



# Local Government (Wales) Measure 2011

## 2011 nawm 4

### PART 8

#### MEMBERS: PAYMENTS AND PENSIONS

##### *Payments by relevant authorities*

#### **153 Compliance with Panel's requirements**

- (1) A relevant authority must comply with the requirements imposed on it by an annual report.
- (2) The Panel may monitor the making of payments by relevant authorities in respect of relevant matters; and in so doing the Panel may require a relevant authority to provide it with such information as it specifies about—
  - (a) the matters which are relevant matters in relation to the authority;
  - (b) requests to the authority for payments in respect of relevant matters;
  - (c) payments made by the authority in respect of relevant matters.
- (3) The Panel may monitor the making of payments by relevant authorities in respect of relevant pensions; and in so doing the Panel may require a relevant authority to provide it with such information as it specifies about—
  - (a) the members of the authority to or in respect of whom the authority is required to pay relevant pensions;
  - (b) payments made by the authority in respect of relevant pensions.
- (4) A relevant authority must comply with a requirement imposed on it under subsection (2) or (3).

#### **154 Members wishing to forgo payments**

- (1) This section applies if a member of a relevant authority elects, by notice in writing given to the proper officer of the authority, to forgo (either completely or to the extent

specified in the notice) entitlement to payments in respect of such relevant matters as are specified in the notice.

- (2) The requirement imposed on the authority by an annual report to make payments in respect of such relevant matters as are specified in the notice does not apply in the case of that member (or does not apply in that case to the extent specified in the notice); and section 153(1) is to be read accordingly.
- (3) “Proper officer” has the meaning given in section 270(3) of the Local Government Act 1972.

### **155 Withholding payments**

- (1) A relevant authority must not make payments in respect of relevant matters or a relevant pension to a person who is suspended or partially suspended from being a member of the authority by virtue of Part 3 of the Local Government Act 2000 (conduct of local government members etc.).
- (2) The Welsh Ministers may, in such other cases as they consider appropriate, direct a relevant authority not to make payments (including in respect of pensions) in respect of such relevant matters as are specified in the direction.
- (3) Before giving a direction under subsection (2), the Welsh Ministers must consult the Panel.
- (4) A direction under subsection (2) is enforceable by mandatory order on the application of the Welsh Ministers.
- (5) A relevant authority may require the repayment of payments made in respect of relevant matters or a relevant pension to a person in respect of a period during which that person was not entitled to receive the payment for any reason, including (but not limited to) any of the following reasons—
  - (a) the payments were made in breach of the prohibition in subsection (1);
  - (b) the payments were made in breach of a direction under subsection (2);
  - (c) the person had ceased to be a member of the authority.