



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2019–2020

COUNCIL ANNUAL GENERAL MEETING

15TH MAY 2019

**MEMBERS' SALARIES AND ALLOWANCES – INDEPENDENT
REMUNERATION PANEL FOR WALES' ELEVENTH ANNUAL REPORT**

**JOINT REPORT OF THE SERVICE DIRECTOR OF DEMOCRATIC
SERVICES AND COMMUNICATION, DIRECTOR OF LEGAL SERVICES
AND DIRECTOR OF FINANCE & DIGITAL SERVICES**

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1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the current position regarding both Members' salaries and allowances following the publication of the Independent Remuneration Panel for Wales' Eleventh Annual Report (the 'IRP Report') and seek approval for Members' salaries and allowances for Municipal Year 2019-20.

2. RECOMMENDATIONS

It is recommended that Council:

- 2.1 Notes the current position with regard to Members' salaries and allowances following the Independent Remuneration Panel's ("the Panel") findings in its Eleventh Annual Report.
- 2.2 Provides instructions as to whether the Mayor and Deputy Mayor of the Council shall be remunerated in accordance with the Civic Salary remuneration level detailed in paragraph 3.12 of this report.

- 2.3 Provides instructions as to which qualifying post holders (up to a maximum of 19) will be paid a Senior Salary for Municipal Year 2019-20. A list of the posts that attract a Senior Salary and the amount that would be payable to each is annexed at Appendix 1. A list of the 18 posts to which a Senior Salary was paid to the post holder for Municipal Year 2018-2019 is annexed at Appendix 2 to this report.
- 2.4 (i) Notes that the Chair of the Audit Committee during the 2018-2019 Municipal Year (who is appointed by the Committee itself) was the Co-opted Lay Member of the Committee – hence no Senior Salary was paid for this post; and
(ii) Determines whether or not this post holder should be paid a Senior Salary for the 2019-2020 Municipal Year if the appointed Chair of the Committee is not the Co-opted Lay Member.
- 2.5 Agrees payments to co-opted members continue to be capped at a maximum of the equivalent of 10 full days a year for each committee to which an individual may be co-opted and eligible to attend.
- 2.6 Agrees undertaking constituency duties should not be included as an approved duty for the purpose of claiming travel allowances.
- 2.7 Re-confirms subsistence claims for official business which takes place in-county shall not be reimbursed by the Council.
- 2.8 Notes the publicity requirements of the IRP Report that the Council will need to undertake in respect of the arrangements for the publication of the remuneration received by Members during the Municipal Year.
- 2.9 In accordance with paragraphs 3.31-3.33 of the report in respect of the publication of the reimbursement of the costs of care determines which of the following options provided by the Panel it considers appropriate to publish and adopt:
- 1) The details of the amounts reimbursed to named Members; or
 - 2) The total amount reimbursed by the Council during the year but not attributed to any named member.

3. BACKGROUND

- 3.1 A full copy of the IRP Report can be accessed via the following links: -
https://gov.wales/sites/default/files/publications/2019-03/irp-annual-report-2019-2020_0.pdf

Cymraeg –

<https://llyw.cymru/sites/default/files/publications/2019-03/pacqa-adroddiad-blynyddol-2019-2020.pdf>

- 3.2 The Panel originally determined (IRP Annual Report, December 2009) that the payment of Basic Salary would be aligned to the median gross earnings of full-time employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE). Given the pressures on public expenditure it was not possible for this alignment to be maintained. In its deliberations relating to its latest report the Panel also considered the Retail Price Index, the Consumer Price Index, NJC Pay Scales and Living Wage figures. They noted these figures showed clear increases in the cost of living and earnings during this period. As the gap between the level of basic remuneration of elected members of principal councils and relevant indicators of rises in income and costs of living indicators has continued to grow the Panel believes it merits action to narrow the gap and limit the rate of erosion. They noted however in doing so any adjustments must be in keeping with the Panel's principle that its determinations should be publicly affordable and acceptable.
- 3.3 The Panel has decided to make an increase to the annual Basic Salary of £268 per annum (which equates to an increase of 1.97%) effective from 1st April 2019. This restores the level of the basic salary to the amount paid in 2011.
- 3.4 In 2009 the Panel concluded that Executive Members should be considered as working the equivalent of full time (up to 40 hours per week) but not necessarily nine to five. Continued Panel discussions with members and officers have reinforced this conclusion. In fact many Executive Members indicated their workload has increased.
- 3.5 In recognition of this the Panel has determined that there should be an increase to the Band 1 and Band 2 senior salaries payable to the Leader, the Deputy Leader and Executive Members. The amount of the increase is £800. This is inclusive of the £268 increase to the basic salary that all members receive.
- 3.6 There is no change to the maximum proportion of Members who are eligible to receive a Senior Salary. Therefore, the maximum proportion of the Council's membership which can be paid a Senior Salary remains capped at 19.
- 3.7 The list of posts which meet the qualifying criteria and would attract Senior Salaries for this Council are set out at Appendix 1. At present 18 Senior Salaries are paid by this Council and these are set out at Appendix 2 to this report.

- 3.8 The salaries for this Council together with allowances for 2019-20 that would be payable are as follows:

Basic and Senior Salaries

Basic Salary £13,868

Senior Salaries (inclusive of Basic Salary) (payable to a maximum of 19 members)

Band 1

Leader £54,100
Deputy Leader £38,100

Band 2

Executive members £33,100

Band 3

Committee Chairs (if remunerated) £22,568

Band 4

Leader of largest opposition group £22,568

Band 5

Leaders of other political groups (*'a political group other than controlling/ largest opposition group (if any) which comprises not less than ten per cent of the members of the Council'*) (if remunerated) £17,568

Committee Chair salaries

- 3.9 It is a matter for the Council to decide which, if any, Committee Chairs are remunerated.

Basic and Senior Salaries: Other Matters

- 3.10 The Panel stipulates the following:

- 3.10.1 The Basic Salary is paid for the responsibility of community representation and participation in the scrutiny, regulatory or related function of local governance at the time equivalent of three days a week. Any time commitment beyond three days is an unpaid public service contribution.
- 3.10.2 The prescribed salary, expenses and allowances must be paid in full to each Member unless an individual has independently and voluntarily opted in writing to the Proper Officer to forego all or any element of the payment.
- 3.10.3 A Member must not be paid more than one Senior Salary

- 3.10.4 All Senior Salaries are paid inclusive of Basic Salary.
- 3.10.5 The Council must pay a Senior Salary (Band 4) to the leader of the largest opposition group (subject to the not less than 10% of total membership requirement).
- 3.10.6 The Council must, if it determines such a post be remunerated, pay a Senior Salary (Band 5) to leaders of other political groups (subject to the not less than 10% of total membership requirement).
- 3.10.7 Where Councils enter into joint arrangements the Senior Salary (if paid) of the chair of the joint-committee shall be paid by his/her Council. This Senior Salary will count against that Council's maximum.
- 3.10.8 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.
- 3.10.9 Members in receipt of a Band 1 or Band 2 Senior 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).

Civic Salaries

- 3.11 The Panel has noted that many Councils had previously set salaries for civic heads and deputies to accord with their population groups, rather than to reflect the specific responsibilities attached to the roles. Councils also expressed to the Panel that elected members do not wish to make decisions that require the Councils themselves to choose and match the level of activity or duties of a specific member to a given range of salary levels for a role. All such choice has therefore been removed by the Panel.
- 3.12 Consequently in the case of civic heads the payment, if remunerated, has been set at £22,568 for a civic head and £17,568 for a deputy civic head.
- 3.13 The Council may decide not to apply any Civic Salary to the posts of Mayor and/or deputy Mayor.
- 3.14 The posts of Mayor and deputy Mayor are not included in the Senior Salary cap of 19.
- 3.15 Members must not be paid a Senior Salary and a Civic Salary.
- 3.16 The Panel's principle that a member should not have to pay for the cost of support needed to carry out the duties applies particularly in the case of civic heads. The Panel recognises the range of different levels of provision made for civic heads in respect of transport, secretarial support, charitable giving or clothing. The Panel does not consider it appropriate for councils to expect or require that contributions towards this provision should be met from the salaries paid to civic heads.

Presiding Member

- 3.17 The Local Government (Democracy) (Wales) Act 2013 which amends the Local Government Act 1972 allows councils to appoint a presiding member whose primary role is to chair meetings of the whole council.
- 3.18 The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Senior Salary (£22,568). This post would count towards the Council's cap of 19.
- 3.19 The Panel has determined that the post of deputy presiding member will not be remunerated.

Co-opted Members

- 3.20 The Panel has determined that for 2019-20, the Council must pay the following fees to co-opted members (who have voting rights):

Chair, Standards Committee; Chair, Audit Committee	£256 (4 hours and over) £128 (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)
Ordinary member of standards committees who also chair standards committees for community and town councils	£226 (4 hours and over) £113 (up to 4 hours)
Community and Town councillors sitting on principal council committees	£198 (4 hours and over) £99 (up to 4 hours)

- 3.21 In the IRP Report the Panel has confirmed that Councils can continue to decide on the maximum number of days for which co-opted members may be paid in any one year.
- 3.22 Previously payments were capped at a maximum of the equivalent of 10 full days a year for each committee to which an individual may be co-opted and eligible to attend and it is recommended Members agree to maintain this cap.
- 3.23 The Panel has confirmed that reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
- 3.24 Travelling time to and from the place of the meeting can be included in the claims for payments to co-opted members (up to the maximum of the daily rate).

- 3.25 The appropriate officer within the Council can 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.
- 3.26 Meetings eligible for the payment of the fee include 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.

Forgoing any part of the salary, allowance or fee

- 3.27 Under Section 154 of the Measure, any Member or co-opted member may by notice in writing to the Monitoring Officer elect to forgo any part of their entitlement to a salary, allowance or fee under the determination of the Panel for that particular year.

Supporting the work of Members

- 3.28 The Panel has determined that the Council, through its Democratic Services Committee, must ensure all its 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 and email facilities and electronic access to appropriate information. The Panel expects that the support provided should take account of the specific needs of individual members.
- 3.29 The Panel has determined such support should be without cost to individual Members. Deductions must not be made from Members' salaries as a contribution towards the costs of support which the Council considers necessary for the effectiveness and/or efficiency of Members.
- 3.30 During the previous Municipal Year the Democratic Services Committee determined that:
- i. In respect of the Panel's determination that all elected Members should be provided with adequate email facilities and electronic access the Council endorsed the decision taken by the Democratic Services Committee on the [23rd July 2018](#):
 - Elected Members receive a payment of £37 per month (before tax and national insurance deductions) as a contribution toward the cost of home broadband.
 - ii. In respect of the Panel's determination that all elected Members should be provided with adequate telephone provision the Council endorsed the decision taken by the Democratic Services Committee on the [12th November 2018](#):
 - That the Council provide elected Members with 2 options with regard to the provision of telephony:

Option 1 – elected Members make their own arrangements, pay the associated bill and receive a payment of £19.64 per month as a contribution toward the cost of telephony.

Option 2 – a handset is provided and paid for by the Council (no requirement for elected Members to pay a bill / receive payment from the Council).

Reimbursement of Care Expenses

- 3.31 The Panel has decided that for 2019-20 all Councils must make provision for a maximum rate payable of £403 per month to elected Members and co-opted members who incur necessary expenses for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs. Reimbursements shall only be made on production of receipts from the carer.
- 3.32 The reimbursement of the costs of care is intended to enable any person whose ability to participate as a member of an authority would be limited by their responsibilities as a carer, or for a member to receive care support to enable that individual to carry out their role. The Panel recognises that there is some sensitivity concerning the publication of this legitimate expense and has reflected this in the options for publication. However, the Panel urges authorities to promote this reimbursement and encourage greater take-up of this support to facilitate participation amongst existing authority members and encourage diversity among future elected members. Such provision would be especially relevant to those individuals in sectors of the population that are currently under-represented in local government but who may become engaged when awareness of the support available for the costs of care becomes more widely known.
- 3.33 In respect of the publication of the reimbursement of the costs of care, the Panel has decided to provide the Council with two options. To publish:
- 1) The details of the amounts reimbursed to named Members; or
 - 2) The total amount reimbursed by the Council during the year but not attributed to any named member.
- 3.34 It is a matter for the Council to decide which of these options for publication it considers appropriate.

Reimbursement of Travel Expenses

- 3.35 The Panel has decided there will be no change in 2019-20 to mileage rates that can be claimed for travel. These remain linked to current 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 Council business

24p per mile – Motorcycles

20p per mile – Bicycles

- 3.36 All other claims for travel, such as bus and taxi fares, will only be reimbursed on production of a receipt showing the actual expense, and are subject to any requirement or further limitation that the Council may determine. Members and co-opted members should always be mindful of choosing the most cost effective method of travel.

Approved Duties – Extension

- 3.37 In its fifth report the Panel decided that Councils may define 'official business' to include Members' undertaking constituency responsibilities for which travel expenses may be reimbursed.

- 3.38 At the last Annual Meeting Members decided that undertaking constituency duties should not be included as an approved duty for the purposes of claiming travel allowances. Members will therefore need to resolve whether they wish to continue with this arrangement for Municipal Year 2019-20.

Reimbursement of Expenses: Subsistence

- 3.39 The maximum rates (in line with Welsh Government rates) for subsistence which can be claimed are set out below (all claims must be supported by receipts):

£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

- 3.40 Overnight accommodation should usually be reserved and paid for by the Council itself. 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 during this period, provided such a claim is supported by receipts.

Subsistence claims within Council boundaries

- 3.41 Council will need to consider whether it wishes to maintain the restriction in respect of such subsistence claims, and that for 2019-20 subsistence expenses for official business which takes place in-county shall only be

reimbursed by the Council when the Council is satisfied it can be justified on economic grounds

- 3.42 The Panel accepts that different considerations apply when official business requires a member to travel beyond county boundaries when additional subsistence costs may be incurred. In this case, reimbursement of subsistence, subject to the specified limits, is acceptable.

Pension provision for Elected Members

- 3.43 The entitlement to join the Local Government Pension Scheme (LGPS) shall apply to all elected Members of the Council.

Joint Overview and Scrutiny Committees (“JOSC”)

- 3.44 The Panel has determined to delete the JOSC payment arrangements from the framework as it found little use had been made in respect of those arrangements. It should be noted that this Council did in fact make use of those arrangements in relation to remuneration of the Chair of the Cwm Taf Public Service Board JOSC in partnership with Merthyr Tydfil CBC. The Panel has stipulated that in future if a Council wishes to remunerate a chair of JOSC it can apply to do so using the arrangements outlined in paragraphs 3.50 – 3.51 below, relating to specific or additional senior salaries.

Family Absence

- 3.45 The Family Absence Regulations apply to elected members in cases of maternity, newborn, adoption and parental absences from official business. For 2019-2020 the Panel has determined the following: -
- i) An elected Member is entitled to retain a Basic Salary when taking family absence under the Family Absence Regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
 - ii) When a Senior Salary holder is eligible for family absence, he/she will be able to continue to receive the salary for the duration of the absence.
 - iii) It is a matter for the Council 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 Council so decides.
 - iv) If the paid substitution results in the Council exceeding the maximum number of Senior Salaries, an addition to the maximum will be allowed for the duration of the substitution. Specific approval of Welsh Ministers is required in such circumstances.
 - v) 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.

- vi) The schedule of remuneration must be amended to reflect the implication of the family absence.

Sickness Absence For Senior Salary Holders

3.48 The Family Absence Regulations are very specific relating to entitlement and only available for elected members of principal councils. Absence for reasons of ill-health is not included. 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 him/her the Senior Salary.
- Replacing the member who therefore loses the Senior Salary (but retains the Basic Salary).

3.49 The Panel has considered this and is amending the Framework to provide specific arrangements for long term sickness as set out below:

- i) Long term sickness is defined as certified absences in excess of 4 weeks.
- ii) 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).
- iii) Within these parameters a Senior Salary holder on long term sickness can, if the Council decides continue to receive remuneration for the post held.
- iv) It is a decision of the Council whether to make a substitute appointment but the substitute will be eligible to be paid the Senior Salary appropriate to the post.
- v) If the paid substitution results in the Council exceeding the maximum number of senior salaries payable, an addition will be allowed for the duration of the substitution. It would not apply in respect of an Executive Member if it would result in the Cabinet exceeding 10 posts - the statutory maximum.
- vi) When the Council 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

Council's Schedule of Remuneration must be amended accordingly.

- vii) 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 Council.

Specific or Additional Senior Salaries

- 3.50 The Panel has allowed for greater flexibility through the provision for the Council to apply for specific or additional senior salaries that do not fall within the current remuneration framework or which could not be accommodated within the maximum number of Senior Salaries relating to the Council.
- 3.51 Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:
 - a. The total number of senior salaries cannot exceed fifty percent of the membership;
 - b. Applications will have to be approved by the authority as a whole (this cannot be delegated) prior to submission to the Panel.
 - c. There must be clear evidence that the post/posts have additional responsibility demonstrated by a description of the role, function and duration; and
 - d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

Job Sharing Arrangements

- 3.52 The Panel has detailed the process to be followed in relation to Senior Salary job sharing arrangements in its latest report.

Compliance and the publicity requirements

- 3.53 The Council must maintain an annual Schedule of Member Remuneration (the 'Schedule'). Annex 3 to the IRP Report sets out the content that must be included in the Schedule. The Panel have produced a template Schedule which the Council has adopted.
- 3.54 The Council publishes the Schedule on its website. It must do so as soon as practicable after determination and not later than 31 July next following the start of the year to which it applies.
- 3.55 The Council must also make arrangements for publication the total sum paid by it to each Member and co-opted Member in respect of salary, allowances, fees and reimbursements as soon as practicable and no later than 30 September following the close of the year to which it relates. Annex 4 to the IRP Report sets out the content that must be included. The Schedule of Member Responsibility and Remuneration

must be sent to the Panel at the same time as the Council publishes it on its website.

**POSTS THAT ATTRACT SENIOR SALARIES
(MEMBERS IN RECEIPT OF SENIOR SALARIES CAPPED AT 19)
MUNICIPAL YEAR 2019-2020**

Note: - There are 24 posts (subject to a Cabinet of 9 Members) listed below which would meet the qualifying criteria for a Senior Salary (as set out in the IRP Report). No Member may receive more than one Senior Salary.

N.B. STATED AMOUNTS ALL INCLUSIVE OF BASIC SALARY

POSITION	AMOUNT (£)
Leader	£54,100
Deputy Leader	£38,100
Executive (Cabinet Member) (x7)	£33,100
Planning & Development Committee Chair	£22,568
Licensing Committee Chair	£22,568
Overview and Scrutiny Committee Chair	£22,568
Scrutiny Committee Chairs (x4)	£22,568
Appeals Committee Chair	£22,568
Appointments Committee Chair	£22,568
Democratic Services Committee Chair	£22,568
Audit Committee Chair	£22,568
Pension Fund Committee Chair	£22,568
Presiding Member* *subject to appointment of Presiding Member at Agenda Item 5	£22,568
Leader of Opposition (largest group)* *must be paid subject to relevant criteria being met	£22,568
Leader of other Political Groups* *Council to determine whether Senior Salary is paid and payment subject to relevant criteria being met	£17,568

APPENDIX 2**POSTS THAT ATTRACTED SENIOR SALARIES
PAID BY THIS COUNCIL DURING THE 2019-2020 MUNICIPAL YEAR**

Note: - These are the 18 posts which attracted Senior Salaries paid to the post holder by this Council during the 2018-2019 Municipal Year. The amount shown is the amount that would be paid as a Senior Salary entitlement should Members resolve to pay the relevant post holder for Municipal Year 2019-2020.

N.B. STATED AMOUNTS ALL INCLUSIVE OF BASIC SALARY

POSITION	AMOUNT (£)
Leader	£54,100
Deputy Leader	£38,100
Executive (Cabinet Member) (x7)	£33,100
Planning & Development Committee Chair	£22,568
Licensing Committee Chair	£22,568
Overview and Scrutiny Committee Chair	£22,568
Scrutiny Committee Chairs (x4)	£22,568
Democratic Services Committee Chair	£22,568
Leader of Opposition* *must be paid subject to relevant criteria being met	£22,568

Members should note that the Chair of Audit Committee during the 2018-2019 Municipal Year (who is appointed by the Committee itself) was the co-opted lay Member of the Committee – hence no Senior Salary was paid for this post.

It is therefore recommended that Council determine whether or not this post should be paid a Senior Salary for the 2019-2020 Municipal Year if the appointed Chair of the Committee is not a co-opted lay Member.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

ANNUAL GENERAL MEETING OF THE COUNCIL

15TH MAY 2019

**JOINT REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES
AND COMMUNICATION, DIRECTOR OF LEGAL SERVICES AND
DIRECTOR OF FINANCE AND DIGITAL SERVICES**

REPORT

OFFICER TO CONTACT

**Members' Allowances and Salaries -
Independent Remuneration Panel For Wales'
Eleventh Annual Report**

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Background Papers

Independent Remuneration Panel For Wales Eleventh
Annual Report