
WELSH STATUTORY INSTRUMENTS

2007 No. 1086

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

PART 2

Schemes for Members' Allowances

Interpretation

4. The term of office of a member of an authority who is a councillor begins on the date on which that member makes a declaration of acceptance of that office under section 83(1) of the 1972 Act.

Allowances Schemes

5.—(1) An authority must make a scheme in accordance with these Regulations for the payment of allowances in respect of each year.

(2) When a scheme is revoked in accordance with regulation 6(1), an authority must before the revocation takes effect make a further scheme for the period beginning with the date on which the revocation takes effect.

Amendment of Schemes

6.—(1) A scheme made under this Part may be amended or revoked at any time.

(2) Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance to apply with effect from the beginning of the year in which the amendment is made and if the amendment affects basic allowance or special responsibility allowance in relation to each of the periods —

- (a) beginning with the first day of the year and ending with the day before that on which the first amendment in that year takes effect, and
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the last day of the year,

the entitlement to such an allowance is to payment of such proportion of the amount of the allowance under the scheme as it has effect during the relevant period as the number of days in the period bears to the number of days in the year.

Basic allowances

7.—(1) A scheme made under this Part must provide for the payment for each year to which the scheme relates of an allowance (“basic allowance”) to each member of the authority who is a councillor and the amount of such allowance must be the same for each such member.

(2) The amount of entitlement in respect of each member of an authority who is a councillor by way of basic allowance must not, subject to regulation 11 and paragraphs (1) to (3) of regulation 12, exceed the amount prescribed by the Panel for that authority in—

- (a) other than where sub-paragraph (b) applies, the initial report in pursuance of regulation 34(1)(b)(i);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(3) A scheme must provide that, where the term of office of a member begins or ends otherwise than at the beginning or end of a year, the entitlement of that member is to be to payment of such proportion of the basic allowance as the number of days during which the member's term of office as a councillor subsists during that year bears to the number of days in that year.

(4) Where a scheme is amended as mentioned in paragraph (2) of regulation 6 and the term of office of a member who is a councillor does not subsist throughout the whole of a period mentioned in sub-paragraph (a) or (b) of that paragraph, the scheme must provide that the entitlement of any such member under this regulation is to payment of such proportion of the basic allowance applicable to each such period as represents the number of days the member's term in office subsists in that period as a proportion of the number of days in the period.

(5) A scheme made under this Part must provide that no more than one basic allowance is payable to a member of an authority.

(6) 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.

Special responsibility allowances

8.—(1) Subject to paragraphs (2) to (5), a scheme made under this Part may provide for the payment for each year to which the scheme relates of an allowance ("special responsibility allowance") to such members of the authority who are councillors as have such special responsibilities in relation to that authority as are —

- (a) prescribed by the Panel for that authority in
 - (i) the initial report; or
 - (ii) any supplementary report; and
- (b) specified in the scheme.

(2) A special responsibility allowance may not be paid to more than fifty per cent of the members of the authority (calculated using the total number of seats on the authority and by rounding up the number of members to the next whole number when in calculating the percentage the number is not a whole number).

(3) The amount of entitlement in respect of a special responsibility by way of special responsibility allowance payable by an authority must not, subject to regulation 11 and paragraphs (1) to (3) of regulation 12, exceed the amount prescribed by the Panel for that special responsibility and that authority in -

- (a) other than where sub-paragraph (b) applies, the initial report in pursuance of regulation 34(1)(b)(ii);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(4) An authority must not pay more than one special responsibility allowance to a member who is a councillor of that authority.

(5) Any scheme making such provision as is mentioned in paragraph (1) must provide that -

- (a) where a member does not have throughout a year any such special responsibilities as entitle a member to a special responsibility allowance, that member's entitlement is to payment of such proportion of that allowance as the number of days during which that member has such special responsibilities bears to the number of days in that year; and
 - (b) where a scheme is amended as mentioned in paragraph (2) of regulation 6 and a member does not have throughout the whole of any period mentioned in sub-paragraph (a) or (b) of that paragraph any such special responsibilities as entitle a member to a special responsibility allowance that member's entitlement is to payment of such proportion of the allowance applicable to each such period as represents the number of days the member's term in office subsists in that period as a proportion of the number of days in the period.
- (6) 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.

Care allowances

9.—(1) Subject to paragraph (2), a scheme may provide for the payment to a member of the authority who is a councillor of an allowance ("care allowance") in respect of such 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 scheme made under this Part must not provide for the payment of—
 - (a) a care allowance in respect of any child over the age of fifteen years or dependant unless the member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of that members duties as a member;
 - (b) a care allowance to more than one member of the authority in relation to the care of the same child or dependant; or
 - (c) more than one care allowance to any member of the authority who is unable to demonstrate to the reasonable satisfaction of the authority that the member has to make separate arrangements for the care of different children or dependants.
- (3) The amount of entitlement in respect of a member who is a councillor of an authority by way of care allowance must not, subject to regulation 11 and paragraphs (1) to (3) of regulation 12, exceed the amount prescribed by the Panel for that authority in—
 - (a) other than where sub-paragraph (b) applies, the initial report in pursuance of regulation 34(1)(b)(iii);
 - (b) a supplementary report, the relevant provisions of which for the time being apply.
- (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 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 authority.