
WELSH STATUTORY INSTRUMENTS

2002 No. 1895

**The Local Authorities (Allowances for Members
of County and County Borough Councils and
National Park Authorities) (Wales) Regulations 2002**

PART II

Schemes for Councillors' Allowances

Interpretation

4.—(1) Subject to paragraph (2)(b), references in this Part to a member of an authority who is a councillor shall be construed in relation to a National Park authority as references to a member of that authority appointed by a county or county borough council or by the National Assembly for Wales unless the context requires otherwise.

(2) For the purposes of this Part—

- (a) members of an authority are to be treated as divided into political groups if they are so treated for the purposes of section 15 (political balance on committees etc) of the Local Government and Housing Act 1989; and
- (b) the term of office of a member of an authority (other than a National Park authority) who is a councillor shall begin on the date on which that member makes a declaration of acceptance of that office under section 83(1) of the 1972 Act.

Allowance schemes

5.—(1) Each authority shall make a scheme in accordance with these Regulations for the payment of allowances in respect of the current year and subsequent years.

(2) When a scheme is revoked in accordance with regulation 6(1), an authority shall 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,

- (a) if the amendment affects such an allowance as is mentioned in regulation 7 or 8, in relation to each of the periods—
 - (i) 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

- (ii) 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 shall be 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; or

- (b) if the amendment affects such an allowance as is mentioned in regulation 9, the entitlement to such an allowance shall be to payment of the amount of the allowance under the scheme as it has effect when the duty is carried out.

Basic allowances

7.—(1) A scheme made under this Part shall 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 shall be the same for each such member.

(2) The scheme shall 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 shall 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.

(3) 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)(i) or (ii) of that paragraph, the scheme shall provide that the entitlement of any such member under this regulation shall be to payment of such proportion of the basic allowance referable to each such period as the number of days during which the member’s term of office as a councillor subsists in that period bears to the number of days in the period.

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

Special responsibility allowances

8.—(1) Subject to paragraph (2), a scheme made under this Part may provide, in accordance with paragraph (3), 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 the authority as are specified in the scheme and are within one or more of the following categories—

- (a) the elected mayor of an authority operating executive arrangements which take the form of a mayor and cabinet executive;
- (b) the leader of an authority operating executive arrangements which take the form of a leader and cabinet executive and the elected mayor of an authority operating executive arrangements which take the form of a mayor and council manager executive;
- (c) members of the cabinet of an authority operating executive arrangements which take the form of a leader and cabinet executive and the chair of the board of an authority operating alternative arrangements;
- (d) members of the board of an authority operating alternative arrangements, chairs of overview and scrutiny committees and planning committees, leaders of the largest opposition group in an authority and chairs of National Park authorities;
- (e) vice-chairs of overview and scrutiny committees, vice-chairs of planning committees, chairs of other committees, members of the cabinet of an authority operating executive

arrangements which take the form of a mayor and cabinet executive and vice-chairs of National Park authorities;

- (f) vice-chairs of committees other than overview and scrutiny committees and planning committees, leaders of any other political group in an authority and chairs and vice chairs of National Park authority committees; and
 - (g) such other activities in relation to the discharge of the authority's functions as have been approved in writing by the National Assembly for Wales.
- (a) (2) (a) 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).
- (b) A special responsibility allowance ("the deputy's allowance") payable to a deputy leader of a cabinet in the case of executive arrangements and the vice chair of the board in the case of the alternative arrangements may include a sum equal to no more than ten per cent of the special responsibility allowance payable to a member of the cabinet of an authority operating executive arrangements which take the form of a leader and cabinet executive or a member of a board of an authority operating alternative arrangements (excluding a leader of an authority operating executive arrangements or a chair of board of a council operating alternative arrangements) provided that the deputy's payment is made to not more than one person.
- (3) Any scheme making such provision as is mentioned in paragraph (1) shall 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 shall be 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)(i) or (ii) of that paragraph any such special responsibilities as entitle a member to a special responsibility allowance, that member's entitlement shall be to payment of such proportion of the allowance referable to each such period as the number of days in that period during which that member has such special responsibilities bears to the number of days in the period.

Attendance allowances

9.—(1) A scheme made under this Part by a National Park authority may provide for the payment to each member of the authority who is a councillor of an attendance allowance ("attendance allowance") in respect of an approved duty which is not an excluded duty and the time spent in travelling to and from the location at which the duty is performed.

(2) The amount of the attendance allowance shall be specified in the scheme and may vary according to the time of day and the duration of the duty but shall be the same for all members of the authority who are entitled to receive the allowance in respect of a duty of any description at the same time of day and of the same duration.

(3) A scheme may provide that a member shall not be entitled to payment of more than one attendance allowance in respect of any period of 24 hours beginning at such time as the authority may specify.

(4) A scheme shall provide that a member shall not be entitled to payment of an attendance allowance

- (a) in respect of an approved duty in relation to which that member is entitled to payment of a financial loss allowance under regulation 11; or
- (b) if such payment would be contrary to a provision made by or under any enactment.

Care allowances

10.—(1) Subject to paragraph (2), a scheme made under this Part by a county or county borough council 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 shall not provide for the payment of—

- (a) a care allowance to a member of the authority who is entitled to receive a special responsibility allowance of an amount which exceeds the amount from time to time specified in writing by the National Assembly for Wales;
- (b) a care allowance in respect of any child over the age of fifteen years or dependent unless the member satisfies the county or county borough council 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; or
- (c) a care allowance to more than one member of the authority in relation to the care of the same child or dependant; or
- (d) 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.

Financial loss allowance

11. A scheme made under this Part shall provide that any member of an authority who is not a councillor shall be entitled to receive a payment by way of financial loss allowance, that is to say a payment which does not exceed the amount of any loss of earnings necessarily suffered or any additional expenses (other than expenses in relation to travel or subsistence) necessarily incurred in the performance of an approved duty as a member of the authority.