
WELSH STATUTORY INSTRUMENTS

2007 No. 1086

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

PART 7

Amendments to the 2002 Regulations

40.—(1) The 2002 Regulations are amended as follows.

(2) In regulation 2 —

(a) in the appropriate place, insert—

““co-opted member” (“*aelod cyfetholedig*”) means in relation to a National Park authority a person who is not a member of the National Park authority but who—

(a) is a member of any committee or sub-committee of the National Park authority;
or

(b) is a member of, and represents the National Park authority on, any joint committee or joint sub-committee of the National Park authority

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;”;

(b) for the definition of “member” (“*aelod*”), substitute —

““member” (“*aelod*”) includes, unless otherwise expressly stated, a co-opted member and a member of a committee or sub-committee;” and

(c) in the appropriate place insert —

““the 2007 Regulations” (“*Rheoliadau 2007*”) means the Local Authorities (Allowances for Members) (Wales) Regulations 2007;”.

(3) In regulation 3, for “section 100(1)(b)”, substitute “section 100 (1)(b),(c) and (d)”.

(4) In regulation 6, insert at the start of paragraph (1), “Subject to regulation 12B,”.

(5) After regulation 7(4), insert —

“(5) A scheme must specify that where a member is suspended or partially suspended from that member’s responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority.”.

(6) In regulation 8(1) —

(a) in sub-paragraph (d) insert “chairs of licensing committees,” after “planning committees,”;
and

(b) in sub-paragraph (e) insert “vice-chairs of licensing committees,” after “planning committees,”.

(7) For regulation 8(2)(b), substitute —

- “(b) A special responsibility allowance payable to a deputy leader of the cabinet of an authority operating executive arrangements which take the form of a leader and cabinet executive may include a sum equal to no more than ten per cent of the special responsibility allowance payable to a member of the cabinet of that authority (excluding special responsibility allowance payable to the leader of that authority).
- (c) A special responsibility allowance payable to a vice chair of the board of an authority operating alternative arrangements may include a sum equal to no more than ten per cent of the special responsibility allowance payable to a member of the board of that authority (excluding special responsibility allowance payable to the chair of the board of that authority).
- (d) Where, for the purposes of sub-paragraphs (b) and (c), the authority in question has—
- (i) more than one deputy leader (in the case of an authority operating executive arrangements); or
 - (ii) more than one vice chair (in the case of an authority operating alternative arrangements),
- that authority may apportion the sum referred to in those sub-paragraphs between those deputy leaders or vice chairs.”.
- (8) After regulation 8(3), insert —
- “(4) A scheme must specify that where a member is suspended or partially suspended from that member’s responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of special responsibility allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority.”.
- (9) Omit regulation 9(4)(a).
- (10) After regulation 9(4), insert —
- “(5) A scheme must specify that where a member is suspended or partially suspended from that member’s responsibilities or duties as a member of the National Park authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of attendance allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the National Park authority.”.
- (11) In regulation 10(2), omit sub-paragraph (a).
- (12) After regulation 10(2), insert —
- “(3) A scheme must specify that where a member is suspended or partially suspended from that member’s responsibilities or duties as a member of the county or county borough council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of care allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the county or county borough council.”.
- (13) For regulation 11, substitute —
- “**11.**—(1) A scheme made under this Part shall provide that any member of an authority who is not a councillor shall be entitled to receive a payment by way of financial loss allowance, that is to say a payment which does not exceed the amount of any loss of earnings necessarily suffered or any additional expenses (other than expenses in relation to travel or subsistence) necessarily incurred in the performance of an approved duty as a member of the authority.

(2) A scheme must specify that where a member is suspended or partially suspended from that member’s responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of financial loss allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority.”.

(14) In paragraph (1) of regulation 11 —

- (a) for “this Part shall”, substitute “this Part may”; and
- (b) for “who is not a councillor”, substitute “who is neither a councillor nor a co-opted member of that authority”.

(15) After regulation 12, insert —

“**12A.** A scheme may provide that where payment of any allowance has already been made in respect of any period during which the member concerned —

- (a) is suspended or partially suspended from that member’s responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority.”.

(16) After regulation 12A, insert —

“**12B.**—(1) Before a National Park authority makes or amends a scheme, that National Park authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to allowances payable by that authority under a scheme, which for the time being apply in relation to any county council or county borough council by which any member of that National Park authority who is a councillor is nominated.

(2) Before a National Park authority specifies an index in pursuance of regulation 12(2), that National Park authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to an index by reference to which allowances may be adjusted, which for the time being apply to any county council or county borough council by which any member of the National Park authority who is a councillor is nominated.”.

(17) For regulation 15(2), substitute —

“(2) Before a National Park authority determines the rates of allowance under paragraph (1), that National Park authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to travel and subsistence allowances, which for the time being apply in relation to any county council or county borough council by which any member of the National Park authority who is a councillor is nominated.”.

(18) After regulation 15(3), insert —

“(4) An authority must specify a time limit from the date on which an entitlement to travel or subsistence allowances arises during which a claim for such allowance must be made by the person to whom the allowance is payable.

(5) Nothing in paragraph (4) prevents an authority from making a payment where the allowance is not claimed within the period so specified.

(6) Where a member is suspended or partially suspended from that member's responsibilities or duties as a member in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, travel and subsistence allowances payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority."

(19) After regulation 15, insert —

"15A. An authority may provide that where payment of an allowance under this Part has already been made in respect of any period during which the member concerned —

- (a) is suspended or partially suspended from that member's responsibilities or duties as a member in accordance with Part III of the 2000 Act or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority."

(20) After regulation 15A, insert —

"15B.—(1) Subject to paragraphs (2) to (7), a National Park authority may provide for the payment of an allowance for each year to a co-opted member in respect of attendance at conferences and meetings (co-optees' allowance).

(2) In determining the responsibilities or duties in respect of which co-optees' allowance may be payable, a National Park authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to the responsibilities or duties in respect of which co-optees' allowance may be payable, which for the time being apply to any county council or county borough council by which any member of the National Park authority who is a councillor is nominated.

(3) The amount of co-optees' allowance payable to a co-opted member by a National Park authority for a year must not exceed the amount which equals the average of all (if any) co-optees' allowance payable in that year under the 2007 Regulations by any county council or county borough council by which any member of that National Park authority who is a councillor is nominated.

(4) Subject to paragraph (5) a National Park authority may make provision for an annual adjustment of co-optees' allowance.

(5) An annual adjustment of co-optees' allowance by a National Park authority must not exceed the amount which equals the average of all (if any) annual adjustments made in that year under the 2007 Regulations by any county council or county borough council by which any member of that National Park authority who is a councillor is nominated.

(6) Where the term of office of a co-opted member comprises part only of a year, the entitlement of that member is to payment of such proportion of co-optees' allowance as the number of days on which that office is held during the year bears to the number of days in that year.

(7) Where a co-opted member is suspended or partially suspended from that co-opted members' responsibilities or duties as a co-opted member of a National Park authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any co-optees' allowance payable to that co-opted member in respect of the

responsibilities or duties from which that co-opted member is suspended or partially suspended shall be withheld by the National Park authority.

15C.—(1) Subject to regulation 15B(3) and (5), a National Park authority may amend the amount of co-optees' allowance payable for a year at any time in that year.

(2) Where a National Park authority makes such an amendment, whether in pursuance of regulation 15B(5) or otherwise, that National Park authority may provide for the entitlement to co-optees' allowance as amended to apply with effect from the beginning of the year in which the amendment is made.”.

(21) After Part IV (“other Allowances”) insert —

“PART IVA

Reimbursement of Expenses

15D.—(1) A National Park authority may reimburse to a member of that authority who is a councillor any monies expended by that member in respect of expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of that member’s duties as a member.

(2) A National Park authority must not reimburse monies expended by a member —

- (a) in respect of any child over the age of fifteen years or dependant unless that National Park authority is satisfied that the child or dependant required supervision which has caused the member to incur expenses that were necessary in the carrying out of that member’s duties as a member;
- (b) if that authority is to reimburse monies expended by another member of that authority who is a councillor in respect of such expenses for the same child or dependant.

(3) Where a member of a National Park authority makes separate arrangements for the care of different children or dependants the National Park authority must not reimburse monies expended in respect of expenses of arranging such care unless that National Park authority is satisfied that the member must make such separate arrangements.

(4) Where a member of a National Park authority is suspended or partially suspended from that member’s responsibilities or duties as a member of the National Park authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any reimbursement of care expenses payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the National Park authority.

(5) A National Park authority may provide that where reimbursement of care expenses under this Part has already been made in respect of any period during which the member concerned —

- (a) is suspended or partially suspended from that member’s responsibilities or duties as member in accordance with Part III of the 2000 Act or regulations made under that Part;
- (b) ceases to be a member of the National Park authority; or
- (c) is in anyway not entitled to receive the reimbursement of care expenses in respect of that period,

the National Park authority may require that such part of the reimbursement of care expenses as relates to any such period be repaid to the National Park authority.”.

(22) In regulation 17, for “under paragraph 1 or 2 of Schedule 24 to the Schools Standards and Framework Act 1998”, substitute “in accordance with regulations under section 94 of the Schools Standards and Framework Act 1998”.

(23) After regulation 19(2), insert —

“(3) As soon as practicable after the end of a year, an authority must make arrangements for the publication within its area of the total sum paid by it in that year to each member in respect of travel allowance and subsistence allowance.

(4) As soon as practicable after the end of a year, a National Park authority must make arrangements for the publication within its area of the total sum paid by it in that year to each member who is a councillor in respect of reimbursement of care expenses.”.

(24) After regulation 19(4), insert —

“(5) As soon as practicable after the end of a year a National Park authority must make arrangements for the publication within its area of the total sum paid by it in that year to each member in respect of co-optees' allowance.”.