South East Wales Corporate Joint Committee

Cyd-bwyllgor corfforaethol De-Dwyrain Cymru

Report for:	ACTION
Contains Confidential or Exempt Information	NO

For Consideration By	South East Wales Corporate Joint Committee
Report Title	Members Remuneration and Allowances 2024-25
Report of	Kellie Beirne, Chief Executive
Contact Details	Kellie.Beirne@cardiffcapitalregion.gov.uk
Date to be Considered	3 June 2024
Implementation Date	With immediate effect
Affected Council Areas	All
Keywords / Index	remuneration; allowances

Report Summary

1. This report sets out the determinations of the Independent Remuneration Panel for Wales (IRPW) with regard to Members' remuneration and allowances for 2024/25 and seeks the Committee's approval of those matters which are reserved for local determination.

Recommendations

2. The Corporate Joint Committee is asked to:

   (1) note the determinations of the IRPW in its Annual Report for 2024;

   (1) note the IRPW's Determinations 2024/25;

   (2) approve the draft Members' Scheme of Remuneration for 2024/25; and

   (3) delegate authority to the Monitoring Officer to make any necessary amendments to the 2024-2025 Members' Scheme of Remuneration from time to time during the municipal year in order to reflect any in-year determinations issued by the IRPW.

Reasons for Recommendations and Options Considered

3. The IRPW is the statutory body which, pursuant to powers set out in Part 8 of the Local Government (Wales) Measure 2011, is responsible for setting the levels and arrangements for the remuneration of members of relevant authorities.

4. Regulation 4 of the Corporate Joint Committees (General) (No.2) (Wales) Regulations 2021 amended the 2011 Measure to include corporate joint committees as relevant authorities for which the IRPW is responsible for making determinations as to the remuneration of their members.

5. In relation to a corporate joint committee, a "member" is defined as including:

> *"a person who is a member of a **sub-committee** of a corporate joint committee and entitled to vote on any question to be decided by that sub-committee."* [emphasis added]

6. The CJC is required, by law, to implement the decisions the IRPW makes. Therefore, any payments made to members or co-opted members of a CJC, or its sub-committees, have to be determined by the IRPW.

7. Section 153 of the 2011 Measure requires Relevant Authorities to make payments to members of that Relevant Authority in accordance with requirements imposed on it by the IRPW in an annual report.

8. The IRPW's Annual Report for 2024, published in February 2024, detailed its determinations on the payment of remuneration and allowances in 2024/25. In relation to corporate joint committees, the report states:

> ***"Requirements placed on Corporate Joint Committees***
>
> *The Panel has not made any determinations in respect of CJCs to date. However, the payment of contribution to costs of care and personal assistance and travel and subsistence to members of CJCs has been included."*

9. The IRPW's Determinations 2024/2025 were first published on 1 April 2024 and last updated on 23 May 2024. In relation to Corporate Joint Committees, the determinations in force for the year April 2024 to 2025 state (at page 5):

> *"As CJCs are in the early stages of being set up, it is too soon for the Panel to consider whether members of a CJC should be remunerated and over time the role, responsibility will be*

evaluated including any consequential changes to the function and role of the Executive members of the principal council. However, the payment of contribution to costs of care and travel and subsistence to members of CJCs has been addressed."

Care and Personal Assistance

10. CJCs 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; and
- Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real Living Wage hourly rates as defined by the Living Wage Foundation at the time the costs are incurred.

11. This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. The CJC 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 (Determination 43 of 2022).

Travel and Subsistence Expenses

12. The CJC may only reimburse travel costs for members undertaking official business within and/or outside the CJC's boundaries at the current HM Revenue and Customs (HMRC) rates. Maximum rates for subsistence payments are set out below on the basis of receipted claims:

- £28 per 24-hour period allowance for meals, including breakfast where not provided
- £200 London overnight
- £95 elsewhere overnight
- £30 staying with friends and or family overnight

13. Travelling time to and from the place of the meeting is to be included in the claims for payments (up to the maximum of the daily rate) (Determination 39, 2022).

Payments to Lay Members

14. The IRPW is yet to make any determination about the remuneration of Lay/Independent Members of a CJC's Standards and/or Governance and

Audit Sub-Committees. However, they are in the process of considering the position and an announcement is expected imminently.

Comments of the s.151 Officer

15. Budgetary provision for Members' remuneration and allowances for 2024/25 has been included in the CJC's approved 2024/25 Revenue Budget. The Budget Report set out that financial year 2024/25 represented the first year of the CJC Statutory Functions and the Cardiff Capital Region City Deal coming together under one corporate structure, therefore, the budget was developed using 'zero base budgeting', using the information known at that time.

16. Regular budget monitoring reports will be provided to the CJC during the year to report 'actual' and 'projected costs' for the year and will include the financial implications associated with clarifications being sought from the IRPW at this time, along with proposed solutions for dealing with any adverse variance which may arise as a result.

17. The in-year budget monitoring information will be used to inform preparations for the CJC's 2025/26 Budget and its Medium Term Financial Plan.

Comments of the Monitoring Officer

18. 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 IRPW") is given functions relating to payments to Members. The IRPW 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 CJC must comply with the requirements imposed on it by the IRPW's Annual Report (s.153 of the Measure). In considering this matter, the CJC must have regard to the statutory Guidance issued by the IRPW (under section 157 of the Measure).

19. The CJC is required to produce and maintain an annual Scheme of Remuneration, 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.

Staffing Implications

20. There are no specific staffing implications associated with this report.

Equality, Diversity and Inclusion

21. The Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021 amended Part 2 of Schedule 19 to the Equality Act 2010 to provide that Corporate Joint Committees are subject to the Public Sector Equality duty set out in Section 149 of the Equality Act 2010.

22. The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021 amended section 1 of the Equality Act 2010 in order to add Corporate Joint Committees to the list of relevant authorities subject to the Socio Economic Duty.

23. The Committee must, in the exercise of its functions, have due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not.

24. The characteristics protected under the Act are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

25. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

26. The socio-economic duty requires public bodies to, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

Well-being of Future Generations

27. The Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021 bring CJCs within the scope of Parts 2 and 3 of the Well-being of Future Generations (Wales) Act 2015.

28. The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies to carry out sustainable development, meaning the process of improving the social, economic, environmental and cultural well-being of Wales by taking action aimed at achieving the well-being goals of:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

and by acting in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

29. In order to act in accordance with the sustainable development principle, when exercising its functions, the Committee must take account of the following things:
- the importance of balancing short term needs with the need to safeguard the ability to meet long term needs;
- the need to take an integrated approach to achieving the well-being goals;
- the importance of involving others with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of the region;
- how acting in collaboration with others could assist to meet the region's well-being objectives;
- how deploying resources to prevent problems occurring or getting worse may contribute to meeting the region's well-being objectives.

30. In developing the Recommendations of this report, regard has been had to the well-being duty arising under the Well-Being of Future Generations (Wales) Act 2015 ('the Act').

Welsh Language Implications

31. The Welsh Language Standards (No.1) Regulations 2015 (Amendment) Regulations 2021 bring Corporate Joint Committees within the scope of the standards specified by the No.1 Regulations.

32. In accordance with the Welsh Language Standards (No.1) Regulations 2015, consideration has been given to the impact the recommendations made in this report may have on opportunities for people to use and promote the Welsh

Language, whether the proposals treat the Welsh Language more or less favourably than the English Language, and opportunities for increasing the positive effects, or decreasing the negative effects, of the proposals on the Welsh Language.

33. No negative impacts were identified which would prevent approval being sought to implement the recommendations of this report.

Background Papers

Independent Remuneration Panel for Wales: Annual Report, February 2024

Independent Remuneration Panel for Wales: Guidance for Principal Councils, Community and Town Councils, National Park Authorities, Fire and Rescue Authorities and Corporate Joint Committees in Wales – remuneration of members, February 2024.

Independent Remuneration Panel for Wales: Determinations 2024/25, April 2024

Appendices

Appendix: Draft Members Scheme of Remuneration and Allowances 2024-25.

Report Author: Jayne La Grua, Monitoring Officer

Meeting Date: 3 June 2024

MEMBERS' SCHEME OF REMUNERATION AND ALLOWANCES 2024 – 2025

This Scheme is made under the Local Government (Wales) Measure 2011 with regard to Independent Remuneration Panel for Wales (IRPW) Determinations which apply to payments made to members of the Corporate Joint Committee and its sub-committees.

1. Contribution towards Costs of Care and Personal Assistance

1.1 Contribution towards Costs of Care and Personal Assistance shall be paid to a Member who has caring responsibility for dependent children or adults, or a personal care requirement, provided the Member incurs expenses in the provision of such care whilst undertaking 'approved' CJC duties.

1.2 Contribution towards Costs of Care and Personal Assistance applies 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 for whom the Member can show that care is required. If a Member has more than one dependant the Member may claim more than one allowance, provided the Member can demonstrate a need to make separate arrangements for care.

1.3 Eligible Members may claim contribution towards costs of care and personal assistance for actual and receipted costs as set out in Schedule 1. All claims for the contribution towards costs of care and personal assistance should be made in writing to Democratic Services detailing times, dates and reasons for claim. Receipts are required for both informal and formal care arrangements.

2. Travel and Subsistence Allowances

2.1 General Principles

2.2 Members and Co-opted Members are entitled to claim travelling expenses when travelling on the CJC's business for 'approved duties' as set out in Schedule 2. Where Members travel on the CJCs business they are expected to travel by the most cost effective means. In assessing cost effectiveness regard will be given to journey time. A Member who does not travel by the most cost effective means may have their claim abated by an appropriate amount.

2.3 Where possible Members should share transport.

2.4 The distance claimed for mileage should be the shortest reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.

2.5 The rates of Members' Travel and Subsistence Allowances are set out in Schedule 3 and are subject to annual review by the Independent Remuneration Panel for Wales.

3. Travel by Private Vehicle

3.1 The Independent Remuneration Panel for Wales has determined that the maximum travel rates payable should be the rates set out by Her Majesty's Revenue & Customs for the use of private cars, motor cycles and pedal cycles plus any passenger supplement.

3.2 The mileage rates for private vehicles as determined by the Independent Remuneration Panel for Wales are set out in Schedule 3.

3.3 Where a Member makes use of their private vehicle for approved duty purposes, the vehicle must be insured for business use. Proof of appropriate insurance must be provided to the CJC on request.

4. Travel by Public Transport

4.1 Rail/Coach Travel

Unless otherwise authorised rail tickets will be second-class. Democratic Services will usually purchase requisite rail and coach tickets for Members in advance of journeys. In the unlikely event that a Member needs to purchase a ticket directly, payment will be reimbursed upon production of the used ticket and or a receipt.

4.2 Taxi Fares

Taxi fares will only be reimbursed where their use has been authorised for cases of urgency, where no public transport is reasonably available, or a Member has a particular personal need. Re-imbursement will be upon receipt only.

4.3 Air Fares

Unless otherwise authorised flight tickets will be budget or economy class. Discounted flight tickets will be purchased well in advance wherever possible in order to reduce costs. Travel by air is permissible if it is the most cost effective means of transport. Authorisation of the Monitoring Officer is required and tickets will usually be purchased by Democratic Services.

4.4 Travel Abroad

Travel abroad on the CJC's business will only be permitted where authorised by the Monitoring Officer. Democratic Services will usually arrange travel and accommodation.

4.5 Other Travel Expenses

Members will be entitled to reimbursement of toll fees, parking fees, overnight garaging and other necessary travel associated expenses. Re-imbursement will be upon receipt only.

5. Overnight Accommodation

5.1 Overnight stays will only be permitted where the CJC's business extends to two days or more, or the venue is at such a distance that early morning or late night travel would be unreasonable. All overnight stays must receive prior authorisation from the Monitoring Officer.

5.2 Overnight accommodation will usually be booked by Democratic Services. Wherever possible the overnight accommodation will be pre-paid or invoiced.

5.3 Direct booking of overnight accommodation by a Member will only be permitted in the event of an emergency. Reimbursement will only be made upon the production of a receipt and will be at a level deemed reasonable and not in excess of the rates set out in Schedule 3.

6. Subsistence Allowance

6.1 The day subsistence rate to meet the costs of meals and refreshments in connection with approved duties (including breakfast when not provided as part of overnight accommodation) is set out in Schedule 3. The maximum daily rate covers a 24 hour period and can be claimed for any meal that is relevant, providing such a claim is supported by receipt(s).

6.2 No provision is made for subsistence claims within the CJC area.

7. Claims and Payments

7.1 A claim for travel and subsistence allowances must be made in writing by the 1st day of each month or the previous working day if falling on a Saturday or

Sunday or Bank Holiday and must be accompanied by the relevant receipts. Claims must be made within 3 months of the event and within the relevant accounting year (i.e. by 4 April every year).

7.2 Allowances will be paid by the CJC's Payroll team by BACS transfer.

8. Compliance

8.1 In accordance with the Regulations, the Authority must comply with the requirements of Independent Remuneration Panel for Wales in respect of the monitoring and publication of payments made to Members as set out in Schedule 4. Members are reminded that expense claims are subject to both internal and external audit.

SCHEDULE 1
SCHEDULE OF REMUNERATION 2024 – 2025

Contribution towards costs of care and personal assistance
All Members
• 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 UK Living Wage at the time the costs are incurred.

SCHEDULE 2

Approved duties:

- attendance at a meeting of the CJC or of any sub-committee of the CJC or of any body to which the CJC makes appointments or nominations or of any committee of such a body;
- attendance at a meeting of any association of authorities of which the CJC is a member;
- attendance at any other meeting the holding of which is authorised by the CJC or by a sub-committee of the CJC or by a joint committee of one or more of the CJC's constituent authorities;
- a duty undertaken for the purpose of or in connection with the discharge of the functions of the CJC;
- a duty undertaken in pursuance of a standing order which requires a Member or Members to be present;
- attendance at any training or developmental event approved by the CJC;
- the following duties which have been approved by the CJC:
    - attendance at any non-political personal development event or activity relevant to the role of the individual member with the advance agreement of the Monitoring Officer;
    - attendance at meetings relating to the personal safety and security of an individual Member.
    - a duty undertaken for the purpose of or in connection with the discharge of the roles to which a Member has been appointed by the CJC, for example, Sub-Committee Chairs.

SCHEDULE 3

Mileage Rates

All sizes of private motor vehicle Up to 10,000 miles Over 10,000 miles	 45 pence per mile 25 pence per mile
Private Motor Cycles Pedal Cycles	24 pence per mile 20 pence per mile
Passenger supplement	5 pence per passenger per mile

Subsistence Allowance

The day subsistence rate is up to a maximum of £28 and covers a 24 hour period and can be claimed for any meal if relevant provided such a claim is supported by receipts. Re-imbursement of alcoholic drinks is not permitted.

Overnight Stay

The maximum allowances for an overnight stay are £200 for London and £95 for elsewhere.

A maximum of £30 is available for an overnight stay with friends or relatives whilst on approved duty.

SCHEDULE 4

Compliance

- The CJC will arrange for the publication on its website of the total sum paid by it to each Member in respect of salary, allowances, fees and reimbursements not later than 30 September following the close of the year to which it relates.

- The CJC will publish on its website the annual schedule of Member Remuneration not later than 31 July of the year to which the schedule refers.

- The CJC will send a copy of the schedule to the Independent Remuneration Panel for Wales not later than 31 July of the year to which the schedule refers.

- The CJC will maintain records of Member or Co-opted Members attendance at meetings of the Corporate Joint Committee and sub-committees and other approved duties for which a Member or Co-opted Member submits a claim for reimbursement.