



Llywodraeth Cymru  
Welsh Government

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# Independent Remuneration Panel for Wales: remuneration guidance

Guidance to help relevant authorities comply with its determinations of members remuneration set out in panels annual report.

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# Introduction

This is guidance made under [section 157](#) of the [Local Government \(Wales\) Measure 2011](#) ('the Measure'). A principal council (a county or county borough council in Wales), community and town council, national park authority, fire and rescue authority and corporate joint committee must have regard to this guidance. For the purpose of this guidance the term relevant authority refers to the above named bodies.

## Purpose of this guidance

This guidance is issued by the Independent Remuneration Panel for Wales 'the Panel' to support the relevant authorities referred to above to comply with its determinations about members' remuneration, including payments, reporting and publication requirements as set out in the Panels annual report.

## Policy intent

Members of the relevant authorities covered by this guidance perform an important role within local democracy. They act on behalf of, and in the best interests of others within their communities. In doing so, they have a direct impact on the day to day lives of local people.

It is important that there is a remuneration structure to support individuals while undertaking their roles, so that it reflects the commitment they make to society.

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# What the 2011 Measure requires

The 2011 Measure places a duty on relevant authorities to comply with requirements imposed on them in annual reports published by the Panel. This duty includes (but is not limited to):

- making required or authorised payments to individual members in accordance with determinations made by the Panel
- having arrangements in place to enable members to forego all or part of any payment they are entitled to
- having arrangements in place that avoid the duplication of required or authorised payments.
- providing information to the Panel in relation to required and authorised payments and the arrangements in place to support the remuneration processes
- providing information to be made available to the public in relation to required and authorised payments and the arrangements in place to support the remuneration processes

## Payments to members

**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 Panel in an annual report.

## Status of determinations made by the Panel

Relevant authorities are required to comply with the decisions made by the Panel. A number of these decisions require specific payments to be made, or place specific reporting and or publication requirement on relevant authorities.

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This is not a matter upon which relevant authorities have discretion. There is no requirement for a relevant authority to vote on the arrangements to authorise payments. Any vote of a relevant body either in support or against these determinations has no effect on the obligation of the relevant bodies to comply with the requirements prescribed by the Panel.

In establishing arrangements for payments to members, a relevant authority must ensure compliance with current legislation and best practice in terms of financial management, governance, the management of personal information and the Nolan Principles of standards in public life.

Relevant bodies must ensure:

- appropriate systems are in place to ensure members are aware of the nature and value of payments available to them
- they provide members with information about which payments are mandatory and which are discretionary
- they explain the approach they are and or have taken in respect of discretionary payments, including how they have exercised their discretion and what factors they have taken into account
- they are clear with members about how the payments will be made and when
- they are clear with members about the level of information about their remuneration will be made public and under what circumstances
- they are clear about which payments will be made public on the basis of the total amount paid in respect of all members rather than on an individual member basis, known as globalised payments
- members are clear about what information is required to ensure payments can be processed promptly
- that processes are in place and communicated to members explaining how individual members can forego part or all of a particular payment
- mechanisms are in place to safeguard against duplicate payments, the apportioning and or recovery of payments and financial misconduct

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## Members electing to forego part or all of a payment

While relevant authorities are required to make payments in accordance with the determinations of the Panel, members are not obligated to accept these payments.

Each relevant authority should encourage and enable members to accept the payments they are entitled to as recompense for the role they undertake.

This should include:

- explaining the remuneration arrangements reflect the public service undertaken on behalf of others
- being clear that the payments in part are in place to enable reasonable expenses to be covered

Relevant authorities should ensure members are not discouraged from accepting and or claiming for payments they are entitled to receive. This includes discussion about whether individuals are intending to take up payments and or allowances in open fora, such as council or other meetings, where individuals could feel pressure to adopt a particular approach.

Where members elect not to accept the payments relevant authorities must ensure each member is aware they can elect not to receive part or all of the particular payment, and how they opt out.

The process adopted must include a declaration from the member that the decision to elect not to receive a payment is the choice of the member. This must be a free choice by the member and not an invitation to sign an opt out form or declaration. This declaration should be for each year and not a single declaration for the term of elected office.

A member can change their mind part way through a year to accept or decline payment. Where this situation occurs, the member should notify their authority of the change as soon as possible.

It is up to relevant authorities to manage and record their financial processes and procedures.

The relevant authority should acknowledge the declaration and confirm the necessary action will be taken to exclude payments.

The declaration must be retained in line with the requirements for the retention of financial records and made available for any audit of the payment systems.

In circumstances where a member receives payment despite having completed the appropriate declaration the relevant authority will discuss the erroneous payment with the member and arrange for the recovery of the payment.

## **Schedule of remuneration**

Principal councils, National Park Authorities (NPAs) and Welsh Fire and Rescue Authorities (FRAs) must maintain and publish an annual Schedule of Member Remuneration (the 'Schedule') which is in accordance with the Panel's determinations on member salary and co-opted member payments. The minimum required elements that must be included in the Schedule are set out in the individual sections of this guidance relating to principal councils, community and town councils, national park authorities and fire and rescue authorities.

## **Statement of payments**

Principal councils, NPAs, FRAs and Community and Town Councils must publish a Statement of Payments made to its members for each financial

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year. The information that must be provided is set out in the individual sections of this guidance relating to principal councils, community and town councils, national park authorities and fire and rescue authorities.

## **Travel and subsistence costs when on official business**

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.

## **Contribution towards costs of care and personal assistance**

Members, including co-opted members, are entitled to a contribution towards the costs of care and personal assistance to enable those 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.

Relevant authorities must ensure arrangements are in place to:

- communicate the availability of this support to members
- confirm this support is only available for activities the individual authority has designated official business or is an approved duty which might include appropriate and reasonable preparation and travelling time
- set out the specific arrangements in place to implement payment in respect of this support

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 or similar) 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 hourly rates as defined by the Living Wage Foundation at the time the costs are incurred

A relevant authority must only make payments on production of receipts from the care provider.

Any payment of contribution to costs of care and personal assistance made by principal councils, NPAs, FRAs and community and town councils should be reported as global sums by simply listing the total amounts paid and the total number of recipients. Members' names should not be published.

## Long term sickness absence

These arrangements apply to elected members of principal councils, NPAs and FRAs who are senior salary holders. They do not apply to Welsh Government appointed members of NPAs nor to co-opted members.

Long term sickness is defined as certified absences in excess of 4 weeks. The maximum length of sickness absence 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).

A senior salary holder on long term sickness can, if the authority decides, continue to receive remuneration for the post held.

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.

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 if it would result in more than 50% of the membership receiving a senior salary. Specific approval of Welsh Ministers would be required in such circumstances. It also does not apply in respect of a council executive member if it would result in the cabinet exceeding 10 posts the statutory maximum).

## Payment of schedule

It is a matter for the authority to decide whether 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 authority so decides.

When an authority agrees a paid substitution, it must inform the Panel of the agreement within 14 days of the decision. The details including the specific post, the names of the substantive and substitute members and the estimated length of the substitution. The authorities' Schedule of Remuneration must be amended accordingly.

These arrangements do not apply to elected members of principal councils who are not senior post holders as they continue to receive basic salary for at least 6 months irrespective of attendance and any extension beyond this timescale is a matter for the authority.

## Pensions

The Panel is able to make determinations about the provision of information in relation to members' pensions. Determinations may be made about:

- the members of the authority to or in respect of whom the authority is required to pay relevant pensions
- payments made by the authority in respect of relevant pensions

A relevant authority must make arrangements to comply with a requirement imposed on it in its annual report.

## Arrangements for co-opted members

Principal Councils, NPAs and FRAs must pay fees to co-opted members with voting rights in accordance with the Panels determinations.

This includes:

- chairs of standards, and audit committees
- ordinary members of standards committees who also chair standards committees for community and town councils
- ordinary members of standards committees; education scrutiny committee; crime and disorder scrutiny committee and audit committee
- community and town councillors sitting on principal council standards committees

Payments made to co-opted members should reflect reasonable time for pre-meeting preparation. It is a matter for each relevant authority to determine the amount of time that is considered reasonable.

Travelling time to and from the place of a meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).

The appropriate officer within the authority must set out 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 4 hours.

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.

A relevant authority may decide to make payments based upon full or half days, and from April 2024 to make payments based upon an hourly rate in respect of members' activities. This approach is intended to provide a relevant authority with maximum flexibility in managing claims and represent the best value for money. The approach and detailed arrangements must be communicated to members.

The Panel determine there should be local flexibility for the relevant local officer to decide when it will be appropriate to apply a day or a half day rate or to use an hourly rate where it is sensible to aggregate a number of short meetings.

Each authority, through its democratic services committee or other appropriate committee, must ensure that all voting co-opted 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.

## **Family absence**

An elected member of a principal council is entitled to retain a basic salary when taking a period of family absence.

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Statutory guidance about absence from local authority meetings has been published and local authorities must have regard to the guidance when exercising its functions.

The categories of family absence provided for within these arrangements are set out in the guidance and include, maternity, paternity, new-born and adopter's absence.

The level of payment is not affected by the member's attendance record immediately preceding the start of the family absence.

When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence, but only for the period specified.

## **Substitution for a member taking family absence**

It is a matter for each principal council to decide whether or not to make a substitute appointment to cover the responsibilities of a member in receipt of a senior salary. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary if the authority decides this is appropriate. If the paid substitution results in the authority exceeding the maximum number of senior salaries which it is allowed to pay, as set out in the Panel's annual report, an addition to the maximum will be allowed for the duration of the substitution. This is subject to the terms set out in each principal council's constitution.

In the case of Merthyr Tydfil County Borough Council if it would result in the number of senior salaries exceeding fifty percent of the Council membership, approval of Welsh Ministers is required in advance of arrangements being put in place.

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When a principal council agrees a paid substitution for family absence the principal council must inform the Panel of the agreement within 14 days of the date of the decision. The details provided to the Panel must include the particular post, the names of the substantive and substituting members and the duration of the substitution.

The council's schedule of remuneration must be amended to reflect the change of arrangements.

## Executive job share arrangements

**Section 58** of the **Local Government and Elections Act (Wales) 2021** makes provision for job sharing for executive leaders and executive members.

The 2000 Act:

- requires a local authority to include in their executive arrangements provision for enabling 2 or more councillors to share an office on an executive, including the office of executive leader
- enables a local authority to change the maximum number of members of an executive when members of the executive share an office
- sets out the arrangements for voting and quorum where members of an executive share office

For members of an executive each job sharer will be paid an appropriate proportion of the salary group.

A local authority must not exceed the statutory maximum number of 10 cabinet members, as set out in **the Local Government Act 2000**.

Every member, not role, counts as 1 within that maximum. There is an exception under the **Local Government and Elections (Wales) Act 2021** where job

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sharing arrangements are included in the executive. In these circumstances the number of executive members can increase to 13 depending on arrangements.

**The Local Government and Elections Act** also provides for principal councils to be able to appoint elected members to assist the executive in discharging its functions. Such appointments are made by the leader of the council.

The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the executive.

Under the Measure, it is the number of persons in receipt of a senior salary, not the number of senior salary posts that count towards the cap. Therefore, for all job share arrangements the senior salary cap will be increased subject to the statutory maximum of 50% of the council's membership. Where the arrangements would mean that the statutory maximum would be exceeded a local authority will need the approval of the Panel, and Welsh Ministers prior to any arrangements being established.

In respect of job-sharing arrangements for other senior salary posts (e.g. Committee Chairs: Opposition group leaders) a principal authority should seek the Panel's authorisation before putting arrangements in place.

Principal councils can apply for specific or additional senior salaries that do not fall within the current Framework.

Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:

- The total number of senior salaries cannot exceed 50 percent of the membership.
- Applications will have to be approved by the authority as a whole (unless this has been delegated within Standing Orders) prior to submission to the Panel.

- There must be clear evidence that the post or posts have additional responsibility demonstrated by a description of the role, function and duration.
- Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

## Appointments to other bodies

Individuals who are a Leader, Deputy Leader or a member of the executive / cabinet member are not eligible to receive payment if they are nominated onto a position on a NPA or FRA. In addition, these individuals are not eligible to receive payment if they are elected or co-opted onto a Community and Town Council. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the community or town council. Where this situation applies, it is the responsibility of the individual member to comply.

## Schedule of remuneration

Principal councils, NPAs and FRAs must maintain an annual Schedule of Member Remuneration (the 'Schedule') in accordance with the Panel's determinations on member salary and co-opted member payments.

The Schedule must contain the following information:

1. Named members who are to receive only the basic salary and the amount to be paid.
2. Named members who are to receive a senior salary, detailing the office, the band, the portfolio held and the amount to be paid.

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3. Named members who are to receive a civic salary and the amount to be paid.
4. Named members who are to receive the co-opted member fee and whether chair or ordinary member and the amount to be paid.
5. Named members who are to receive a senior salary as a chair of a Joint Overview and Scrutiny Committee or Sub Committee and the amount to be paid.
6. Named members in receipt of a specific or additional senior salary approved by the Panel and the amount to be paid.

Principal councils must also confirm in their annual Schedule that the maximum limit of senior salaries set for the council has not been exceeded.

Principal councils, NPAs and FRAs must include a statement of allowable expenses in their annual Schedule in accordance with the Panel's determinations.

The Schedule must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members for making claims for care and personal assistance, travel and subsistence expenses, arrangements for the avoidance of duplication and arrangements for re-payment of salaries, allowances and fees.

The Schedule includes the duties for which members and co-opted members are able to claim reimbursement towards travel, subsistence and care and personal assistance costs.

Principal councils must declare in the Schedule whether:

- a statement of the basic responsibility of a councillor is in place
- role descriptors of senior salary office holders are in place
- records are kept of councillor attendance

Principal councils, NPAs and FRAs must publish the Schedule of Remuneration as soon as practicable and no later than 31 July of the year to which it applies. The Schedule should be published in a form and location that is easily accessible to members of the public.

The Schedule must also be sent to the Panel Secretariat to be received no later than 31 July.

Any changes to the schedule during the year must be promptly publicised in the above manner and all changes notified to the Panel Secretariat promptly.

## Statement of payments

In accordance with **Section 151** of the **2011 Measure** relevant authorities may publish a statement of payments which have been made to its members for each financial year.

This information must be published in a form and location that is easily accessible to members of the public no later than 30 September following the end of the previous financial year.

The same information must be provided to the Panel within the same timescale.

The following information must be provided:

- The amount of basic salary, senior salary, civic salary and co-opted member fee paid to each named member or co-opted member of the relevant authority, including where the member had chosen to forego all or part of the salary, or fee for the municipal year in question. Where a senior salary has been paid, the title of the senior office held is to be provided.
- It is important to consider the potential impact on members' privacy and safety when publishing elements of members' remuneration.

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- Many of the payments made to member are a matter of public record for example, basic salaries and senior salaries. These should continue to be published on an individual member basis.
- Expenses relating to costs of care payments and personal assistance are considered to be different in nature. Principal councils must publish this information on the basis of the total amount paid for all members.

The following applies to Community and Town Councils only.

The payments made by community and town councils to named members as:

- mandatory payments towards the additional household expenses of working from home on council business. These figures should be reported globally on the statement of payments
- mandatory payments towards office consumables resulting from working from home. These figures should be reported globally on the statement of payments
- responsibility payments
- allowances made to a mayor or chair and deputy mayor or deputy chair
- compensation for Financial Loss
- costs incurred in respect of travel and subsistence. These figures should be reported globally on the statement of payments
- any payments made for attendance on official business or approved duty

All travel and subsistence expenses and other payments received by each named member and co-opted member of the relevant authority, with each category identified separately.

The amount of any further payments received by any named member nominated to, or appointed by, another relevant authority or other public body as defined by **Section 67** of the **Local Government (Democracy) (Wales) Act 2013**, namely:

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- a local health board
- a police and crime Panel
- a relevant authority
- a body designated as a public body in an order made by the Welsh Ministers

Names of members who did not receive basic or senior salary because they were suspended for all or part of the annual period to which the Schedule applies.

In respect of the publication of the contribution towards costs of care and personal assistance, relevant authorities are only required to publish the total amount reimbursed during the year and total number of recipients.

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.

Nil returns are required to be published and provided to the Panel by 30 September.

## Requirements placed on Principal Councils

The following arrangements apply to principal councils.

### Payments

- The basic salary payment determined by the Panel must be made to all members of the council, with the exception of members who have elected to forego all or part of this payment.
- Senior salary payments are made to members who are appointed to the

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executive of a principal council, with specific portfolio responsibilities. It is a matter for the executive to decide how many senior salaries are to be paid within the maximum number of senior salaries allowable.

- Senior salary payments must be paid to the leader of the largest opposition group.
- Senior salaries may also be paid to committee chairs, civic heads, deputy civic head and presiding members and to the leader of other political groups. Payments for these roles is discretionary and a matter for each principal council.
- A Co-opted member payment is a fee paid to co-opted members with voting rights.

In addition, members are able:

- to claim travel and subsistence expenses
- to claim contribution towards costs of care and personal assistance
- to continue to receive their package of remuneration while on an agreed period of family absence

Members in receipt of a Band 1 or Band 2 salary (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from a community or town council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the community or town council. Where this situation applies, it is the responsibility of the individual member to comply.

# Requirements placed on Community and Town Councils

## Payments

A community and town council must:

- Reimburse all members for time spent on community and town council matters. This is a set payment determined by the Panel towards the additional household expenses of working from home on council business.
- Reimburse all members for the costs of office consumables resulting from working from home. Councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively Councils must enable members to claim full reimbursement for the cost of their office consumables.
- Responsibility payments are made members with specific responsibilities, such as a committee chair. This payment must be made to at least 1 member of the council (those councils that are in groups 1 and 2).
- Reimburse members for any costs of care or personal assistance.

A community and town council must make a decision to pay:

- responsibility payment, such as a committee chair. Those councils in groups 1 and 2 can decide to pay additional members. Councils in groups 3 to 5 must decide whether to pay up to a maximum of 3 members.
- the Mayor or Chair of the Council.
- the Deputy Mayor or Deputy Chair of the Council.
- attendance allowance
- compensation for financial loss
- travel and subsistence

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A councillor can only receive 1 responsibility payment regardless of how many senior roles they hold within their Council.

Where a person is a member of more than 1 community or town council, they are eligible to receive the reimbursement for time spent on community and town council matters and, if appropriate, a senior payment from each council of which they are a member.

An individual may decline to receive part, or all, of the payments if they so wish. This must be done in writing and is an individual matter. A community or town council member wishing to decline payments must themselves write to their proper officer to do so.

Each community and town council must ensure that it does not create a climate which prevents persons accessing any monies to which they are entitled that may support them to participate in local democracy. Payments should be made efficiently and promptly.

Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town Council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.

## **Requirements placed on National Park Authorities**

### **Payments**

The remuneration for the position of Chair is linked to a principal council Band 3 senior salary, equivalent to the position of a committee chair.

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Deputy chairs, Committee chairs and other paid senior posts is linked to a principal council Band 5 salary, equivalent to the deputy civic head and leader of other political groups.

The NPA can determine the number of senior posts it requires as appropriate to its governance arrangements.

A senior salary is paid inclusive of the basic salary. Members must not receive more than 1 senior salary.

Members of a principal council in receipt of a Band 1 or Band 2 senior salary (that is Leader, Deputy Leader or Executive Member) 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.

## **Requirements placed on Fire and Rescue Authorities**

### **Payments**

The remuneration for the position of Chair is linked to a principal council Band 3 senior salary, equivalent to the position of a committee chair.

Deputy chairs, Committee chairs and other paid senior posts is linked to a principal council Band 5 salary, equivalent to the deputy civic head and leader of other political groups.

The FRA can determine the number of senior posts it requires as appropriate to its governance arrangements.

A senior salary is paid inclusive of the basic salary. Members must not receive

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more than 1 senior salary.

Members of a principal council in receipt of a Band 1 or Band 2 senior salary (that is Leader, Deputy Leader or Executive Member) cannot receive a salary from any FRA to which they have been nominated. Where this situation applies, it is the responsibility of the individual member to comply.

## Requirements placed on Corporate Joint Committees

**The Local Government and Elections (Wales) Act 2021** established Corporate Joint Committees (CJCs) which comprise groups of principal councils. CJCs have specific functions which are set out in Regulations.

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.

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