

---

WELSH STATUTORY INSTRUMENTS

---

**2007 No. 1086**

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

**PART 4**

Other Allowances

**Travelling and subsistence allowances**

**15.**—(1) Subject to paragraph (2), a member is entitled to receive payments by way of travelling and subsistence allowances at rates determined each year by the authority where expenditure on travel or subsistence is necessarily incurred by that member in the performance of an approved duty as a member of the authority.

(2) The rates of allowances determined for a year by an authority under paragraph (1) must not, subject to regulation 20, exceed the rates for travelling and subsistence allowances 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)(iv) and (v);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(3) 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, travelling 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.

**Co-optees' allowance**

**16.**—(1) Subject to paragraph (2), an authority may provide for the payment of an allowance for each year to a co-opted member who has such responsibilities or duties in respect of attendance at conferences or meetings as are prescribed by the Panel.

(2) The amount of entitlement in respect of a co-opted member by way of co-optees' allowance must not, subject to regulations 19 and 20, 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)(vi);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(3) Subject to paragraph (2) and regulation 20 an authority may amend the amount of entitlement of co-optees' allowance for a year at any time in that year.

(4) Where an authority makes such an amendment, whether in pursuance of regulation 20 or otherwise, that authority may provide for the amount of entitlement to co-optees' allowance as amended to apply with effect from the beginning of the year in which the amendment is made.

(5) Where the term of office of a co-opted member comprises part only of a year the entitlement of that co-opted 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.

(6) Where a co-opted member is suspended or partially suspended from that co-opted member's responsibilities or duties as a co-opted member of an 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 must be withheld by the authority.

#### **Elections to forgo allowances under Part 4**

**17.**—(1) A member may, by notice in writing given to the proper officer of the authority, elect to forgo that member's entitlement or any part of that member's entitlement to travelling and subsistence allowances.

(2) A co-opted member may, by notice in writing given to the proper officer of the authority, elect to forgo that co-opted member's entitlement or any part of that co-opted member's entitlement to co-optees' allowance.

#### **Claims**

**18.**—(1) An authority must specify a time limit from the date on which an entitlement to travelling or subsistence allowances arises during which a claim for those allowances must be made by the person to whom those allowances are payable.

(2) Any claim for payment of travelling or subsistence allowance in accordance with these Regulations (excluding claims for travel by means of a private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses, subject to any requirement or limitation that an authority may determine.

(3) Nothing in paragraph (1) prevents an authority from making a payment where the allowance is not claimed within the period so specified.

#### **Further provision for allowances under Part 4**

**19.** For the purposes of the period beginning on the date of the coming into force of these Regulations in accordance with regulation 1(1)(b) and ending on 31 March 2009 ("the first year"), the amount of entitlement in respect of co-optees' allowance payable by an authority must not exceed such proportion of the maximum amount of that allowance as prescribed by the Panel as the number of days in the first year bears to the number of days in the period of twelve months ending 31 March 2009.

**20.**—(1) Subject to paragraphs (2) and (3), an authority may make provision for an annual adjustment of allowances payable under this Part.

(2) Subject to paragraph (3), an authority's annual adjustment to an allowance payable under this Part and for any year —

(a) must not exceed the amount prescribed by the Panel for —

- (i) that allowance;
- (ii) that authority; and
- (iii) that year,

in an annual report or a supplementary report produced in pursuance of, respectively, regulation 35 or regulation 36;

- (b) may only be made by reference to an index if the Panel has prescribed that such an index be used for that purpose -
  - (i) in relation to that allowance;
  - (ii) by that authority; and
  - (iii) for that year,

in an annual report or supplementary report produced in pursuance of, respectively, regulation 35 or regulation 36.

(3) In the event that the Panel produces a supplementary report which prescribes matters described in paragraph (2)(a) or (b), an authority to which that report applies may—

- (a) for the year to which the supplementary report relates; and
- (b) in relation to the matters so prescribed,

make an adjustment of allowances payable by it for that year, notwithstanding that the authority may have made an adjustment of allowances under paragraph (1) in consequence of an earlier annual report produced by the Panel for that year.

**21.** 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.