>“can decide on the maximum number of days in any one year for which Co-opted Members may be paid”</i>.</p> <p>The Authority suggests that a further determination should be added allowing the Head of Democratic Services or other Appropriate Officer to determine each request for payment on merit in advance of the meeting. Such a determination could be drafted as follows:</p> <p><i>“The Head of Democratic Services or other Appropriate Officer within the Authority must determine in advance whether a meeting or other activity is eligible for payment to a Co-opted Member”</i>.</p>
3)	<p>Annex 4 Publication of Remuneration - The Panel’s Requirements Paragraph 1f) states: <i>“In respect of the publication of the reimbursement of the costs of care, the Panel has decided that relevant authorities should only publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed”</i>.</p> <p>This Authority has traditionally published the amount that an individual Councillor claims under the Reimbursement of Costs of Care. The Authority has explained to those that question the reason for such payments and robustly supported such payments. The Reimbursement of Costs of Care in an important factor in providing financial support to allow those Councillors and Co-opted Members with caring responsibilities to get appropriate support in order to allow them to undertake their respective duties.</p>

Page 5

	<p>This Authority supports this change and hopes that it will encourage more Councillors and Co-opted Members to come forward to utilise the financial assistance on offer.</p> <p>This decision by the IRPW may also encourage diversity in democracy by attracting new candidates to stand for election. Hopefully, it will strengthen the membership of Local Authorities to adequately reflect the demographic and cultural make-up of the communities that Authorities such as Swansea serve.</p>
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Observations Relating to Section 3 “Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries

Page 6	<p>1) The Council notes that the following paragraphs extracted from the IRPW’s Draft Annual Report 2020-2021:</p> <p><i>“3.1 In 2009 the Panel set the maximum basic salary at £13,868, representing three fifths of the then median gross earnings of all full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE) published by the Office of National Statistics. The Panel assessed it appropriate to use a figure comparable with constituents’ pay, adjusted for the part-time nature of the work of a member with no senior responsibilities. This identical figure of £13,868 was determined as the basic salary in the IRPW 2019 annual report, ten years on.</i></p> <p><i>3.1.1 Over this last decade, taking account of affordability and acceptability, the Panel has determined figures for basic salary which have varied but have not kept pace with measures of inflation or other possible comparators. Table 1, illustrated by Graph 1, demonstrates the rate of increase of these alternative measures on the basic salary from 2012 of £13,175. Table 2 expresses these increases as a percentage year on year. The various comparators analysed are Retail Prices Index, Consumer Prices Index, Wales Median Salary (ASHE), NJC (public sector employees), Living Wage, Assembly Members, and MPs. This is calculated on an assumption that the basic activity required of an elected member (i.e. without the additional work required for a senior salary) is equivalent to three days’ work a week. The Panel acknowledges that many members routinely work in excess of these hours, as analysed in paragraphs 3.2 and 3.3. It follows that, other than the Basic Elected Member figure, the amounts shown are predictive and notional.</i></p> <p><i>3.1.2 To set this in the context of other Welsh elected members, over this same 8-year period an assembly member’s salary has increased by 25.6% (£53,852 to £67,649 - now indexed to Average Salaries in Wales ASHE) and an MP’s salary has increased by 22.4% (£65,738 to £79,468, again linked to constituents’ pay).</i></p> <p><i>3.1.3 Thus, backbench members’ salaries have fallen significantly behind by any reasonable measure of inflation.”</i></p>
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2)	<p>Paragraph 3.5 “This salary shall be paid by each principal authority in Wales from 1 April 2020 to each of its elected members unless any individual member opts personally and in writing to receive a lower amount”.</p> <p>Councillor Salaries have traditionally been paid based on the Municipal Year of an Authority. As such, the determinations of the IRPW would take effect from the date of an Authorities Annual Meeting of Council (normally May).</p> <p>This paragraph alters that long standing system and puts in place a system which would create additional administration work for an Authority, potentially confuse Councillors and the public.</p> <p>Councillors are appointed to the Cabinet and to Committees etc. at the Annual Meeting of Council. Their term of office runs for the Municipal Year. The new system suggested by the IRPW would mean that an Authority would pay a Salary to a Councillor for the period of the Annual Meeting of Council until 31 March and then have to recalculate the payment for the period 1 April to the date of the Annual Meeting. This will mean that the figures quoted by an Authority in its “Statements of Payments” as required by the IRPW will never actually accord with the amount that the IRPW states should be paid as the payment will have straddled 2 separate IRPW Annual Reports.</p> <p>This is an unwelcomed change and the Authority respectfully asks that it be reconsidered and changed back to the date of the Annual Meeting of Council and run for the whole of the Municipal Year.</p>
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Page 7

Section 3 - Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries

Determination 1	The Basic Salary in 2020/21 for elected members of principal councils shall be £14,218 with effect from 1 April 2020.
Comments	This is a rise of £350 per Councillor. Given the explanation for the pay rise as outlined above, the Authority makes no comment on the increase; however it urges the IRPW to reconsider the effective date of payment and to re-align it with the date of the Annual Meeting of Council and that it run for the Municipal Year.

Determination 2	Senior Salary levels in 2020/21 for members of principal councils shall be as set out in Table 5 (of the IRPW Report) with effect from 1 April 2020. <i>The proposed and current levels are outlined below for ease.</i>
Comments	Senior Salaries include the Basic Salary element. They have all raised by £350 in line with Determination 1. There has been no further change to Senior Salaries. Given the explanation for the pay rise as outlined above, the Authority makes no comment on the increase; however it urges the IRPW to reconsider the effective date of payment and to re-align it with the date of the Annual Meeting of Council and that it run for the Municipal Year. Determination 2 of the IRPW would have the following effect:

Senior Salaries (inclusive of basic salary) - Group A Councils	Current 2019/20	Proposed 2020/21
Band 1 Leader Deputy Leader	£54,100 £38,100	£54,450 £38,450
Band 2 Executive Members	£33,100	£33,450
Band 3 Committee Chairs (if remunerated)	£22,568	£22,918
Band 4 Leader of the Largest Opposition Group	£22,568	£22,918
Band 5 Leader of Other Political Groups	£17,568	£17,918

Determination 3	Where paid, a Civic Head must be paid a Band 3 salary of £22,918 and, where paid, a Deputy Civic Head must be paid a Band 5 salary of £17,918 with effect from 1 April 2020.
Comments	Civic Salaries include the Basic Salary element. They have all raised by £350 in line with Determination 1. There has been no further change to Senior Salaries. Given the explanation for the pay rise as outlined above, the Authority makes no comment on the increase; however it urges the IRPW to reconsider the effective date of payment and to re-align it with the date of the Annual Meeting of Council and that it run for the Municipal Year.

Civic Salaries (inclusive of Basic Salary)	Current 2019/20		Proposed 2020/21	
	Civic Leader	Dep Civic Leader	Civic Leader	Dep Civic Leader
Responsibility Level	£22,568	£17,568	£22,918	£17,918

Determination 4	Where appointed and if remunerated, a Presiding Member must be paid a Band 3 Senior salary of £22,918.
Comments	This has raised by £350 in line with Determination 1. The Presiding Member within the City and County of Swansea is not remunerated. No comment.

Determination 5	The post of Deputy Presiding Member will not be remunerated.
Comments	No Change. Agreed.

Determination 6	<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 7	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 reimbursement of costs of care.
Comments	No Change. Agreed.

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.
Comments	No Comment. Agreed.

Determination 9	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 Comment. Agreed.

Determination 10	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 Comment. Agreed.

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

Section 5 - Pension provision for Elected Members of Principal Councils

Determination 12	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 13	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.
Comments	No Change. Agreed.

Determination 14	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 15	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 16	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 17	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 18	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 19-26 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 27	The basic salary for FRA ordinary members shall be £2,005.
Comments	There are 7 Swansea Councillors that are Members of Welsh Fire and Rescue Authorities. This determination would lead to an increase of £225 per Councillor which would be payable by the Fire and Rescue Service. No comment.

Determination 28	The senior salary of the Chair of an FRA shall be £10,705.
Comments	This determination would lead to an increase of £225 for the Chair of the FRA which would be payable by the Fire and Rescue Service. No comment.

Determination 29	An FRA senior salary of £5,705 must be paid to the Deputy Chair where appointed.
Comments	This determination would lead to an increase of £225 for the Deputy Chair of the FRA which would be payable by the Fire and Rescue Service. No comment.

Determination 30	Up to two Chairs of committees can be paid. This shall be paid at £5,705.
Comments	This determination would lead to an increase of £225 for up to 2 Chairs of Committees of the FRA which would be payable by the Fire and Rescue Service. No comment.

Determination 31	FRAs can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
Comments	No Comment. Agreed.

Determination 32	Members must not receive more than one FRA senior salary.
Comments	No Comment. Agreed

Determination 33	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
Comments	No Comment. Agreed.

Determination 34	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.
Comments	No Comment. Agreed.

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

Determination 35	Principal councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights Table 8 (of the IRPW Report).
Comments	No Change. Agreed.

Chairs of Standards, and Audit Committees	£256 (4 hours and over) £128 (up to 4 hours)
Ordinary members of Standards Committee who also Chair Standards Committees for Community / 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)
Community and Town Councillors sitting on Principal Council Standards Committees	£198 (4 hours and over) £99 (up to 4 hours)

Determination 36	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 37	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 38	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 39	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 40	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 – Reimbursement of Costs of Care

Determination 41	All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement must be for the additional costs incurred by members to enable them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.
Comments	No Change. Agreed.

Section 13 - Payments to Members of Community and Town Councils

Determinations 42-51 relate to Community / Town Councils. They are listed below for information only.

Determination 42	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.
Comments	No Comment. Agreed.
Determination 43	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.
Comments	No Comment. Agreed.
Determination 44	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.
Comments	No Comment. 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 Comment. 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 Comment. 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 Comment. Agreed.

Determination 48	<p>All community and town councils must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement must be for the additional costs incurred by members to enable them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.</p>
Comments	No Comment. 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 Comment. 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 Comment. Agreed.

Determination 51	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.
Comments	No Comment. Agreed.

Agenda Item 5



Report of the Head of Democratic Services

Special Democratic Services Committee - 6 November 2019

Reimbursement of Costs of Care

Purpose:	To promote the Independent Remuneration Panel for Wales' (IRPW) determination in relation to the Reimbursement of Costs of Care and to encourage take up of the reimbursement by presenting this report to Council.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The report be noted; 2) The report be submitted to Council for information.
Report Author:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is tasked with setting the remuneration levels for Councils in Wales. Their latest Annual Report 2019-2020 may be viewed at <https://gov.wales/independent-remuneration-panel-wales-annual-report-2019-2020>.
- 1.2 Since the inception of the IRPW in January 2008 and each of its Annual Reports there has been a Section relating to Care, aiming to assist Councillors and Co-opted Members with any caring responsibilities in order to enable them to carry out their Council related duties.

2. Diversity in Democracy

- 2.1 The Head of Democratic Services was the Officer Representative on the Welsh Government's "Diversity in Democracy Steering Group". That Group worked tirelessly to try and encourage more diverse candidates from a variety of backgrounds to stand in the May 2017 Local Government Elections with the aim of having candidates that were more representative of the community.
- 2.2 The Head of Democratic Services and Councillor M Sherwood sit on the Welsh Local Government Association (WLGA) Working Group on Diversity in Local Democracy. The aim being similar to the above with the target being the Local Elections in May 2022.
- 2.3 The Reimbursement of Costs of Care will assist those Councillors and Co-opted Members with caring responsibilities. This in turn may help to increase diversity in democracy by encouraging people to stand as candidates as the caring responsibility barrier is removed.
- 2.4 The IRPW believe that *"Democracy is strengthened when the membership of Local 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."*
- 2.5 The IRPW has continued to contribute to enhancing Diversity in Local Government in Wales through its determinations. They produced a leaflet for prospective candidates on the Remuneration of Members of Councils. This may be viewed at <https://gov.wales/payments-elected-members/principal-councils>.
- 2.6 The IRPW have also produced a short video entitled [Ever thought about being a Welsh councillor?](#) This may be viewed at <https://www.youtube.com/watch?v=h3o0eKrX2Ds&feature=youtu.be>

3. What is the Reimbursement of Costs of Care?

- 3.1 Local Authorities must provide for the payment to Councillors and Co-opted Members of an Authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual member as are necessarily incurred in carrying out official business as a Councillor or Co-opted Member of that Authority.
- 3.2 Councillors and Co-opted Members are entitled to reimbursement of their care costs, up to the maximum of £403 per month, for activities that the individual council has designated official business or an approved duty which might include preparation and travelling time. It is a matter for individual authorities to determine specific arrangements to implement this.

- 3.3 **Appendix A** sets out an extract from Section 10 “Reimbursement of Costs of Care” of the IRPW Annual Report 2019-2020.
- 3.4 **Appendix B** sets out an extract from Annex 2 “Wales (IRPW) Regulations - Allowances - Costs of Care of Care” of the IRPW Annual Report 2019-2020
- 3.5 The Head of Democratic Services has designed a Reimbursement of Costs of Care “Claim Form” and a “Receipt” which are aimed at making the process simpler for Councillors and Co-opted Members. These forms are available on request from the Democratic Services Team.

4. Take up of the Reimbursement of Costs of Care?

- 4.1 During a number of recent visits to Local Authorities, the IRPW found that very few Councillors / Co-opted Members were utilising the Reimbursement of Costs of Care provision in their Annual Reports. The IRPW believe that many are reluctant to claim all they are entitled to support them in their Council role, because of concerns about the adverse publicity this can attract.
- 4.2 Swansea Council has the highest number of Councillors / Co-opted Members in Wales that have claimed; however this is still a small number, less than 5% of those eligible to claim. It is interesting to note that in Swansea, only those with childcare responsibilities have claimed. The Authority needs to promote this provision so that those with caring responsibilities for other dependents such as the elderly are encouraged to claim.
- 4.3 The IRPW’s publication requirement allows each Local Authority to decide whether to publish the total amounts paid out under the Reimbursement of Costs of Care provisions or to publish the amounts claimed by each individual under the provision. This Authority has always opted for the latter but has robustly rebuked any adverse publicity against any individual that has claimed.
- 4.4 It is important to note that the IRPW’s Draft Annual Report 2020-2021 which is currently out for consultation, has amended their publication requirement and states that the amount should not be published against an individual and only for the Authority as a whole.

5. Role of the Democratic Services Committee

- 5.1 The IRPW has urged each Democratic Services Committee to take steps to encourage and facilitate greater use of the Reimbursement of Costs of Care provision so that Councillors / Co-opted Members are not financially disadvantaged.
- 5.2 It is proposed that the Democratic Services Committee and the Head of Democratic Services promote the Reimbursement of Costs of Care provision throughout the Authority. This work should begin with this report being presented to Council for information.

6. Equality and Engagement Implications

6.1 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.

6.2 There are no equality implications in relation to this report.

7. Financial Implications

7.1 Providing a Councillor / Co-opted Member meets the requirement to claim for the Reimbursement of Costs of Care, they are entitled to a payment not exceeding £403 per month. The total theoretical financial cost should all 80 claim (72 Councillors and 8 Statutory Co-opted Member) equates to £32,240 per month. However, this is highly unlikely as there are very few people that would be eligible for such a payment and history has shown that those that have claimed, do not claim the maximum monthly amount permitted.

8. Legal Implications

8.1 There are no specific legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix A	Extract from Section 10 “Reimbursement of Costs of Care” of the IRPW Annual Report 2019-2020
Appendix B	Extract from Annex 2 “Wales (IRPW) Regulations - Allowances - Costs of Care of Care” of the IRPW Annual Report 2019-2020

**Extract from Section 10 “Reimbursement of Costs of Care” of the IRPW
Annual Report 2019-2020**

10 Reimbursement of Costs of Care

- 10.1 *This section applies to members of Principal Councils, National Park Authorities, Fire and Rescue Authorities and to Co-opted Members of these Authorities. The same provision for Community and Town Councils is set out in Section 13 (of the IRPW Annual Report).*
- 10.2 *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 people from becoming and remaining a member of an Authority or limit their ability to carry out the role.*
- 10.3 *The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in change in the options for publication set out in Annex 4 (of the IRPW Annual Report). To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.*

Determination 41: *All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement must be for the additional costs incurred by members to enable them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.”*

Extract from Annex 2 “Wales (IRPW) Regulations - Allowances - Costs of Care of Care” of the IRPW Annual Report 2019-2020

Allowances - Costs of Care

21. Authorities must provide for the payment to members and co-opted members of an authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual member 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 reimbursement for care 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 cost of care 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 reimbursement of the cost of care payable to that member / co-opted member in receipt of the responsibilities or duties from 81 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 reimbursement of costs of care payable each month and its arrangements for making claims, taking full account of the Panel's determinations in this respect.