

COUNCIL:

23 JULY 2020

REPORT OF THE CHIEF EXECUTIVE

MEMBERS' SCHEDULE OF REMUNERATION 2020 – 2021

Reason for this Report

1. To note the determinations of the Independent Remuneration Panel for Wales (IRPW) in its following reports:
 - Annual Report published in February 2020.
 - Supplementary Report published in May 2020 in respect of the Principles relating to the Reimbursement of Costs of Care
2. To approve for publication by 31 July 2020, the Members' Schedule of Remuneration 2020 – 2021, which has been revised to meet the requirements of the IRPW in its Annual and Supplementary Reports.

Background

3. The Independent Remuneration Panel for Wales (IRPW) (*'the Panel'*) is a statutory body established initially by the Welsh Government in January 2008 to recommend the levels of salaries, allowances and expenses payable to Councillors and Co-opted Members. The Local Government (Wales) Measure 2011 gave the Panel additional powers to prescribe the levels of Member remuneration and allowances. The Panel also received further powers following the introduction of the Local Government (Democracy) (Wales) Act 2013.

Issues

IRPW Annual Report 2020-2021

4. The Panel's Annual Report was published in February 2020, and detailed its determinations on the payment of remuneration and allowances in 2020 – 2021 to Elected Members and Co-opted Members by principal councils from 1st April 2020. The report is available on the IRPW website via the following link:

English: <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>

- The IRPW Regulations and guidance set out in the Panel’s Annual Report in February 20, require the Council to produce and maintain an annual Schedule of Remuneration (*‘the Schedule’*) that details the payments approved to Elected Members and Co-opted Members in accordance with the levels of remuneration and allowances determined by the Panel in its Annual or Supplementary Reports.

Basic Salary

- The Panel determined that the annual Basic Salary payable to Elected Members of all principal councils in Wales for 2020 – 2021 is **£14,218**.

Senior Salaries

- In Cardiff (Population Group A), the maximum number of Senior Salary positions remains as 19, excluding Civic Salary positions.
- The Annual Council meeting in May 2019 approved the allocation of 19 senior salary positions as set out in the table below. (Members will recall that on 21 May 2020, Council agreed that the 2020 Annual Meeting of Council would be deferred and noted that the terms of office of the existing Chairs and Deputies (of Council and Committees) would automatically continue until the 2020 Annual Meeting of Council). It is proposed that the allocation of senior salary positions for 2020/21 should remain unchanged, as set out below.

Bands of Responsibility	Role(s)	No. of Senior Salary Positions
Band 1	Leader	1
	Deputy Leader	1
Band 2	Other Cabinet Members	8
Band 3	Scrutiny Committee Chairs	5
	Planning Committee Chair	1
	Licensing/ Public Protection Committees Chair	1
Band 4	Leader of largest opposition group	1
Band 5	Leader(s) of other political group(s) comprising at least 10% membership of the Authority (if remunerated)	1
Total		19

- The annual Senior Salaries (*inclusive of Basic Salary*) payable in 2020 - 2021 as prescribed by the Panel and applicable to the Council are as follows:

Bands of Responsibility	Role(s)	Senior Salaries determined by the Panel for 2020/21 (inclusive of Basic Salary)
Band 1	Leader	£54,450
	Deputy Leader	£38,450
Band 2	Cabinet Members	£33,450
Band 3	Committee Chairs (if remunerated)	£22,918
Band 4	Leader of largest Opposition Group	£22,918
Band 5	Leader(s) of other political group(s) <i>'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'</i> (if remunerated)	£17,918

Civic Salaries

10. The IRPW has determined that 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

Remuneration of Co-opted Members

11. The IRPW had previously determined that Councils may decide on a maximum number of days for which Co-Opted Members may be paid in any one year, and in its Remuneration Schedule for 2019/20 the Council set a cap of 10 days per year. However, the IRPW's Annual Report for 2020/21 says as follows: "The number of days in any one year for which co-opted members may be paid will reflect the work programme of the relevant committee. The Schedule for 2020/21 has been amended accordingly, and the previous cap is not retained. This recognises the important role that co-opted members have, and the fact that payment must be made for travel and preparation time for committee and other types of meetings as well as other activities, including training.

Supporting the work of Local Authority Elected Members

12. The Annual Report includes a new paragraph regarding the support for an Elected Members Personal Safety which states:

"As a result of their legitimate actions as a councillor an elected member's personal security may become significantly, adversely affected. In keeping with their existing responsibilities, it is the duty of Democratic Services Committees to fund or provide support necessary to enable a councillor to discharge their role reasonably and safely. This may require the funding of appropriate security measures to protect councillors from personal risk or significant threat. Risk assessment and liaison with relevant bodies such as

the police and security services would normally inform selection of required provision.”

13. Measures to support this requirement are already in place in Cardiff and are seen as an exemplar of good practice with the protocols and practice shared with other Local Authorities in Wales.

Impact of the Supplementary Report

14. The Panel’s Supplementary Report was published in May 2020, and prescribed the Principles relating to the Reimbursement of Costs of Care (RoCoC);:

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

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

15. The Supplementary Report builds on the core principles of the IRPW and adds principles which specifically relate to the costs of care. The provision of financial support for members with care responsibilities or personal needs is an important factor in improving and sustaining the diversity of membership. It is essential that there is clarity in the availability of and the access to this support.
16. The Supplementary Report outlines the minimum that Local Authorities should do to ensure that the costs of care are remunerated effectively. The intentions of the Authority to meet those requirements are shown in the table below

The Minimum Authorities should do		How this could/will be done
Be clear who it is for	<ul style="list-style-type: none"> • 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. • For personal support. This 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. 	<p><u>IRPW:</u> A Confidential review of the needs of individual members annually and when circumstances change</p> <p><u>Cardiff:</u> A primary caring responsibilities review will be included as part of the Annual Elected Member Survey with an opportunity to receive requests for RoCoC should individual circumstances change during the year</p>

The Minimum Authorities should do		How this could/will be done
Raise Awareness	<ul style="list-style-type: none"> Ensure potential candidates, candidates and current members are aware that RoCoC is available to them should their current or future circumstances require. 	<p><u>IRPW:</u></p> <ul style="list-style-type: none"> Ensure clear and easily found 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 e-mail and or training. Signpost to IRPW Payments to Councillors leaflets. <p><u>Cardiff:</u> The Authority will develop the following to meet this requirement :</p> <ul style="list-style-type: none"> the review and update of Elections and Candidates internet web pages. Ensure that all induction material includes relevant remuneration information. Elected Member Intranet site to include relevant remuneration information
Promote a Positive Culture	<ul style="list-style-type: none"> Ensure all members understand the reason for RoCoC and support and encourage others to claim where needed. 	<p><u>IRPW:</u></p> <ul style="list-style-type: none"> Encouragement within and across all parties of Relevant Authorities to support members to claim. Agree not to advertise or make public individual decisions not to claim. <p><u>Cardiff:</u> Political Group Whips have indicated support for</p>

The Minimum Authorities should do	How this could/will be done	
		appropriate remuneration of their Elected Members.
Set out the approved duties for which RoCoC can be claimed	<ul style="list-style-type: none"> • 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. 	<p><u>IRPW:</u> Approved duties are usually a matter of fact. Interpretation of the IRPW 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.</p> <p>Cardiff: The approved duties have been updated in the Schedule of Remuneration and RoCoC can be claimed for all approved duties.</p>
Be as enabling as possible about the types of care that can be claimed	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> a. book and pay for sessions in advance b. commit to a block contract: week month or term c. pay for sessions cancelled at short notice 	<p><u>IRPW:</u> No further guidance</p> <p><u>Cardiff:</u> The Authority will be as flexible as possible within the remit of the IRPW Annual Report</p>

The Minimum Authorities should do		How this could/will be done
	<ul style="list-style-type: none"> Where care need straddles two sessions both should be reimbursed. 	
Have a simple and effective claim process	<ul style="list-style-type: none"> Members should know how to claim. The claim process should be clear, proportionate and auditable. 	<p><u>IRPW:</u></p> <ul style="list-style-type: none"> 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 <p><u>Cardiff:</u> A further review will be undertaken to ensure Elected Members are fully aware of the claims processes and to ensure that the process is as simple as possible.</p>
Comply with IRPW Publication rules	<ul style="list-style-type: none"> The IRPW 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." 	<p><u>IRPW:</u> No further guidance</p> <p><u>Cardiff:</u> Cardiff is compliant</p>

Members' Schedule of Remuneration 2020-2021

- The IRPW has developed and issued a proforma Schedule of Remuneration for recommended use by all local authorities in order to promote best practice and assist with consistency in the production of such schedules within Wales. Specific sections within the document are to be amended in order to suit each Authority's own particular circumstances; however, it should be noted that use of the proforma is not mandatory.
- The Council in May 2016 adopted this proforma for use as the basis for the Members' Schedule of Remuneration for future years. In accordance with

the IRPW Regulations, the Council must make arrangements for the publication of the Schedule within the authority area and the Schedule must be sent to the IRPW as soon as practicable after determination and not later than 31 July in the year to which it applies.

19. Any amendments to the Schedule made during the municipal year must be conveyed to the Panel as soon as practicable after the amendments are made. It is proposed that authority should be delegated to the Monitoring Officer to make any necessary amendments to the Schedule in order to reflect any changes in membership of the Council, Cabinet or Committees or as a result of any Supplementary Reports issued by the Panel.

Changes to the Schedule of Remuneration

20. To facilitate the requirements of the IRPW Annual and Supplementary Reports, a number of changes have been made in the updated Schedule of Remuneration as attached at **Appendix A**. These include:
 - a. The transfer of responsibility relating to the remuneration of Elected Members from the Monitoring Officer to the Head of Democratic Services.
 - b. Reference to the requirement to meet the intentions of the IRPW Supplementary Report published in 2020.
 - c. Reimbursement of the Cost of Care replaces the term Care Allowance.
 - d. Removal of the “cap” for Co-opted member claims.
 - e. Updated the Approved Duties to include:
 - Adding the Democratic Services Committee as an approver for attendance at any training or developmental event.
 - Attendance at any non-political personal development event or activity relevant to the role of the individual member with the advance agreement of the Head of Democratic Services.
 - attendance at meetings relating to the personal safety and security of an individual Member.
 - f. Rewording of the section relating to Subsistence Allowance to better reflect the provisions of the IRPW Annual Report.

Legal Implications

21. The legal framework is set by Part 8 of the Local Government (Wales) Measure 2011 (“the Measure”), under which the Independent Remuneration Panel for Wales (“the Panel”) is given functions relating to payments to Councillors and Councillors’ pensions (s.142 of the Measure). The Panel is required to publish an annual report on the exercise of its

functions with respect to each financial year (s.143 of the Measure); and the Council must comply with the requirements imposed on it by the Panel's Annual Report (s.153 of the Measure).

22. As set out in the body of the report, the Council is required to produce and maintain an annual Schedule of Remuneration (*the Schedule*), which must be published and sent to the IRPW as soon as practicable after determination and not later than 31 July in the year to which it applies.
23. All Members entitled to receive payment have a personal interest in this report which should be declared. However, paragraph 12.2 (b)(iv) of the Code of Conduct states that you will not be regarded as having a prejudicial interest in any business of the Council relating to remuneration or an allowance or payment or pension made in accordance with the Local Government (Wales) Measure 2011 or the Local Government and Housing Act 1989. This means all Members may debate and vote on the recommendations in this report.

Financial Implications

24. The overall financial allocation for Members' Remuneration in 2020/21 is £1.611 million, the costs are to be contained within the budget allocated.

RECOMMENDATIONS

The Council is recommended to:

1. note the determinations of the Independent Remuneration Panel for Wales (IRPW) in its following reports:
 - Annual Report published in February 2020.
 - Supplementary Report published in May 2020 in respect of the Principles relating to the Reimbursement of Costs of Care
2. agree to retain the current number and allocation of Senior Salary positions, as set out in paragraph 8 of the report;
3. note the actions to be taken to address the recommendations of the IRPW in respect of arrangements for the Reimbursement of the Costs of Care, as set out in paragraph 16 of the report;
4. approve the Members' Schedule of Remuneration 2020/21, as set out in **Appendix A** to this report for publication by 31 July 2020; and
5. delegate authority to the Monitoring Officer to update the Members' Schedule of Remuneration in the Constitution and to make any necessary amendments to the 2020-2021 Schedule from time to time during the municipal year in order to reflect any changes in membership of the Council, Cabinet or Committees or as a result of any Supplementary Reports issued by the Independent Remuneration Panel for Wales.

PAUL ORDERS
Chief Executive
15 July 2020

The following Appendix is attached to this report:

APPENDIX A: Members' Schedule of Remuneration 2020 – 2021

Background Papers:

Independent Remuneration Panel for Wales Annual Report (February 2020)

English: <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>

Independent Remuneration Panel for Wales Supplementary Report (May 2020), Principles relating to the Reimbursement of Costs of Care (RoCoC);:

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

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