



# Local Government (Wales) Measure 2011

## 2011 nawm 4

### PART 8

#### MEMBERS: PAYMENTS AND PENSIONS

##### *Reports by the Panel*

#### 145 Annual reports

- (1) The Panel must publish a report (an “annual report”) about the exercise of its functions with respect to each financial year.
- (2) An annual report may impose requirements (including, amongst other things, requirements to make payments) on relevant authorities.

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#### **Commencement Information**

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| <b>II</b> | S. 145 in force for specified purposes at 31.8.2011 by <a href="#">S.I. 2011/2011, art. 2(f)</a>               |
| <b>I2</b> | S. 145 in force at 30.4.2012 in so far as not already in force by <a href="#">S.I. 2012/1187, art. 2(2)(b)</a> |

#### 146 First annual report

- (1) The first financial year for which the Panel must publish an annual report under section 145 is the financial year beginning 1 April 2012.
- (2) The report for that financial year (“the first annual report”) must be published no later than 31 December 2011.
- (3) The first annual report must specify—
  - (a) the relevant matters,
  - (b) the amounts set under section 142(3),
  - (c) the proportion determined under section 142(4 ),

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- (d) the members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension, and
  - (e) the relevant matters in respect of which a relevant pension is payable.
- (4) After publishing the first annual report but before publishing the second annual report, the Panel may publish one or more supplementary reports.
- (5) A supplementary report under this section may vary the provision made in the first annual report for the purposes of subsection (3)(a), (b), (c), (d) or (e).
- (6) In preparing a supplementary report under this section, the Panel must take into account—
- (a) the first annual report and any supplementary reports relating to it, and
  - (b) the representations the Panel received about the reports referred to in paragraph (a).
- (7) Before publishing the first annual report or a supplementary report under this section, the Panel must—
- (a) send a draft to
    - (i) the Welsh Ministers,
    - (ii) those relevant authorities which are required or authorised by the Panel to make payment to their members in respect of relevant matters, and
    - (iii) such other persons as the Panel considers appropriate,
 and,
  - (b) take into account the representations it receives about the draft.
- (8) The provisions of the first annual report or a supplementary report under this section come into force on the date specified for that purpose in the report; but the report may not specify a date earlier than the last day of the period of three months beginning with the day after the date of publication.

#### **Commencement Information**

**I3** S. 146 in force at 31.8.2011 by [S.I. 2011/2011](#), **art. 2(g)**

### **147 Subsequent annual reports**

- (1) This section applies in relation to annual reports after the first annual report.
- (2) An annual report must be published no later than—
- (a) [<sup>F128</sup>February]in the financial year preceding that to which the report relates, or
  - (b) such later date as the Panel and the Welsh Ministers may agree.
- (3) An annual report must specify—
- (a) by reference to the amount having effect for each relevant matter, such rate or index as is set under section 142(6), and
  - (b) the descriptions of members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension.

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- (4) An annual report may vary the provision made in the first annual report for the purposes of section 146(3)(a), (b), (c), (d) or (e)<sup>[F2]</sup>(including by specifying a number under section 142(4)).
- (5) After publishing an annual report but before publishing the next annual report, the Panel may publish one or more supplementary reports.
- (6) A supplementary report under this section may—
- (a) vary the provision made in the annual report to which the supplementary report relates for the purposes of subsection (3)(a) or (b) (and may make provision for those purposes to the extent that the annual report does not);
  - (b) vary the provision made in the first annual report for the purposes of section 146(3)(a), (b), (c), (d) or (e) (or that provision as varied by virtue of subsection (4)).
- (7) In preparing an annual report or a supplementary report under this section, the Panel must take into account—
- (a) the previous annual report and any supplementary reports relating to it;
  - (b) the representations the Panel received about the reports referred to in paragraph (a).
- (8) Before publishing an annual report or a supplementary report under this section, the Panel must—
- (a) send a draft to the
    - (i) Welsh Ministers,
    - (ii) those relevant authorities which are required or authorised by the Panel to make payment to their members in respect of relevant matters, and
    - (iii) such other persons as the Panel considers appropriate,and,
  - (b) take into account the representations the Panel receives about the draft.
- <sup>[F3]</sup>(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.]

#### Textual Amendments

- F1** Words in s. 147(2)(a) substituted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 65\(a\)](#), [75\(2\)\(d\)](#)
- F2** Words in s. 147(4) inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 65\(b\)](#), [75\(2\)\(d\)](#)
- F3** S. 147(9)-(12) substituted for s. 147(2) (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 65\(c\)](#), [75\(2\)\(d\)](#)

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#### Commencement Information

**I4** S. 147 in force at 30.4.2012 by [S.I. 2012/1187](#), [art. 2\(1\)\(l\)](#)

### 148 Consultation on draft reports

(1) The Panel must not publish an annual report <sup>F4</sup>... before 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 146 or 147.

[<sup>F5</sup>(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.]

(2) The Panel must, when it sends a draft of a report in accordance with either of those sections, place an electronic copy of the draft on its website.

#### Textual Amendments

**F4** Words in s. 148(1) repealed (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 66\(a\)](#), [75\(2\)\(d\)](#)

**F5** S. 148(1A) inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 66\(b\)](#), [75\(2\)\(d\)](#)

#### Commencement Information

**I5** S. 148 in force for specified purposes at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(h\)](#)

**I6** S. 148 in force at 30.4.2012 in so far as not already in force by [S.I. 2012/1187](#), [art. 2\(2\)\(c\)](#)

### 149 Directions to vary draft reports

(1) The Welsh Ministers may direct the Panel to reconsider a provision of a draft report.

(2) A direction under this section must specify—

- (a) the provision,
- (b) the reason for giving the direction, and
- (c) the date by which the Welsh Ministers require the Panel to respond.

(3) The Panel—

- (a) must respond to the direction no later than the date specified for the purposes of subsection (2)(c);
- (b) may not publish the report before having responded to the direction.

(4) If the Panel decides not to vary the draft in accordance with the direction, it must specify in its response the reason for its decision.

#### Commencement Information

**I7** S. 149 in force for specified purposes at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(i\)](#)

**I8** S. 149 in force at 30.4.2012 in so far as not already in force by [S.I. 2012/1187](#), [art. 2\(2\)\(d\)](#)

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## 150 Administrative requirements in reports

- (1) An annual report may impose on relevant authorities requirements for avoiding—
  - (a) duplication of payments made in respect of relevant matters;
  - (b) duplication as relevant matters of matters relating to the official business of members.
- (2) For the purposes of a case where a member of a relevant authority does something which relates to another relevant authority (as well as the authority to which the member belongs), and for which a payment in respect of a relevant matter must be made to the member, an annual report must set out how to determine which of the authorities will be required to make the payment.
- (3) An annual report may impose on relevant authorities requirements for keeping—
  - (a) records of requests for payments in respect of relevant matters;
  - (b) records of payments made in respect of relevant matters;
  - (c) records of payments made in respect of relevant pensions.

### Commencement Information

**I9** S. 150 in force for specified purposes at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(j\)](#)

**I10** S. 150 in force at 30.4.2012 in so far as not already in force by [S.I. 2012/1187](#), [art. 2\(2\)\(e\)](#)

## 151 Publicity requirements in reports

- (1) An annual report may impose on relevant authorities requirements for making arrangements for publishing information of a specified description—
  - (a) about payments made in respect of relevant matters;
  - (b) about payments made in respect of relevant pensions.
  - <sup>[F6]</sup>(c) about other payments made to members of relevant authorities from other public bodies.]
- (2) The report may require different arrangements to be made by authorities of different descriptions or different authorities of the same description.
- <sup>[F7]</sup>(3) For the purposes of subsection (1)(c), a “public body” is—
  - (a) a local health board,
  - (b) a police and crime panel,
  - (c) a relevant authority,
  - (d) a body designated as a public body in an order made by the Welsh Ministers.]

### Textual Amendments

**F6** S. 151(1)(c) inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 67\(a\)](#), [75\(2\)\(d\)](#)

**F7** S. 151(3) inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 67\(b\)](#), [75\(2\)\(d\)](#)

### Commencement Information

**I11** S. 151 in force for specified purposes at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(k\)](#)

**I12** S. 151 in force at 30.4.2012 in so far as not already in force by [S.I. 2012/1187](#), [art. 2\(2\)\(f\)](#)

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## **152 Publicising reports**

- (1) If the Panel publishes a report, it must notify—
  - (a) such persons as it considers are likely to be affected by the report, and
  - (b) such broadcasters and such members of the press as it considers appropriate.
- (2) The Panel must secure reasonable availability of its reports to persons generally.
- (3) Subject to subsections (1) and (2), the Panel may decide how to publicise its reports.
- (4) In this section, “report” (except in relation to subsection (1)(b)) includes a draft of a report; and “publish”, in relation to a draft, means send to the persons to whom the draft is required to be sent under section 146 or 147.

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### **Commencement Information**

**I13** S. 152 in force for specified purposes at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(1\)](#)

**I14** S. 152 in force at 30.4.2012 in so far as not already in force by [S.I. 2012/1187](#), [art. 2\(2\)\(g\)](#)

**Status:**

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**Changes to legislation:**

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