



# Local Government (Wales) Measure 2011

## 2011 nawm 4

### PART 8

#### MEMBERS: PAYMENTS AND PENSIONS

##### *Principal functions of the Panel*

#### **142 Functions relating to payments to members**

- (1) For the financial year beginning 1 April 2012 and for each following financial year, the Panel may decide the relevant matters—
  - (a) for which a relevant authority will be required to make payments to members of the authority;
  - (b) for which a relevant authority will be authorised to make payments to members of the authority.
- (2) Relevant matters are—
  - (a) matters relating to the official business of members of relevant authorities;
  - (b) periods of family absence under Part 2.
- (3) Having exercised that power, the Panel must set for each relevant matter one of the following—
  - (a) the amount that a relevant authority must pay to a member of the authority;
  - (b) the maximum amount that a relevant authority may pay to a member of the authority.
- (4) Having decided the relevant matters for which a relevant authority may be authorised or required to make payments under subsection (1) and set the amount or maximum amount for each matter under subsection (3), the Panel may determine that payments in respect of a particular matter or matters may not be paid to more than a fixed proportion of the members of an authority.
- (5) The proportion fixed by the Panel in accordance with subsection (4) may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.

---

*Status: This is the original version (as it was originally enacted).*

---

- (6) The Panel may set—
  - (a) the maximum percentage or other rate by which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for the relevant matters for the previous financial year;
  - (b) an index by reference to which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for such of the relevant matters for the previous financial year as the Panel decides.
- (7) The powers under subsection (6) may be exercised so as to—
  - (a) set a rate and an index in relation to the same matter;
  - (b) set different rates or indices in relation to different matters.
- (8) When setting an amount under subsection (3), making a determination under subsection (4) or setting a rate or index under subsection (6), the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities.
- (9) The Panel may make different decisions under subsection (1), set different amounts under subsection (3), make different determinations under subsection (4) or set different rates or indices under subsection (6) in relation to authorities of different descriptions or different authorities of the same description.
- (10) For the purposes of subsection (2) a matter relates to the official business of a member of a relevant authority if it is a matter which a member undertakes—
  - (a) as a member of a relevant authority, or
  - (b) as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.

### **143 Functions relating to members' pensions**

- (1) This section applies in relation to members of relevant authorities who—
  - (a) are not co-opted members, and
  - (b) are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (local government pension schemes).
- (2) The Panel may decide the descriptions of members to or in respect of whom a relevant authority will be required to pay a pension (a “relevant pension”).
- (3) The Panel may decide the relevant matters in respect of which a relevant authority will be required to pay a relevant pension.
- (4) The Panel may make different decisions in relation to authorities of different descriptions or different authorities of the same description.

### **144 Relevant authorities, members etc.**

- (1) This section applies for the purposes of this Part.
- (2) An authority is a “relevant authority” if it comes within one of the following descriptions—
  - (a) a local authority;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) a community council;
  - (c) a National Park authority (established under section 63 of the Environment Act 1995) for a National Park in Wales;
  - (d) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- (3) A reference to a description of a relevant authority is to be read with subsection (2).
- (4) “Member”, in relation to a relevant authority, includes—
- (a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),
  - (b) an elected executive member of the authority (within the meaning of section 39(4) of that Act), and
  - (c) a co-opted member of the authority.
- (5) “Co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority (except by virtue of subsection (4)) but—
- (a) is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and
  - (b) is entitled to vote on questions for decision at meetings of that committee or sub-committee.