



Local Government (Wales) Measure 2011

2011 nawm 4

PART 8

^{F1}...PAYMENTS AND PENSIONS

Principal functions of the Panel

142 Functions relating to payments to members

- (1) For the financial year beginning 1 April 2012 and for each following financial year, the Panel may decide the relevant matters—
 - (a) for which a relevant authority will be required to make payments to members of the authority;
 - (b) for which a relevant authority will be authorised to make payments to members of the authority.
- (2) Relevant matters are—
 - (a) matters relating to the official business of members of relevant authorities;
 - (b) periods of family absence under Part 2.
- (3) Having exercised that power, the Panel must set for each relevant matter one of the following—
 - (a) the amount that a relevant authority must pay to a member of the authority;
 - (b) the maximum amount that a relevant authority may pay to a member of the authority.
- (4) Having decided the relevant matters for which a relevant authority may be authorised or required to make payments under subsection (1) and set the amount or maximum amount for each matter under subsection (3), the Panel may determine that payments in respect of a particular matter or matters may not be paid to more than a fixed proportion^{F1} or specified number] of the members of an authority.
- (5) The proportion fixed by the Panel in accordance with subsection (4) may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.

Status: Point in time view as at 25/01/2016.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Principal functions of the Panel. (See end of Document for details)

- [^{F2}(5A) The number specified by the Panel in accordance with subsection (4), expressed as a proportion of the total number of members of an authority, may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.]
- (6) The Panel may set—
- (a) the maximum percentage or other rate by which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for the relevant matters for the previous financial year;
 - (b) an index by reference to which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for such of the relevant matters for the previous financial year as the Panel decides.
- (7) The powers under subsection (6) may be exercised so as to—
- (a) set a rate and an index in relation to the same matter;
 - (b) set different rates or indices in relation to different matters.
- (8) When setting an amount under subsection (3), making a determination under subsection (4) or setting a rate or index under subsection (6), the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities.
- (9) The Panel may make different decisions under subsection (1), set different amounts under subsection (3), make different determinations under subsection (4) or set different rates or indices under subsection (6) in relation to authorities of different descriptions or different authorities of the same description.
- (10) For the purposes of subsection (2) a matter relates to the official business of a member of a relevant authority if it is a matter which a member undertakes—
- (a) as a member of a relevant authority, or
 - (b) as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.

Textual Amendments

- F1** Words in s. 142(4) inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 62\(a\)](#), [75\(2\)\(d\)](#)
- F2** S. 142(5A) inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 62\(b\)](#), [75\(2\)\(d\)](#)

Commencement Information

- I1** S. 142 in force for specified purposes at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(c\)](#)
- I2** S. 142 in force at 30.4.2012 in so far as not already in force by [S.I. 2012/1187](#), [art. 2\(2\)\(a\)](#)

143 Functions relating to members' pensions

- (1) This section applies in relation to members of relevant authorities who—
- (a) are not co-opted members, and
 - (b) are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (local government pension schemes).

Status: Point in time view as at 25/01/2016.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Principal functions of the Panel. (See end of Document for details)

- (2) The Panel may decide the descriptions of members to or in respect of whom a relevant authority will be required to pay a pension (a “relevant pension”).
- (3) The Panel may decide the relevant matters in respect of which a relevant authority will be required to pay a relevant pension.
- (4) The Panel may make different decisions in relation to authorities of different descriptions or different authorities of the same description.

Commencement Information

- I3** S. 143 in force for specified purposes at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(d\)](#)
I4 S. 143 in force at 30.4.2012 in so far as not already in force by [S.I. 2012/1187](#), [art. 2\(2\)\(a\)](#)

[^{F3}143A Functions relating to salaries of heads of paid service

- (1) The Panel may make recommendations to a qualifying relevant authority about—
 - (a) any policy in the authority's pay policy statement which relates to the salary of the authority's head of paid service;
 - (b) any proposed change to the salary of the authority's head of paid service.
- (2) A qualifying relevant authority must have regard to any recommendation received from the Panel when performing its functions under section 38 or 39 of the Localism Act 2011 (c. 20).
- (3) A qualifying relevant authority must, before making a change to the salary of its head of paid service which is not commensurate with a change to the salaries of the authority's other staff—
 - (a) consult the Panel about the proposed change, and
 - (b) have regard to any recommendation received from the Panel when deciding whether or not to proceed with making the change.

[But a qualifying relevant authority that has consulted the Panel about a proposed ^{F4}(3A) reduction in salary may make the reduction before receiving a recommendation from the Panel if the contract under which the salary is payable does not prevent the authority from changing the salary after receiving a recommendation.

- (3B) A qualifying relevant authority that makes a change to the salary of its head of paid service in accordance with subsection (3A) and subsequently receives a recommendation from the Panel about the change—
 - (a) must reconsider the salary, and
 - (b) when doing so, must have regard to the recommendation.]

- (4) A qualifying relevant authority must provide the Panel with such information as the Panel may reasonably require in connection with the exercise of its functions under this section.

[The Panel must notify the Welsh Ministers of every recommendation it makes under ^{F5}(4A) this section.]

- (5) The Panel may publish any recommendations it makes under this section.

[A qualifying relevant authority—

Status: Point in time view as at 25/01/2016.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Principal functions of the Panel. (See end of Document for details)

- ^{F6}(5A) (a) must notify the Panel and the Welsh Ministers of its response to a recommendation made by the Panel about a change to the salary of its head of paid service before the end of the period of 14 days starting with the day on which the authority determines the response, and
- (b) must not make a change to the salary before—
- (i) the end of the period of eight weeks starting with the day on which the authority notifies the Welsh Ministers under paragraph (a), or
 - (ii) if, before the end of that period, the Welsh Ministers notify the authority that they will not be giving the authority a direction under subsection (5B), the day on which that notice is received.
- (5B) If the Welsh Ministers consider that a qualifying relevant authority's response to a recommendation made by the Panel about a change of salary means that the authority will pay (or, under subsection (3A), is paying) a salary which is inconsistent with the recommendation, the Welsh Ministers—
- (a) may direct the authority to reconsider the salary, and
 - (b) may specify in the direction the time by which the authority must do so.]
- (6) The Panel must have regard to any guidance issued by the Welsh Ministers when exercising its functions under this section.
- (7) In this section—
- “head of paid service” (“ ”) means a head of paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- “pay policy statement” (“ ”) means a pay policy statement produced by a relevant authority (within the meaning of section 43(1) of the Localism Act 2011) under section 38 of that Act;
- “qualifying relevant authority” (“ ”) means a relevant authority (within the meaning of this Part) which is required to produce a pay policy statement;
- “salary” (“ ”) includes, in the case of a head of paid service engaged by a qualifying relevant authority under a contract for services, payments by the authority to the head of paid service for those services.]

Textual Amendments

- F3** S. 143A inserted (1.4.2014) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), **ss. 63(1), 75(3)**; [S.I. 2014/380, art. 2](#)
- F4** S. 143A(3A)(3B) inserted (25.1.2016) by [Local Government \(Wales\) Act 2015 \(anaw 6\)](#), **ss. 40(2), 46(1)**
- F5** S. 143A(4A) inserted (25.1.2016) by [Local Government \(Wales\) Act 2015 \(anaw 6\)](#), **ss. 40(3), 46(1)**
- F6** S. 143A(5A)(5B) inserted (25.1.2016) by [Local Government \(Wales\) Act 2015 \(anaw 6\)](#), **ss. 40(4), 46(1)**

Modifications etc. (not altering text)

- C1** S. 143A(1)(b)(3) excluded (conditional) (26.11.2015) by [Local Government \(Wales\) Act 2015 \(anaw 6\)](#), **ss. 29(7)(8), 46(2)**

144 Relevant authorities, members etc.

- (1) This section applies for the purposes of this Part.

Status: Point in time view as at 25/01/2016.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Principal functions of the Panel. (See end of Document for details)

- (2) An authority is a “relevant authority” if it comes within one of the following descriptions—
- (a) a local authority;
 - (b) a community council;
 - (c) a National Park authority (established under section 63 of the Environment Act 1995) for a National Park in Wales;
 - (d) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- [^{F7}(da) a strategic planning panel (established under section 60D of the Planning and Compulsory Purchase Act 2004);]
- [^{F8}(e) a body specified as a relevant authority in an order made by the Welsh Ministers.]
- (3) A reference to a description of a relevant authority is to be read with subsection (2).
- (4) “Member”, in relation to a relevant authority, includes—
- (a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),
 - (b) an elected executive member of the authority (within the meaning of section 39(4) of that Act), and
 - (c) a co-opted member of the authority.
- (5) “Co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority (except by virtue of subsection (4)) but—
- (a) is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and
 - (b) is entitled to vote on questions for decision at meetings of that committee or sub-committee.
- [^{F9}(6) A body may only be specified as a relevant authority if—
- (a) the Welsh Ministers exercise functions in respect of it,
 - (b) it exercises relevant functions, and
 - (c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).
- (7) A “relevant function” is—
- (a) a function conferred by an Act or Measure of the National Assembly for Wales, or
 - (b) a function that could be conferred by an Act of the National Assembly for Wales.
- (8) Sections 142(4), 143, 147(3)(b) and 155 do not apply in relation to a relevant authority described in subsection (2)(e).]

Textual Amendments

- F7** S. 144(2)(da) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 1 para. 9](#)

Status: Point in time view as at 25/01/2016.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Principal functions of the Panel. (See end of Document for details)

- F8** S. 144(2)(e) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 64(a), 75(2)(d)**
- F9** S. 144(6)-(8) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), **ss. 64(b), 75(2)(d)**
-

Commencement Information

- I5** S. 144 in force at 31.8.2011 by S.I. 2011/2011, **art. 2(e)**

Status:

Point in time view as at 25/01/2016.

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Principal functions of the Panel.