



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2020/21

COUNCIL ANNUAL GENERAL MEETING

16th SEPTEMBER 2020

**MEMBERS' SALARIES AND ALLOWANCES – INDEPENDENT
REMUNERATION PANEL FOR WALES' TWELFTH 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 seek Council's decisions on the posts to be remunerated in line with the determinations of the Twelfth Annual Report of the Independent remuneration panel for Wales.

2. RECOMMENDATIONS

It is recommended that Council:

- 2.1 Notes the determinations of the IRP as set out in its annual report and considered by the Democratic Services Committee on 10th September 2020.
- 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 2020-

21. (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 19 posts to which a Senior Salary was paid to the post holder for Municipal Year 2019-2020 is also annexed at Appendix 2 to this report.)

- 2.4 Determines whether the Leader of another political Group (not the largest opposition group), which comprises not less than ten per cent of the membership of the Council, should be remunerated at Band 5.
- 2.5 (i) Notes that the Chair of the Audit Committee during the 2019-2020 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 2020-2021 Municipal Year if the appointed Chair of the Committee is not the Co-opted Lay Member.
- 2.6 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.
- 2.7 Agrees undertaking constituency duties should not be included as an approved duty for the purpose of claiming travel allowances.
- 2.8 Re-confirms subsistence claims for official business which takes place in-county shall not be reimbursed by the Council.

3. **BACKGROUND**

- 3.1 The determinations contained with the IRP Report can be accessed via the following links: -

<https://gov.wales/sites/default/files/publications/2020-02/annual-report-2020-to-2021.pdf>

Cymraeg –

<https://llyw.cymru/sites/default/files/publications/2020-02/adroddiad-blynyddol-2020-i-2021.pdf>

- 3.2 Members are asked to note the comments made by the IRP in this year's report which states: ***“All council members and officers should take care that no misleading statements are made or reported in media, in particular, an indication that a council has taken a decision to reduce or vary levels of payments. There are no powers that permit***

a principal council to take such action.” This report is therefore presented in a revised format to previous years.

- 3.3 Members are asked to note that 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.
- 3.4 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 19 Senior Salaries are paid by this Council and these are set out at Appendix 2 to this report.
- 3.5 Members are asked to note that following a change in the political balance of the Council, a decision is required as to whether the Leader of another political Group (not the largest opposition group), which comprises not less than ten per cent of the membership of the Council, should be remunerated. **Should the Leader of a Group whose membership meets this criteria, is a member who is not in receipt of another Senior Salary. This role is eligible for a Band 5 Senior Salary.**

Committee Chair salaries

- 3.6 It is a matter for the Council to decide which, if any, Committee Chairs are remunerated. Currently Chairs of all regulatory committees, five scrutiny committees and the Democratic Services Committee are remunerated.

Basic and Senior Salaries: Other Matters

- 3.7 The Panel stipulates the following:
 - 3.7.1 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.
 - 3.7.2 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.
 - 3.7.3 A Member must not be paid more than one Senior Salary
 - 3.7.4 All Senior Salaries are paid inclusive of Basic Salary.
 - 3.7.5 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).
 - 3.7.6 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).
- 3.7.7 Where Council's 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.
- 3.7.8 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.
- 3.7.9 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

- 3.8 The Council must determine whether or not to apply any Civic Salary to the posts of Mayor and/or deputy Mayor. **In 2019/20 the Council determined not to remunerate the position of Deputy Mayor following a reconfiguration of the roles agreed at the Council AGM and the decision to appoint a Presiding Officer.**
- 3.9 The posts of Mayor and deputy Mayor are not included in the Senior Salary cap of 19.
- 3.10 Members must not be paid a Senior Salary and a Civic Salary.

Presiding Member

- 3.11 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.
- 3.12 The Panel has determined that, where appointed and if remunerated, a presiding member must be paid a Band 3 Senior Salary. This post would count towards the Council's cap of 19.
- 3.13 The Panel has determined that the post of deputy presiding member will not be remunerated.

Co-opted Members

- 3.14 The determination of the Panel in respect of co-opted members (who have voting rights) can be found at page 35 within the Annual Report:
- 3.15 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.

- 3.16 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.

Forgoing any part of the salary, allowance or fee

- 3.17 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

- 3.18 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.
- 3.19 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.
- 3.20 Consequently, following consideration by the Democratic Services Committee and Full Council, members are provided with a contribution towards the cost of home broadband. Members are also provided with either a contribution towards the provision of telephony or a handset paid for by the Council.

Reimbursement of Care Expenses

- 3.21 Members are asked to note the detail contained with the supplementary report of the Independent Remuneration Panel for Wales, published in May 2020:

<https://gov.wales/sites/default/files/publications/2020-05/supplementary-report-2020.pdf>

<https://llyw.cymru/sites/default/files/publications/2020-05/adroddiad-atodol-2020.pdf>

- 3.22 The content of this report was presented to the Democratic Services Committee on the 10th September 2020. A copy of the report from the Head of Democratic Services can be found at:

<https://www.rctcbc.gov.uk/EN/Council/CouncillorsCommitteesandMeetings/Meetings/DemocraticServicesCommittee/2020/09/10/DemocraticServicesCommittee10Sep2020.aspx>

- 3.23 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 therefore determined for 2020/21 only a total amount should be published by each local authority

Reimbursement of Travel Expenses

- 3.24 The Panel has decided there will be no change in 2020-21 to mileage rates that can be claimed for travel. These remain linked to current HMRC
- 3.25 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

- 3.26 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.
- 3.27 Members of this Council have previously determined 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 2020-21.

Reimbursement of Expenses: Subsistence

- 3.28 The IRP has determined that a maximum rates which can be claimed are continue to be in with Welsh Government rates and all claims must be supported by receipts:

Subsistence claims within Council boundaries

- 3.29 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
- 3.30 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

- 3.31 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”)

- 3.32 The Panel supported a request made by the Head of Democratic Services on behalf of Rhondda Cynon Taf and Merthyr Councils to allocate an additional senior salary to post of Chair of Cwm Taf Public Service Board JOSC. The panel determined to delete the JOSC payment arrangements from the framework for 2019/20 as it found little use had been made in respect of those arrangements. It should be noted that this Council did 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.

Family Absence

- 3.33 The Family Absence Regulations apply to elected members in cases of maternity, newborn, adoption and parental absences from official business. No requests have been received to utilise this provision within the 2019/20 Municipal Year.

Sickness Absence For Senior Salary Holders

- 3.34 The Panel has made provision for Senior Salary holders on long term sickness and within these parameters a Senior Salary holder on long term sickness can, if the Council decides continue to receive remuneration for the post held.
- 3.35 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. 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. 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.

- 3.36 This provision 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.

Job Sharing Arrangements

- 3.37 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

- 3.38 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.
- 3.39 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.
- 3.40 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.
- 3.41 Following confirmation of senior salary arrangements by members at the Council AGM, the detail of the 2020/21 schedule of remuneration will be provided to the IRP.

APPENDIX 1

**POSTS THAT ATTRACT SENIOR SALARIES
(MEMBERS IN RECEIPT OF SENIOR SALARIES CAPPED AT 19)
MUNICIPAL YEAR 2020-2021**

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 (£14,218)

| POSITION | AMOUNT (£) |
|--|-------------------|
| Leader | £54,450 |
| Deputy Leader | £53,300 |
| Executive (Cabinet Member) (x7) | £33,450 |
| Planning & Development Committee Chair | £22,918 |
| Licensing Committee Chair | £22,918 |
| Overview and Scrutiny Committee Chair | £22,918 |
| Scrutiny Committee Chairs (x4) | £22,918. |
| Appeals Committee Chair | £22,918 |
| Appointments Committee Chair | £22,918 |
| Democratic Services Committee Chair | £22,918 |
| Audit Committee Chair | £22,918 |
| Pension Fund Committee Chair | £22,918 |
| Presiding Member | £22,918 |
| Leader of Opposition (largest group)* *must be paid subject to relevant criteria being met | £22,918 |
| Leader of other Political Groups* *Council to determine whether Senior Salary is paid and payment subject to relevant criteria being met | £17,918 |

APPENDIX 2

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

Note: - These are 19 posts which attracted Senior Salaries paid to the post holder by this Council during the 2019-2020 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 2020-2021.

N.B. STATED AMOUNTS ALL INCLUSIVE OF BASIC SALARY (£13,868)

| POSITION | AMOUNT (£) |
|---|-------------------|
| Leader | £54,100 |
| Deputy Leader | £38,100 |
| Executive (Cabinet Member) (x7) | £33,100 |
| Presiding Officer | £22,568 |
| 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 2019-2020 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 2020-2021 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

16th SEPTEMBER 2020

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

REPORT

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

Background Papers

Independent Remuneration Panel For Wales 12th Annual
Report