



# Local Government (Wales) Measure 2011

## 2011 nawm 4

### PART 8

#### <sup>F1</sup>...PAYMENTS AND PENSIONS

##### *Principal functions of the Panel*

#### <sup>F1</sup>143A <sup>F2</sup>Functions relating to remuneration of chief executives]

- (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 <sup>F3</sup>remuneration] of the authority's <sup>F4</sup>chief executive];
    - (b) any proposed change to the <sup>F3</sup>remuneration] of the authority's <sup>F5</sup>chief executive].
  - (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 <sup>F6</sup>remuneration] of its <sup>F7</sup>chief executive] which is not commensurate with a change to the <sup>F8</sup>remuneration] 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.
- <sup>F9</sup>(3A) [ But a qualifying relevant authority that has consulted the Panel about a proposed reduction in <sup>F10</sup>remuneration] may make the reduction before receiving a recommendation from the Panel if the contract under which the <sup>F10</sup>remuneration] is <sup>F11</sup>provided] does not prevent the authority from changing the <sup>F10</sup>remuneration] after receiving a recommendation.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Section 143A. (See end of Document for details)*

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- (3B) A qualifying relevant authority that makes a change to the [F<sup>12</sup>remuneration] of its [F<sup>13</sup>chief executive] in accordance with subsection (3A) and subsequently receives a recommendation from the Panel about the change—
- (a) must reconsider the [F<sup>12</sup>remuneration] , 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 F<sup>14</sup>(4A) this section.]

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

- [ A qualifying relevant authority—
- F<sup>15</sup>(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 [F<sup>16</sup>remuneration] of its [F<sup>17</sup>chief executive] 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 [F<sup>16</sup>remuneration] 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 [F<sup>18</sup>remuneration] means that the authority will [F<sup>19</sup>provide] (or, under subsection (3A), is [F<sup>19</sup>providing]) [F<sup>18</sup>remuneration] which is inconsistent with the recommendation, the Welsh Ministers—
- (a) may direct the authority to reconsider the [F<sup>18</sup>remuneration] , and
  - (b) may specify in the direction the time by which the authority must do so.]

[ If the Welsh Ministers give a direction under subsection (5B) to a qualifying relevant F<sup>20</sup>(5C) authority—

- (a) the function of reconsidering the remuneration is not to be the responsibility of an executive of the authority under executive arrangements (within the meaning of section 10 of the Local Government Act 2000);
  - (b) an elected mayor (within the meaning of section 39(1) of that Act) is to be treated as a member of the authority for the purposes of that function, and
  - (c) section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to that function.]
- (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—

F<sup>21</sup>  
 ...

[F<sup>22</sup>“chief executive” (“*prif weithredwr*”) means a chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021 or a chief executive appointed by a corporate joint committee;]

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“ 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;

[<sup>F23</sup> “ remuneration ” (“*cydnabyddiaeth ariannol*”) has the meaning given in section 43 of the Localism Act 2011;]

<sup>F24</sup>  
...]

### Textual Amendments

- F1** 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
- F2** S. 143A heading substituted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 5 para. 15(f)**; S.I. 2021/231, art. 6(s)
- F3** Word in s. 143A(1) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(2)**, 175(3)(i)
- F4** Words in s. 143A(1)(a) substituted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 5 para. 15(a)**; S.I. 2021/231, art. 6(s)
- F5** Words in s. 143A(1)(b) substituted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 5 para. 15(a)**; S.I. 2021/231, art. 6(s)
- F6** Word in s. 143A(3) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(2)**, 175(3)(i)
- F7** Words in s. 143A(3) substituted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 5 para. 15(b)**; S.I. 2021/231, art. 6(s)
- F8** Word in s. 143A(3) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(3)**, 175(3)(i)
- F9** S. 143A(3A)(3B) inserted (25.1.2016) by [Local Government \(Wales\) Act 2015 \(anaw 6\)](#), **ss. 40(2)**, 46(1)
- F10** Word in s. 143A(3A) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(2)**, 175(3)(i)
- F11** Word in s. 143A(3A) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(4)**, 175(3)(i)
- F12** Word in s. 143A(3B) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(2)**, 175(3)(i)
- F13** Words in s. 143A(3B) substituted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 5 para. 15(c)**; S.I. 2021/231, art. 6(s)
- F14** S. 143A(4A) inserted (25.1.2016) by [Local Government \(Wales\) Act 2015 \(anaw 6\)](#), **ss. 40(3)**, 46(1)
- F15** S. 143A(5A)(5B) inserted (25.1.2016) by [Local Government \(Wales\) Act 2015 \(anaw 6\)](#), **ss. 40(4)**, 46(1)
- F16** Word in s. 143A(5A) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(2)**, 175(3)(i)
- F17** Words in s. 143A(5A)(a) substituted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 5 para. 15(d)**; S.I. 2021/231, art. 6(s)
- F18** Word in s. 143A(5B) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(2)**, 175(3)(i)
- F19** Words in s. 143A(5B) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 55(5)**, 175(3)(i)
- F20** S. 143A(5C) inserted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 56**, 175(7); S.I. 2021/231, art. 6(i)
- F21** Words in s. 143A(7) omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 5 para. 15(e)(i)**; S.I. 2021/231, art. 6(s)

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Section 143A. (See end of Document for details)*

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- F22** Words in s. 143A(7) inserted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 5 para. 15\(e\)\(ii\)](#); S.I. 2021/231, [art. 6\(s\)](#) (as amended (3.12.2021) by S.I. 2021/1349, [reg. 4\(1\)\(b\)](#))
- F23** Words in s. 143A(7) inserted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 55\(6\)\(b\)](#), 175(3)(i)
- F24** Word in s. 143A(7) omitted (20.3.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 55\(6\)\(a\)](#), 175(3)(i)

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**Modifications etc. (not altering text)**

- C1** Pt. 8 applied (with modifications) (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 142\(3\)\(4\)\(5\)](#), 143, 175(1)(f)(2)
- C2** S. 143A applied (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 145\(6\)](#), 175(1)(f)(2)
- C3** S. 143A modified (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), [regs. 1\(2\)](#), [4\(2\)](#)
- C4** S. 143A(1)(b)(3) excluded (conditional) (26.11.2015) by [Local Government \(Wales\) Act 2015 \(anaw 6\)](#), [ss. 29\(7\)\(8\)](#), 46(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Section 143A.