

LOCAL GOVERNMENT (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 142 – Functions relating to payments to members

161. Sets out the functions of the IRP, in particular giving it a greater degree of flexibility in respect of defining the duties and responsibilities which may qualify councillors to receive payments, to describe the types of payments and to set levels of payments for those authorities described in section 144. The Assembly Government considers that this flexibility is necessary to allow the IRP to respond to different circumstances of councillors and of authorities.
162. The provisions in this section will enable the IRP to stipulate the actual amount of payment an authority may make to a member, set the maximum level of payment to a member of the authority or limit the proportion of members of the authority who can receive a certain type of payment. The IRP could, in relation to one or more or all authorities of different descriptions or different authorities of the same description decide to set payments which could include maxima and actual rates.
163. The provision in subsection (2) defines the relevant matters which the IRP may decide under subsection (1). Relevant matters are those that relate to the official business of councillors as defined in subsection (8) and includes payments to councillors who are exercising an entitlement to family absence (as provided for in Part 2 of this Measure).
164. Under subsection (4) the IRP can set indices and maximum rates of adjustment which authorities may apply or refer to in adjusting their payment rates from year to year. The IRP can also determine the proportion of members who can receive a certain type of payment although the consent of the Welsh Ministers is needed if the IRP wish the fix the proportion at more that fifty per cent.
165. Subsection (6) requires the IRP, when setting an amount or maximum rate of adjustment or index, to take into account the likely financial impact of its decisions on the authority in question.