



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 5

### OTHER CHANGES TO LOCAL GOVERNMENT

#### *Independent Remuneration Panel for Wales*

#### **62 Functions relating to payments to members**

In section 142 of the 2011 Measure (functions relating to payments to members)—

- (a) in subsection (4), after “proportion” insert “or specified number”,
- (b) after subsection (5) insert—

“(5A) The number specified by the Panel in accordance with subsection (4), expressed as a proportion of the total number of members of an authority, may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.”.

#### **63 Functions relating to salaries of heads of paid service**

(1) After section 143 of the 2011 Measure insert—

##### **“143A Functions relating to salaries of heads of paid service**

- (1) The Panel may make recommendations to a qualifying relevant authority about—
  - (a) any policy in the authority’s pay policy statement which relates to the salary of the authority’s head of paid service;
  - (b) any proposed change to the salary of the authority’s head of paid service.

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- (2) A qualifying relevant authority must have regard to any recommendation received from the Panel when performing its functions under section 38 or 39 of the [Localism Act 2011 \(c. 20\)](#).
- (3) A qualifying relevant authority must, before making a change to the salary of its head of paid service which is not commensurate with a change to the salaries of the authority's other staff—
  - (a) consult the Panel about the proposed change, and
  - (b) have regard to any recommendation received from the Panel when deciding whether or not to proceed with making the change.
- (4) A qualifying relevant authority must provide the Panel with such information as the Panel may reasonably require in connection with the exercise of its functions under this section.
- (5) The Panel may publish any recommendations it makes under this section.
- (6) The Panel must have regard to any guidance issued by the Welsh Ministers when exercising its functions under this section.
- (7) In this section—
 

“head of paid service” (“*pennaeth gwasanaeth cyflogedig*”) means a head of paid service designated under section 4(1) of the Local Government and Housing Act 1989;

“pay policy statement” (“*datganiad ar bolisiau tâl*”) means a pay policy statement produced by a relevant authority (within the meaning of section 43(1) of the Localism Act 2011) under section 38 of that Act;

“qualifying relevant authority” (“*awdurdod perthnasol cymwys*”) means a relevant authority (within the meaning of this Part) which is required to produce a pay policy statement;

“salary” (“*cyflog*”) includes, in the case of a head of paid service engaged by a qualifying relevant authority under a contract for services, payments by the authority to the head of paid service for those services.”.

- (2) In the Part heading of Part 8 of the 2011 Measure, omit “MEMBERS:”.
- (3) In section 112 of the 1972 Act (appointment of staff), in subsection (2A), after “statement)” insert “and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to salaries of heads of paid service).”.

## 64 Relevant authorities

In section 144 of the 2011 Measure (relevant authorities, members etc.)—

- (a) in subsection (2), after paragraph (d) insert—
  - (e) a body specified as a relevant authority in an order made by the Welsh Ministers.”,
- (b) after subsection (5) insert—
  - (6) A body may only be specified as a relevant authority if—
    - (a) the Welsh Ministers exercise functions in respect of it,

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- (b) it exercises relevant functions, and
- (c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).

(7) A “relevant function” is—

- (a) a function conferred by an Act or Measure of the National Assembly for Wales, or
- (b) a function that could be conferred by an Act of the National Assembly for Wales.

(8) Sections 142(4), 143, 147(3)(b) and 155 do not apply in relation to a relevant authority described in subsection (2)(e).”.

## **65 Subsequent annual reports**

In section 147 of the 2011 Measure (subsequent annual reports)—

- (a) in subsection (2)(a), for “31 December” substitute “28 February”,
- (b) in subsection (4), after “(e)” insert “(including by specifying a number under section 142(4))”,
- (c) for subsection (9) substitute—

“(9) The provisions of an annual or supplementary report under this section come into force on the date specified for that purpose in the report.

(10) Where subsection (11) applies, the report may specify that a qualifying provision is to be treated as having been brought into force up to 3 months earlier than the date of publication of the report.

(11) This subsection applies where a supplementary report contains a qualifying provision.

(12) A “qualifying provision” is a provision making a variation for the purposes of subsection (3)(a), (b) or (c) of section 146.”.

## **66 Consultation on draft reports**

In section 148 of the 2011 Measure (consultation on draft reports)—

- (a) in subsection (1), “or a supplementary report” is repealed, and
- (b) after that subsection insert—

“(1A) The Panel must not publish a supplementary report—

- (a) before the end of the period of four weeks beginning with the day on which it sends a draft of the report in accordance with section 147, or
- (b) later than the end of the period of eight weeks beginning with the day on which it sends a draft of the report in accordance with section 147.”.

## **67 Publicity requirements in reports**

In section 151 of the 2011 Measure (publicity requirements in reports)—

- (a) in subsection (1), after paragraph (b) insert—

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- “(c) about other payments made to members of relevant authorities from other public bodies.”.
- (b) after subsection (2) insert—
- “(3) For the purposes of subsection (1)(c), a “public body” is—
- (a) a local health board,
  - (b) a police and crime commissioner panel,
  - (c) a relevant authority,
  - (d) a body designated as a public body in an order made by the Welsh Ministers.”.