



AGENDA ITEM: 17

NORTH WALES FIRE AND RESCUE AUTHORITY

18th June 2007

The Local Authorities (Allowances for Members) (Wales) Regulations 2007

**Report by Ian Miller,
Clerk to the Authority**

Purpose of Report

- 1.** To inform members of the provisions of The Local Authorities (Allowances for Members) (Wales) Regulations 2007 in relation to fire and rescue authorities and to seek approval for consequential amendments to the Authority's 'Scheme for the Payment of Members' Allowances'.

Background

- 2.** In December 2004, following the enactment of The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004, North Wales Fire Authority established its 'Scheme for the Payment of Members' Allowances'. This Scheme came into effect retrospectively from 29th September 2004 - the date the Regulations permitted such a scheme to come into effect.



Background *(continued)*

3. A letter, dated 9th February 2005, from the then Welsh Assembly Government (WAG) Minister for Finance, Local Government and Public Services signalled the WAG's intention to review, and consolidate, the regulations governing councillors' allowances. The Minister's letter also contained a number of proposals for inclusion in the revised regulations. At its meeting on 25th April 2005 the Authority's Executive Panel considered the Minister's proposals and agreed on a detailed response which was subsequently sent to the WAG.
4. Following this a further consultation was undertaken during the autumn of 2006 when the WAG published the draft Local Authorities (Allowances for Members) (Wales) Regulations 2007. These draft Regulations were considered by the Authority at its meeting on 18th December 2006 and its observations were submitted to the WAG. The report presented to the above meeting (item 13 on the business agenda) also updated members on issues which the Authority had raised in its response to the original consultation.

Information

5. The new Regulations were approved by the National Assembly on 28th March 2007.
6. From a fire and rescue authority perspective these Regulations amend The Local Authorities (Allowances for Member of Fire Authorities) (Wales) Regulations 2004. The amendments provide:
 - a requirement for fire authorities to set a time limit for the receipt of travel and subsistence claims (paragraph 9 of North Wales Fire Authority's Scheme for the Payment of Members' Allowances already covers this);



Information *(continued)*

- in addition to the present requirement to publish the total amounts of basic and special responsibility allowances paid to members in each financial year, authorities will also be required to publish the total amount of care, travel and subsistence allowances paid to members during any financial year;
 - for the correcting of minor drafting errors in the 2004 Regulations.
 - for the introduction of the power for fire authorities to decide if they wish to pay a cooptees' allowance to non-elected members with voting rights e.g. independent members of the Standards Committee. The publication requirements will also apply to recipients of cooptees' allowances.
- 7.** The 2007 Regulations come into force in two stages. The legislation on the first three points listed above came into force on 1st June 2007 with the final point coming into force during the latter part of 2008. The reason for this is that the Regulations stipulate that the maximum cooptees' allowance payable by a fire authority cannot exceed the average of the cooptees' allowance in the constituent authorities. Local authorities will not be able to determine the level of cooptees' allowances payable to non-elected voting members until the Independent Remuneration Panel publishes its initial report, which has to be published by 31st July 2008. Therefore fire authorities will be unable to calculate the maximum amount of cooptees' allowances which they can pay to non-elected members until after that date.



Information *(continued)*

- 8.** As a result of the revised Regulations some consequential amendments are required to the Authority's Scheme for the Payment of Members' Allowances. For ease of reference these amendments have been listed in the Appendix to this report.

9. Recommendations

That:

- 9.1** members note the enactment of The Local Authorities (Allowances for Members) (Wales) Regulations 2007 and the provisions of the Regulations in relation to fire authorities;
- 9.2** in due course the Authority will give consideration to awarding a cooptees' allowance, and the level of any payments, to independent members of its Standards Committee; and
- 9.3** approves the consequential amendments to the Authority's Scheme for the Payment of Members' Allowances as detailed in the attached Appendix.



Appendix

Paragraph	Reason for proposed amendment	Proposed amendment
First paragraph	Enactment of new Regulations	Insert after reference to 2004 Regulations "as amended by The Local Authorities (Allowances for Members) (Wales) Regulations 2007"
2.	Powers conferred by the new Regulations for the Authority to pay a cooptees' allowance	Insert after reference to "Vice-Chairperson's Allowance", "Coptees' Allowance..."
3. Definitions		
"Executive Group"	Change of post title	Substitute reference to Assistant Chief Officer (Corporate Services) with "Assistant Chief Officer (Finance and Procurement)"
"member"	Enactment of new Regulations	Amend definition to read "means a member of the North Wales Fire Authority or an Independent Member of the Authority's Standards Committee"
"Regulations"	Enactment of new Regulations	Amend definition to read "means the Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 as amended by The Local Authorities (Allowances for Members) (Wales) Regulations 2007"



6.	Enactment of new Regulations	<p>Insert a new paragraph 6 and amend the numbering of all subsequent paragraphs (and related references) to reflect the insertion.</p> <p>New paragraph 6 to read: "Cooptees' Allowance" 6.1 At the Authority's discretion a Cooptees' Allowance is payable to each independent member of the Authority's Standards Committee as shown in Schedule 2. It will be paid by monthly instalments and is subject to Income Tax and National Insurance contributions, where applicable."</p>
Current paragraph 7 (will be paragraph 8)	Enactment of new Regulations	Amend 7.1 (8.1) to read "This Scheme provides for person(s) appointed as an independent member(s) to be paid travelling allowances as outlined in Schedule 2 and, pending a decision by the Fire Authority, for the payment of a Cooptees' Allowance to independent members."
Current paragraph 8.1 (will be paragraph 9.1)	Enactment of new Regulations	Amend first sentence to read "A Member may renounce part or all of their Fire Authority Allowance, Fire Authority Chairperson's, Vice-Chairperson's or Cooptees' Allowance."
Current paragraph 11.1 (will be 12.1)	Enactment of new Regulations	Insert after "Fire Authority Vice-Chairperson's Allowance" "Cooptees' Allowance..."



Current paragraph 11.2 (will be 12.2)	Enactment of new Regulations	Insert after "Member of the Authority" "or an independent member of its Standards Committee,..."
Current paragraph 12.1 (will be 13.1)	Enactment of new Regulations	Amend 12.1 to read "The provisions of this paragraph shall have effect to regulate the entitlements to a Fire Authority Allowance, Fire Authority Chairperson's, Fire Authority Vice-Chairperson's and Cooptees' Allowances where, in the course of a year:..."
Current paragraph 13.2 (will be 14.2)	Enactment of new Regulations	Amend paragraph to read "Arrangements will be made annually to publish payments made in the previous financial year to members in respect of Fire Authority Allowance, Fire Authority Chairperson's, Fire Authority Vice-Chairperson's, Cooptees', Care, Travel and Subsistence Allowances."
Current paragraph 14 (will be paragraph 15)	Enactment of new Regulations	Insert after "Fire Authority Vice-Chairperson's" "and Cooptees' Allowances..."
Schedule 2	Enactment of new Regulations, new travel and subsistence rates and other minor amendments	Schedule to be amended to reflect the changes listed above in the light of the enactment of the 2007 Regulations and to include the current rates.