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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1086**

**The Local Authorities (Allowances for Members) (Wales) Regulations 2007**

**PART 6**

**The Independent Remuneration Panel for Wales**

**Establishment of the Panel**

**26.** The National Assembly for Wales must appoint a permanent panel known as the Independent Remuneration Panel for Wales.

**Membership of the Panel**

**27.**—(1) The Panel appointed under regulation 26 must consist of a Chairperson and a Vice-chairperson, together with three other members.

(2) The National Assembly for Wales is to appoint one member of the Panel as Chairperson of the Panel.

(3) No person is to be a member of the Panel if that person is disqualified by virtue of paragraph (4).

(4) The following persons are disqualified from membership of the Panel —

- (a) a member of the National Assembly for Wales, the House of Commons, the House of Lords, the European Parliament, an authority, a town or community council; or
- (b) a person who is disqualified from(1) being or becoming a member of an authority other than as an officer in the employment of an authority.

**Tenure of Panel members**

**28.**—(1) A person appointed as a member of the Panel must hold and vacate office in accordance with the terms of the instrument appointing that person to that office as determined by the National Assembly for Wales.

(2) Subject to paragraph (3), no person may be appointed as a member of the Panel for a period exceeding four years.

(3) A person who ceases to be a member of the Panel is eligible for re-appointment.

(4) A member appointed to fill a casual vacancy is to serve in that office until the date upon which the term of office of the person in whose place that member is elected would have expired.

**Meetings of the Panel**

**29.**—(1) Subject to paragraph (2), the Panel must meet at least once a year.

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(1) See section 80 of the Local Government Act 1972 (c. 70) and sections 79 and 83(11) of the Local Government Act 2000 (c. 22).

(2) The first meeting of the Panel must be held within the period of six weeks beginning with the date of the instruments appointing persons as members of the Panel (or such later date as the National Assembly for Wales may agree).

(3) At the first meeting of the Panel, or where a casual vacancy occurs in the office of Vice-chairperson, the members of the Panel must elect one of their number (other than the Chairperson) to be Vice-chairperson of the Panel.

(4) Subject to paragraph (5), the Chairperson is to preside at meetings of the Panel.

(5) If the Chairperson is absent from a meeting of the Panel, the Vice-chairperson of the Panel is to preside.

(6) A Chairperson or Vice-chairperson is to hold such office until that person's term of office as member comes to an end.

(7) Subject to any provisions made by these Regulations, the members of the Panel may regulate their own procedure.

### **Voting**

**30.**—(1) A question to be decided by the Panel must be decided by a majority of the votes cast by the members present at the meeting and voting thereon.

(2) In the case of an equality of votes, the person presiding at the meeting of the Panel is to have a second or casting vote.

### **Quorum**

**31.** The quorum of the Panel is three and must include —

- (a) the Chairperson; or
- (b) the Vice-chairperson.

### **Administration**

**32.**—(1) The National Assembly for Wales must pay the expenses incurred by the Panel in carrying out its functions and may pay the members of the Panel such allowances or expenses as it may determine.

(2) The National Assembly for Wales must make available to the Panel appropriate administrative support.

**33.** The Panel may, in the performance of its functions under these Regulations, seek information or advice from any body or person.

### **Initial Report**

**34.**—(1) The Panel must produce a report (“the initial report”) which prescribes in relation to each authority —

- (a) the responsibilities or duties in respect of which —
  - (i) special responsibility allowance; and
  - (ii) co-optees' allowance,may be payable; and
- (b) the maximum amounts payable by way of —
  - (i) basic allowance;
  - (ii) special responsibility allowance;

- (iii) care allowance;
  - (iv) travelling allowance;
  - (v) subsistence allowance; and
  - (vi) co-optees' allowance.
- (2) For the purposes of the initial report, the Panel may —
- (a) prescribe different maximum amounts in relation to different authorities, and
  - (b) in relation to —
    - (i) special responsibility allowance; and
    - (ii) co-optees' allowance,prescribe different maximum amounts for different responsibilities or duties.
- (3) In producing the initial report, the Panel must consider any representation received from an authority in respect of the exercise of the Panel's functions under this regulation.
- (4) The Panel must produce the initial report before 31 July 2008 (or such later date as the National Assembly for Wales may agree).

### **Annual Reports**

- 35.**—(1) Subject to paragraphs (4) and (5) the Panel must produce a report in every year (“an annual report”) which prescribes in relation to each authority —
- (a) the maximum annual adjustment that may be made by that authority in relation to the following year to —
    - (i) basic allowance;
    - (ii) special responsibility allowance;
    - (iii) care allowance;
    - (iv) travelling allowance;
    - (v) subsistence allowance; and
    - (vi) co-optees' allowance.
  - (b) an index by reference to which one or more of the allowances referred to in paragraph (a) (i) to (vi) may be adjusted annually by that authority in relation to the following year.
- (2) For the purposes of —
- (a) paragraph (1)(a), the Panel may prescribe different maximum annual adjustments for different authorities; and
  - (b) paragraph (1)(b), the Panel may prescribe different indices for different authorities.
- (3) In producing an annual report, the Panel must—
- (a) take account of any supplementary report produced by the Panel prior to that annual report which prescribes matters which for the time being apply to any authority; and
  - (b) consider any representation received from an authority in respect of the exercise of the Panel's functions under this regulation.
- (4) Subject to paragraph (5), each annual report must be produced by the Panel by 31 December in the year prior to the year to which that report relates.
- (5) The first annual report must be produced by the Panel during the financial year ending on 31 March 2010 and in any event before 31 December 2009 (or such later date as the National Assembly for Wales may agree).

### Supplementary Reports

**36.**—(1) Without prejudice to regulations 34 or 35, the Panel may at any time after the production of the initial report, and from time to time thereafter, produce a report (“a supplementary report”) which prescribes in relation to one or more authorities any of the matters that may be prescribed by the Panel in pursuance of regulations 34 and 35.

(2) In determining whether to produce a supplementary report and, if having determined to do so, in producing a supplementary report, the Panel must consider any representation received from an authority in respect of the exercise of the Panel’s functions under this regulation.

### Pensions

**37.**—(1) The Panel may make recommendations as to which members of an authority are to be entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997(2).

(2) In exercising its functions under paragraph (1), the Panel may make different recommendations in relation to each authority in respect of which it exercises those functions.

(3) Recommendations under paragraph (1) may form part of a report produced by the Panel in pursuance of regulations 34 or 36.

**38.**—(1) An authority may —

- (a) determine which members of the authority are entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997; and
- (b) provide in respect of those members referred to in sub-paragraph (a) that basic allowance and special responsibility allowance are treated as amounts in respect of which pensions are payable.

(2) An authority must in making any determination in accordance with this regulation only do so in respect of a member who has been recommended by the Panel as eligible for such entitlement under regulation 37.

### Publicity for Panel Reports

**39.**—(1) As soon as reasonably practicable after the Panel has produced a report under regulation 34, 35 or 36, the Panel must forward that report to the National Assembly for Wales.

(2) As soon as practicable after the National Assembly for Wales receives a report produced by the Panel under regulation 34 or 35, the National Assembly for Wales must send a copy of that report to every -

- (a) authority;
- (b) National Park authority; and
- (c) fire and rescue authority.

(3) As soon as practicable after the National Assembly for Wales receives a report produced by the Panel under regulation 36, the National Assembly for Wales must send a copy of the report to -

- (a) the authority to which that report relates;
- (b) any National Park authority within whose area that authority lies; and
- (c) the fire and rescue authority within whose area that authority lies.

(4) The National Assembly for Wales must —

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(2) S.I. 1997/1612, as amended by S.I. 1997/1613, S.I. 1998/1238, S.I. 1999/1212, S.I. 1999/3438, S.I. 2000/3025, S.I. 2001/3649, S.I. 2001/770, S.I. 2001/1481, S.I. 2001/2401, S.I. 2002/206, S.I. 2002/819, S.I. 2003/2249. There are other amendments which are not relevant to Wales.

- (a) publish the details of a report received under paragraph (1) in one or more newspapers circulating throughout Wales;
  - (b) where the report received under paragraph (1) is the initial report or an annual report, include in the publication under sub-paragraph (a) a statement that copies of the report will be available at the principal offices of the authorities to members of the public at such times as may be specified by those authorities;
  - (c) where the report received under paragraph (1) is a supplementary report, include in the publication under sub-paragraph (a) a statement —
    - (i) that copies of that report will be available to members of the public at the principal offices of the authority or authorities to which the report relates at such times as may be specified by those authorities; and
    - (ii) specifying the authority or authorities to which the report relates.
- (5) Each authority must ensure that as soon as reasonably practicable after receiving a report of the Panel under paragraph (2) or (3) —
- (a) copies are available for inspection by members of the public at the principal office of the authority at such reasonable times as the authority may specify; and
  - (b) a copy is supplied to any person who requests it and who pays the authority such reasonable fee as the authority may determine.