



Local Government and Housing Act 1989

1989 CHAPTER 42

PART I

LOCAL AUTHORITY MEMBERS, OFFICERS, STAFF AND COMMITTEES ETC.

Allowances

18 Schemes for basic, attendance and special responsibility allowances for local authority members.

- (1) [^{F1}Subject to subsection (1A),] the Secretary of State may by regulations authorise or require any such relevant authority as may be specified or described in the regulations to make a scheme providing for the payment of—
- (a) a basic allowance for every member of the authority who is a councillor;
 - (b) an attendance allowance in relation to the carrying out by any such member of such duties as may be specified in or determined under the regulations; and
 - (c) a special responsibility allowance for any such member who has such special responsibilities in relation to the authority as may be so specified or determined.

[^{F2}(1A) In relation to a district council, county council, county borough council or London borough council, subsection (1) above shall have effect with the omission of paragraph (b).]

- (2) Regulations under this section may also authorise or require a scheme made by a relevant authority under the regulations to include provision for the payment to appointed members of allowances in respect of such losses of earnings and expenses as—
- (a) are necessarily sustained or incurred in the carrying out, in connection with their membership of the authority or any committee or sub-committee of the authority, of duties specified in or determined under the regulations; and

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- (b) are not of a description in respect of which provision is made for an allowance under any of sections 174 to 176 of the Local Government Act 1972 or sections 46 to 48 of the Local Government (Scotland) Act 1973.

[^{F3}(2A) Regulations under this section may authorise or require a scheme made by a district council, county council, county borough council or London borough council to include provision for the payment to members of the council of allowances in respect of such expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of their duties as members.]

(3) Without prejudice to the generality of the powers conferred by subsections (1) [^{F4}to (2A)] above, regulations under this section may contain such provision as the Secretary of State considers appropriate for requiring a scheme made by a relevant authority under the regulations—

- (a) to make it a condition of any payment by way of allowance that, in the financial year to which the payment would relate, the aggregate amount which the authority has paid out or is already liable to pay out under the scheme does not exceed such maximum amount as may be specified in or determined under the regulations;
- (b) to make provision for different maximum amounts to be applicable, for the purposes of any such condition, in relation to different allowances or in relation to different members or members of different groups;
- (c) to make provision in relation to claims which cannot be paid by virtue of any such condition and provision for the payment to members of the authority who are councillors of an amount by way of supplement to the basic allowance where, in any financial year, the aggregate paid out or owing under the scheme is less than an amount specified in or determined under the regulations;
- (d) to provide that the amount authorised by virtue of subsection (2) above to be paid by way of allowance in any case shall not exceed such amount as may be so specified or determined;
- (e) to contain such provision as may be so specified or determined with respect to the general administration of the scheme, with respect to the manner in which, time within which and forms on which claims for any allowance are to be made and with respect to the information to be provided in support of any such claim;
- (f) to contain such provision as may be so specified or determined for avoiding the duplication of payments or of allowances, for determining the bodies by which payments of allowances are to be made and for the apportionment of payments between different bodies.

[^{F5}(3A) Regulations under this section may make provision for or in connection with—

- (a) enabling district councils, county councils, county borough councils or London borough councils to determine which members of the council are to be entitled to pensions, allowances or gratuities,
- (b) treating the basic allowance or the special responsibility allowance as amounts in respect of which such pensions, allowances or gratuities are payable.

[^{F5}(3B) Regulations under this section may make provision for or in connection with requiring a district council, county council, county borough council or London borough council to establish and maintain a panel which is to have such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of the council.

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- ^{F5}(3C) Regulations under this section may make provision for or in connection with enabling a panel established by a body specified in the regulations to exercise such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of such district councils, county councils or London borough councils in England as may be specified in the regulations.
- ^{F5}(3D) Regulations under this section may make provision for or in connection with the establishment by the National Assembly for Wales on a permanent or temporary basis of a panel which is to have such functions as may be specified in the regulations in relation to allowances, or pensions, allowances or gratuities, payable to members of county councils and county borough councils in Wales.
- ^{F5}(3E) Regulations under subsection (3B) above may include provision—
- (a) with respect to the number of persons who may or must be appointed to the panel of a council,
 - (b) with respect to the persons who may or must be appointed to the panel of a council,
 - (c) for or in connection with the appointment by councils of joint panels.
- ^{F5}(3F) Regulations under subsection (3C) may include provision—
- (a) with respect to the number of persons who may or must be appointed to a panel mentioned in that subsection,
 - (b) with respect to the persons who may or must be appointed to such a panel.
- ^{F5}(3G) Regulations under subsection (3B), (3C) or (3D) may include provision—
- (a) for or in connection with enabling a panel mentioned in that subsection to make recommendations to a council on the level of allowances payable to members of the council,
 - (b) for or in connection with enabling such a panel to make recommendations to a council as to which members of the council are to be entitled to pensions, allowances or gratuities,
 - (c) which permits different recommendations to be made in relation to different councils or descriptions of council.]
- (4) Regulations under this section may—
- (a) prohibit the payment, otherwise than in accordance with sections 174 to 176 of the Local Government Act 1972 or sections 46 to 48 of the Local Government (Scotland) Act 1973 or in such other cases as may be specified in the regulations, of any allowance to a member of a relevant authority who is a councillor or to any appointed member of a relevant authority;
 - (b) impose requirements on a relevant authority with respect to the publication, in the minutes of that authority or otherwise, of the details of amounts paid in pursuance of a scheme made under the regulations;
- [^{F6}(ba) make provision with respect to the amendment, revocation or replacement of a scheme made by a relevant authority under the regulations; and]
- (c) contain such incidental provision and such supplemental, consequential and transitional provision in connection with the other provisions of the regulations as the Secretary of State considers appropriate.
- (5) In this section “relevant authority” means—

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- (a) a local authority of any of the descriptions specified in any of the paragraphs of section 21(1) below, other than [^{F7}paragraphs (d), (g) and (j)], or subsection 21(2) below;
- (b) any body on which a body which is a relevant authority by virtue of paragraph (a) above is represented and which is designated as a relevant authority for the purposes of this section by regulations made by the Secretary of State; or
- (c) any appeal committee so designated which is constituted in accordance with [^{F8}paragraph 2 or 3 of Schedule 33 to the Education Act 1996];

and references in this section to an appointed member, in relation to a relevant authority, are references to any person who is a member of the authority without being a councillor or who is a member of one or more of the authority's committees or sub-committees without being a member of the authority.

[^{F9}(5A) In making or operating any scheme authorised or required by regulations under this section, a district council, county council, county borough council or London borough council shall have regard to any guidance for the time being issued by the Secretary of State.]

- (6) In this section any reference to a councillor includes a reference to a member of the authority concerned who, in accordance with regulations under this section, is to be treated as if he were a councillor.

Textual Amendments

- F1** Words in s. 18(1) inserted (E.W.) (28.7.2001) by 2000 c. 22, **ss. 99(3)(4)**, 108(4)
- F2** S. 18(1A) inserted (E.W.) (28.7.2001) by 2000 c. 22, **ss. 99(3)(4)**, 108(4)
- F3** S. 18(2A) inserted (E.W.) (19.2.2001 for E. and 28.7.2001 for W.) by 2000 c. 22, **ss. 99(3)(5)**, 108(4); S.I. 2001/415, **art. 2(b)**
- F4** S. 18(3): words "to 2A" substituted for "and (2)" (E.W.) (19.2.2001 for E. and 28.7.2001 for W.) by 2000 c. 22, **ss. 99(3)(6)**, 108(4); S.I. 2001/415, **art. 2(b)**
- F5** S. 18(3A)-(3G) inserted (E.W.) (19.2.2001 for E. and 28.7.2001 for W.) by 2000 c. 22, **ss. 99(3)(7)**, 108(4); S.I. 2001/415, **art. 2(b)**
- F6** S. 18: subsection (4)(ba) substituted for the word "and" in subsection (4)(b) (E.W.) (19.2.2001 for E. and 28.7.2001 for W.) by 2000 c. 22, **ss. 99(3)(8)**, 108(4); S.I. 2001/415, **art. 2(b)**
- F7** Words in s. 18(5)(a) substituted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 37**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4**, **Sch.** (subject to art. 5)
- F8** Words in s. 18(5)(c) substituted (1.11.1996) by 1996 c. 56, **ss. 582(1)**, 583(2), **Sch. 37 Pt. I para. 97** (with **ss. 1(4)**, 561, 562, **Sch. 39 paras. 30**, 39)
- F9** S. 18(5A) inserted (E.W.) (19.2.2001 for E. and 28.7.2001 for W.) by 2000 c. 22, **ss. 99(3)(9)**, 108(4); S.I. 2001/415, **art. 2(b)**

Modifications etc. (not altering text)

- C1** S. 18 applied (with modifications) (S.) (*temp.* 6.4.1995 to 1.4.1996) by S.I. 1995/789, **art. 2**, **Sch.** entry 11
 S. 18 extended (E.W.) (19.9.1995) by 1995 c. 25, **ss. 63(5)**, 125(2), **Sch. 7 para. 11(1)** (with **ss. 7(6)**, 115, 117, **Sch. 8 para. 7**)
 S. 18 modified (E.W.) (19.9.1995) by 1995 c. 25, **ss. 63(5)**, 125(2), **Sch. 7 para. 11(2)** (with **ss. 7(6)**, 115, 117, **Sch. 8 para. 7**)
- C2** S. 18(1)(3)(4)(5) extended (E.) (6.5.2002) by **The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002** (S.I. 2002/975), **regs. 1(2)**, **2(b)**
- C3** S. 18(1)(b) applied (with modifications) (8.1.1996) by 1995 c. x, **ss. 1(3)**, 44, **Sch. Pt. I**

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- C4** S. 18(1)(3)(4)(5) extended (E.) (6.5.2002) by The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 (S.I. 2002/975), regs. 1(2), **2(b)**
- C5** S. 18(1)(3)(4)(5) extended (E.) (6.5.2002) by The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 (S.I. 2002/975), regs. 1(2), **2(b)**
- C6** S. 18(1)(3)(4)(5) extended (E.) (6.5.2002) by The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 (S.I. 2002/975), regs. 1(2), **2(b)**

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