Report of Administration & Democratic Services Manager and Deputy Monitoring Officer

Subject: Member Remuneration 2022/23

Purpose of Report

To inform Members of the Independent Remuneration Panel for Wales' decisions in relation to the Basic and Senior Salaries payable to National Park Authority Members for the financial year 2022/23.

Introduction/Background

The Independent Remuneration Panel for Wales (the Panel) was appointed in January 2008 by the (then) Welsh Assembly Government Minister for Social Justice and Local Government under the provisions of *The Local Authorities (Allowances for Members) (Wales) Regulations 2007*. Following the passing of the Local Government (Wales) Measure on 10 May 2011, the Panel's remit and powers were extended to include National Park Authorities, Fire and Rescue Authorities and 'civic heads' in local authorities. Not only that, the Measure extended the Panel's powers to enable it to <u>prescribe</u> payments rather than determine the maxima as it had done in the past.

The Panel published a draft Annual Report last autumn, which was considered by the Authority at its meeting held on 03 November 2021. The final Annual Report was published on 24 February 2022.

Panel determinations

The relevant extracts from the Panel's report relating to National Park Authorities are attached to this report at Appendix 1 but, in summary, the main changes to Members' remuneration for the financial year 2022/23 are:

- (i) that the Basic Salary for "ordinary Members" is increased by £685 to £4,738 per annum;
- (ii) that the Senior Salary payable to the Chair of the Authority is increased by £686 to £13,531 per annum, and
- (iii) that the Senior Salary payable to the Deputy Chair of the Authority and Committee Chairs is increased by £686 to £8,478.

No changes have been made to the level of payment made to Independent Members of the Standards Committee, nor to travel and subsistence rates.

The Annual Report also reiterates the following facts:

- (i) that a Senior Salary is paid **inclusive** of the Basic Salary;
- (ii) that Members must not receive more than one Senior Salary, and
- (iii) that a local authority Member who is in receipt of a Band 1 or Band 2 Senior Salary (i.e. as a County Council Leader, Deputy Leader or other executive office holder) cannot be remunerated for his/her role as an ordinary or senior Member of a National Park Authority.

The new salary framework will come into effect on 01 April 2022.

Senior Salary remuneration

Three Senior Salaries are currently paid by the Authority; to the posts of Chair and Deputy Chair of the Authority, together with the Chair of the Development Management Committee. As reported in previous years, the restriction on the number of Senior Salaries that could be paid has now been removed.

Financial considerations

Member Salaries have been provided for in the budget.

Compliance

The Independent Remuneration Panel for Wales has prescribed the levels of Basic and Senior Salaries referred to in the report; the Authority cannot vary these levels.

RECOMMENDATIONS:

Members are requested:

- 1. To note the Independent Remuneration Panel for Wales' Annual Report for 2022/23, and
- 2. To determine which post(s) should be remunerated with a Senior Salary.

Background Documents

Independent Remuneration Panel for Wales Annual Report: February 2022 Report to National Park Authority: 03 November 2021

- Author: Janet Evans, Administration & Democratic Services Manager and Deputy Monitoring Officer
- Consultees: Tegryn Jones, Chief Executive, Richard Griffiths, Finance Manager and Section 151 Officer and Michael Kent, Monitoring Officer.

(For further information, please contact Janet Evans, Administration & Democratic Services Manager and Deputy Monitoring Officer on extension 4834 or by e-mailing janete@pembrokeshirecoast.org.uk)



To:

Leaders and Chief Executives of County and County Borough Councils Chairs and Chief Executives of National Park Authorities Chairs and Clerks of Fire and Rescue Authorities Chair and Chief Executive of One Voice Wales Leader and Chief Executive of Welsh Local Government Association Head of Democratic / Members Services of County and County Borough Councils, National Park Authorities and Fire and Rescue Authorities Clerks to Community & Town Councils

24 February 2022

Dear Colleague

Independent Remuneration for Wales – Annual Report 2022/2023

Attached is the finalised Annual Report in respect of 2022/2023 which is effective from 1 April. However, this year is also election for members of principal councils and community and town councils, so some of the determinations will be effective from 9th May. The effective dates are set out in the Report.

My thanks to the individuals and organisations who responded to the draft Report issued in September last year. The Panel has considered the views and comments that were expressed and have been taken into account in reaching the conclusions reflected in the Report.

The Panel has confirmed the increases in the salaries for elected members of principal councils, with consequential increases for members of National Park and Fire and Rescue Authorities. The only substantive change to the draft

Report is the inclusion of a new section on Corporate Joint Committees. I also confirm that there are no changes to the remuneration of community and town councils. However, the Panel will be issuing a Supplementary Report on options following discussions between Welsh Government officials and HMRC regarding taxation.

I would also remind all relevant authorities of the obligation to comply with the decisions of the Panel, in particular the publication of the Schedule of Member Remuneration (Annex 3) and the Publication of Remuneration (Annex 4). There has been a significant increase in the number of authorities who have not complied with these statutory requirements.

This is the final Report that I will be involved in after over 16 years as a member of the Panel. I would like to put on record my appreciation and thanks to the many members and officers of councils, NPAs and FRAs that I have been able to engage with on Panel business.

Yours sincerely

John Barlor

John Bader Chair



Independent Remuneration Panel for Wales

Annual Report

Mae'r ddogfen yma hefyd ar gael yn Gymraeg. This document is also available in Welsh.





Page 117

ANNUAL REPORT

2022/2023

FOREWORD

The COVID-19 pandemic continues to impact on the work of the Panel in that we have been unable to meet with authorities and their representative organisations face to face. However, we have continued to hold meetings regularly and to have meaningful discussions with our stakeholders via Microsoft Teams or Zoom.

The Panel issued the draft Report for consultation at the end of September 2021 and held engagement events to support the consultation process. We received a range of views, many either supporting or making no comment about the proposed increases. Some respondents questioned the timing and the potential financial implications. The Panel examined all of the responses and has decided not to make any significant amendments to the determinations contained in the draft Report. More detail is included in the Executive Summary and main Report.

We are grateful to those organisations and individuals who took the time to express their views.

We consider that it is important that the payments to elected members of principal councils are fair and at a level that is not a disincentive to potential candidates for election. Therefore, the Panel has decided to reset the basic salaries of elected members to closer align with the average earnings in Wales. This alignment has been eroded in successive years, primarily as a result of austerity measures.

This will be my final Report as a member of the Independent Remuneration Panel as I will be standing down at the end of March. I have had the privilege of being a member of the Panel since it was established in 2008 and the Chair for the past 7 years. I wish to put on record my appreciation and thanks to all of my colleagues, past and present, for the support that I have received during the last 13 years. Also, my grateful thanks to the members of our Secretariat who have supported me and ensured the efficient functioning of the Panel.

I believe that the Panel has made a significant and beneficial influence on the value of elected members of local government in Wales at all levels and in respect of all authorities that are within its remit. It is a sad reflection that much of the public's perceptions and views of politicians is tainted by the actions of a few individuals within representative democracy. I have had an involvement with local government all my working life and during that time have met and known countless members. The vast majority work tirelessly for their communities and do so for little financial reward. I believe that all in society should have the opportunity to stand for election if they wish to and there should be no financial barriers to preclude this.

This Report provides a major step forward towards achieving this objective. The Panel has consistently emphasised the fact that democracy is not cost free. However, we have to balance the fairness to elected members against the cost to the public purse. We are satisfied that this balance is achieved for 2022/2023.

I have no doubt that the Panel has had a beneficial impact on improving the worth of a local councillor and it is vital that this is not undermined by those members who decline increases in the payments for reasons of political gain. Such action undermines the worth and value of all elected members.

Finally, my thanks to all the members and officers of Welsh councils, NPAs and FRAs that I have had the pleasure of meeting and engaging with over the last 13 years.

John Bader Chair

Panel Membership

John Bader, Chair Saz Willey, Vice Chair Joe Stockley Ruth Glazzard Helen Wilkinson

Detailed information about the members can be found on the website: <u>Panel</u> <u>website</u>

7. Payments to Members of National Park Authorities

Structure of National Park Authorities

- 7.1 The three national parks in Wales Brecon Beacons, Pembrokeshire Coast and Snowdonia were formed to protect spectacular landscapes and provide recreation opportunities for the public. <u>The Environment Act 1995</u> led to the creation of a National Park Authority (NPA) for each park.
- 7.2 National park authorities comprise members who are either elected members nominated by the principal councils within the national park area or are members appointed by the Welsh Government through the Public Appointments process. Welsh Government appointed and council nominated members are treated equally in relation to remuneration.
- 7.3 The structure of the members' committee at each of the three national parks is set out in Table 5.

National Park Authority	Total Member ship	Principal Council Members	Welsh Government appointed Members
Brecon Beacons	18	12: Blaenau Gwent County Borough Council – 1 Carmarthenshire County Council – 1 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 1 Powys County Council – 6 Rhondda Cynon Taf County Borough Council - 1 Torfaen County Borough Council – 1	6
Pembrokeshire Coast	18	12: Pembrokeshire County Council – 12	6
Snowdonia	18	12: Conwy County Borough Council – 3 Gwynedd Council – 9	6

Table 5: Membership of Welsh National Park Authorities

- 7.4 Standards Committees of NPAs also have independent co-opted members whose remuneration is included in the Framework as set out in <u>Section 9</u>.
- 7.5 The Panel has based its determinations on the following key points:
 - NPAs manage their work via formal authority meetings, committees and task and finish groups. Each has a Development, Management and or Planning Committee, and other committees include Performance and Resources and Audit and Scrutiny. Ordinary NPA members are

members of at least one committee as well as being involved in site visits and inspection panels.

- There is an expectation that members will participate in training and development.
- The chair of an NPA has a leadership and influencing role in the authority, a representational role similar in some respects to that of a civic head and a high level of accountability. The chair is not only the leader of the authority but is also the public face of the particular national park and is the link with the Minister and MS' with whom they have regular meetings. The role requires a high level of commitment and time.

Basic and senior salaries

- 7.6 The time commitment on which the remuneration of members is based is 44 days. The salary for members of NPAs will increase to £4,738.
- 7.7 The Panel has determined that the remuneration of a NPA chair should be aligned to that part of a Band 3 senior salary received by a committee chair of a principal council. This salary will increase to £13,531.
- 7.8 The NPA can determine the number of senior posts it requires as appropriate to its governance arrangements.
- 7.9 The Panel has made the following determinations:

Determination 23: The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.

Determination 24: The senior salary of the chair of a NPA shall be £13,531 with effect from 1 April 2022.

Determination 25: A NPA senior salary of £8,478 must be paid to a deputy chair where appointed.

Determination 26: Committee chairs or other senior posts can be paid. This shall be paid at £8,478.

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

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

Determination 29: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed. Where this situation applies, it is the responsibility of the individual member to comply.

Note: Family absence does not apply to Welsh Government appointed members and local authority nominees are covered by their principal council so NPAs are not required to make any arrangements in this respect.

9. Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities⁶

- 9.1 The Panel has determined that a daily or half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights. This payment therefore differs from that for elected members of principal councils.
- 9.2 Principal councils, NPAs and FRAs can decide on the maximum number of days in any one year for which co-opted members may be paid. The number of days in any one year may vary to reflect the specific work discharged by each relevant committee.
- 9.3 Recognising the important role that co-opted members discharge, payment must be made for travel and preparation time; committee and other types of meetings as well as other activities, including training, as set out in Determinations 38 to 41.
- 9.4 The determinations are set out below. Principal councils, NPAs and FRAs must tell co-opted members the name of the appropriate officer who will provide them with the information required for their claims; and make the appropriate officer aware of the range of payments that should be made.

Determination 37: Principal Councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights (Table 7).

Chairs of standards, and audit committees	£268 (4 hours and over) £134 (up to 4 hours)
Ordinary Members of Standards Committees who also	£238 daily fee
chair Standards Committees for Community and Town	(4 hours and over)
Councils	£119 (up to 4 hours)
Ordinary Members of Standards Committees; Education	£210
Scrutiny Committee; Crime and Disorder Scrutiny	(4 hours and over)
Committee and Audit Committee	£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)

 Table 7: Fees for co-opted members (with voting rights)

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.

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).

Determination 40: The appropriate officer within the authority must set in advance whether a meeting is programmed for a full or half day. When the meeting is set for a full day the fee will be paid on this basis even if the meeting finishes within four hours.

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.

Support for co-opted members

Determination 42: Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting coopted 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.

⁶This section does not apply to co-opted members to community and town councils.

10. Contribution towards Costs of Care and Personal Assistance

- 10.1 This section applies to all members of principal councils, NPAs, FRAs and to co-opted members of these authorities. The same provision applies to community and town councils and members of Corporate Joint Committees.
- 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 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 <u>Supplementary</u> <u>Report</u> published in February 2020. These principles are set out in <u>Table 8</u>.
- 10.3 The Panel reviewed the arrangements for this financial support and has made the following changes:
 - a) As payments are taxable under the current HMRC rules, full reimbursement is not possible so for clarity this is 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) Reimbursement may be claimed for member's own care or support needs 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 Independence Payments, insurance. These could arise when the needs are recent and or temporary.
- 10.4 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.
- 10.5 The Panel 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 dependents, 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 paid as evidenced.

39

• Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real Living Wage <u>hourly rates as defined by the Living Wage Foundation</u> 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.

10.6 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 <u>Annex 4.</u> 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.

Table 8

	The Minimum Authorities should do	How this could be done
Be clear who it is for	Members with primary caring responsibilities for a child or adult and/or personal support needs where these are not covered by statutory or other provision. Claims for personal support might also include a short term or recent condition not covered by the Equality Act 2010, access to work, Personal Payments, insurance or other provision.	A confidential review of the needs of individual members annually and when circumstances change
Raise Awareness	Ensure potential candidates, candidates and current members are aware that financial support is available to them should their current or future circumstances require.	Ensure clear and easily accessible information is available on website and in election and appointment materials, at Shadowing and at induction and in the members' "handbook". Remind serving members via email and or training. Signpost to Panel's Payments to Councillors leaflets.
Promote a Positive Culture	Ensure all members understand the reason for CPA and support and encourage others to claim where needed.	Encouragement within and across all parties of relevant authorities to support members to claim.

The Panel's principles relating to Care and Personal Assistance (CPA)

The Minimum Authorities should do	How this could be done
	Agree not to advertise or make public individual decisions not to claim.
 Meetings – formal (those called by the authority) and those necessary to members' work (to deal with constituency but not party issues) and personal development (training, and appraisals.) Travel – in connection with meetings. Preparation – reading and administration are part of a member's role. Some meetings and committees require large amounts of reading, analysis or drafting before or after a meeting. Senior salary holders with additional duties may have higher costs. 	Approved duties are usually a matter of fact. Interpretation of the Panel's Regulations are set out in the Annual Report. "Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees."
Members should not be out of pocket subject to the limit set in the Annual Report. Models of care and needs vary. Members may use a combination of several care options. Patterns of care may alter over the civic and academic year. Not all care is based on hourly (or part hourly) rates. Where a whole session must be paid for, this must be reimbursed even where the care need is only for part of a session. Members may need to: • book and pay for sessions in advance • commit to a block contract: week, month or term • pay for sessions cancelled at short notice	
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	The Minimum Authorities should do	How this could be done
Have a simple and effective claim process	Members should know how to claim. The claim process should be clear, proportionate and auditable.	Check members understand how to claim and that it is easy to do so. Flexibility to accept paperless invoices Online form Same or similar form to travel costs claim
Comply with Panel's Publication rules	The Panel's Framework states: "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."	

Determination 43: 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:

- 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 Real Living Wage <u>hourly rates as defined by the</u> <u>Living Wage Foundation</u> at the time the costs are incurred.

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.

11. Sickness Absence for Senior Salary Holders

- 11.1 The <u>Family Absence Regulations</u> (approved by the National Assembly in 2014) are very specific relating to entitlement and only available for elected members of principal councils. Absence for reasons of ill-health is not included.
- 11.2 Instances have been raised with the Panel of senior salary holders on long term sickness and the perceived unfairness in comparison with the arrangements for family absence. In consequence, councils are faced with the dilemma of:
 - operating without the individual member but still paying them the senior salary.
 - replacing the member who therefore loses the senior salary (but retains the basic salary).
- 11.3 The Panel's Framework provides specific arrangements for long term sickness as set out below:
 - a) Long term sickness is defined as certified absences in excess of 4 weeks.
 - b) The maximum length of sickness absence within these proposals is 26 weeks or until the individual's term of office ends, whichever is sooner (but if reappointed any remaining balance of the 26 weeks will be included).
 - c) Within these parameters a senior salary holder on long term sickness can, if the authority decides, continue to receive remuneration for the post held.
 - d) It is a decision of the authority whether to make a substitute appointment, but the substitute will be eligible to be paid the senior salary appropriate to the post.
 - e) If the paid substitution results in the authority exceeding the maximum number of senior salaries payable for that authority, as set out in the Annual Report, an addition will be allowed for the duration of the substitution. (However, this would not apply to Merthyr Tydfil or the Isle of Anglesey councils if it would result in more than 50% of the membership receiving a senior salary. It would also not apply in respect of a council executive member if it would result in the cabinet exceeding 10 posts the statutory maximum).
 - f) When an authority agrees a paid substitution, the Panel must be informed within 14 days of the decision of the details including the specific post and the estimated length of the substitution. The authorities' Schedule of Remuneration must be amended accordingly.
 - g) It does not apply to elected members of principal councils who are not

senior post holders as they continue to receive basic salary for at least six months irrespective of attendance and any extension beyond this timescale is a matter for the authority.

11.4 This arrangement applies to members of principal councils, NPAs and FRAs who are senior salary holders, including Welsh Government appointed members, but does not apply to co-opted members.

Note:

The Family Absence Regulations apply to elected members in cases of maternity, new-born, adoption and parental absences from official business. They do not apply to Welsh Government appointed members of NPAs.

12. Reimbursement of Travel and Subsistence Costs when on Official Business

- 12.1 This section applies to members of principal councils, NPAs, FRAs and to co-opted members of these authorities. This section also applies to members of Corporate Joint Committees. (Similar provision for community and town councils is contained in <u>Section 13</u> as there is a different approach to such members, principally that the provision is permissive.)
- 12.2 Members may claim reimbursement for travel and subsistence (meals and accommodation) costs where these have arisen as a result of undertaking official business or approved duties.
- 12.3 Expenses reimbursed to members of principal councils, by their principal council are exempt from Income Tax and employee NICs. Members of NPAs and FRAs may be subject to other arrangements as determined by HMRC.
- 12.4 The Panel is aware that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. As an alternative, travel arrangements could be made directly by the authority in such circumstances.
- 12.5 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 on authority business
24p per mile	Motorcycles
20p per mile	Bicycles

Reimbursement of mileage costs

12.6 Where a member who is on official business or an approved duty is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

Reimbursement of other travel costs

12.7 All other claims for travel, including travel by taxi if this is the only, or most

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

£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	Staying with friends and or family

- 12.8 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 12.9 All authorities must continue to reimburse subsistence expenses for their members up to the maximum rates set out above on the basis of receipted claims except for occasions when members stay with friends and or family.
- 12.10 There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where it is reasonable and cost effective to reimburse overnight accommodation costs, instead of repeated daily mileage costs, then it is permissible to do so.
- 12.11 It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24-hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

Car Parking for Members

Several councils have specific arrangements for their members in respect of car parking. The Panel considers that it is a matter for individual councils to determine arrangements including payments to and from members providing that it is a decision made formally by the council.