

CONSTITUTION COMMITTEE:

10 SEPTEMBER 2010

REPORT OF THE MONITORING OFFICER

PROPOSED LOCAL GOVERNMENT (WALES) MEASURE

AGENDA ITEM: 7

Reason for this Report

1. To consider the views of Members on the proposed Local Government (Wales) Measure.

Background

2. The proposed Local Government (Wales) Measure was introduced in the National Assembly for Wales by the Welsh Assembly Government Minister for Social Justice and Local Government on 12 July 2010. Details of the proposed Local Government (Wales) Measure are summarised in **Appendix A** to this report. A full copy of the proposed Measure is also provided as **Appendix D** to this report.
3. The National Assembly for Wales has a four stage process for the consideration of a proposed Measure. Stage 1 of this process involves consideration of the general principles of a proposed Measure by a committee, including the taking of written and oral evidence from interested parties and stakeholders.
4. Members will be aware that the Council has previously considered some of the provisions contained in the proposed Measure as part of submissions to the Welsh Assembly Government in response to consultation on proposals relating to Scrutiny and Political Structures in March 2010 (**Appendix B**) and in response to the recommendations of the Councillors Commission Expert Panel Wales in November 2009 (**Appendix C**).

Issues

5. The key provisions contained in the proposed Local Government (Wales) Measure seek to:
 - (i) *broaden and increase participation in local government by permitting steps which will help remove barriers and disincentives to standing for election to local councils (Parts 1-2);*

- (ii) *enable the review and improvement of the governance structures introduced through the Local Government Act 2000 so that they better suit the circumstances of local government in Wales (Parts 3-4);*
 - (iii) *enhance the role of non-executive or “backbench” local authority councillors in the scrutiny of local services (Parts 5-6);*
 - (iv) *develop and strengthen the role of community councils in Wales, including enabling them to deliver a wider range of services and actions locally as well as to increase the effectiveness of their representational role and their ability to work in partnership with other bodies (Part 7);*
 - (v) *reform the system for setting allowances for councillors (Part 8);*
 - (vi) *allow the Welsh Ministers to issue statutory guidance on collaboration between local authorities, and between them and other bodies (Part 9).*
6. The general principles of the proposed Measure are currently being examined by the National Assembly for Wales Legislation Committee No. 3, which will consider the following points:
- i) *the need for a proposed Measure to deliver the stated objectives of strengthening the structures and working of local government in Wales at all levels and ensuring that local councils reach out to and engage with all sectors of the communities they serve.*
 - ii) *whether the proposed Measure achieves its stated objectives;*
 - iii) *the key provisions set out in the proposed Measure and whether they are appropriate to deliver its objectives;*
 - iv) *potential barriers to the implementation of the key provisions and whether the proposed Measure takes account of them;*
 - v) *the views of stakeholders who will have to work with the new arrangements.*
7. The Legislation Committee has issued a call for written evidence on the proposed Measure and will consider any views which are submitted to it by 1 October 2010. As part of this consultation exercise, the Committee has set out the following questions:

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| Q1. | Is there a need for a proposed Measure to deliver the stated objectives of strengthening the structures and working of local government in Wales at all levels and ensuring that local councils reach out to and engage with all sectors of the communities they serve? |
| Q2. | How will the proposed Measure change what organisations do currently and what impact will any such changes have? |

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| Q3. | <p>Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?</p> <p>In considering this question, the Committee is particularly interested to hear your views on the following:</p> <ul style="list-style-type: none"> (i) broaden and increase participation in local government by permitting steps which will help remove barriers and disincentives to standing for election to local councils (<i>Parts 1-2 of the proposed Measure</i>); (ii) enable the review and improvement of the governance structures introduced through the Local Government Act 2000 so that they better suit the circumstances of local government in Wales (<i>Parts 3-4</i>); (iii) enhance the role of non-executive (“backbench”) local authority councillors in the scrutiny of local services (<i>Parts 5-6</i>); (iv) develop and strengthen the role of community councils in Wales, including enabling them to deliver a wider range of services and actions locally as well as to increase the effectiveness of their representational role and their ability to work in partnership with other bodies (<i>Part 7</i>); (v) reform the system for setting allowances for councillors (<i>Part 8</i>); (vi) allow the Welsh Ministers to issue statutory guidance on collaboration between local authorities, and between them and other bodies (<i>Part 9</i>). |
| Q4. | <p>What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?</p> |
| Q5. | <p>What are the financial implications of the proposed Measure for organisations, if any?</p> <p>In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure.</p> |
| Q6. | <p>Are there any other comments you wish to make about specific sections of the proposed Measure?</p> |

8. The Constitution Committee is invited to note the content of the proposed Measure and the above consultation questions and to consider whether the Council should make a written submission to the Legislation Committee by 1 October 2010.

Finance Implications

9. There are none arising directly out of this report.

Legal Implications

10. There are none arising from the report.

Recommendations

11. The Committee is asked to:

- i) note the content of the proposed Local Government (Wales) Measure and the previous consultation responses submitted by the Council on related matters;
- ii) consider whether the Council should make a written submission to the National Assembly for Wales Legislation Committee No.3 by 1 October 2010.

KATE BERRY
Monitoring Officer
6 September 2010

Appendix A: Summary of provisions contained in the proposed Local Government (Wales) Measure

Appendix B: WAG Consultation on Scrutiny and Political Structures – Response from Cardiff Council (March 2010)

Appendix C: Cardiff Council Response to the Expert Panel Recommendations (November 2009)

Appendix D: Proposed Local Government (Wales) Measure

APPENDIX A

Summary of provisions contained in the proposed Local Government (Wales) Measure

| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| <i>Part 1 – Strengthening local democracy</i> | | |
| Duty to conduct a survey of candidates at elections (Sections 1-3) | <ul style="list-style-type: none"> • Requires unitary councils to conduct a survey of both successful and unsuccessful candidates who have stood for election at unitary council & community council elections. • The survey is intended to provide information about the people standing for election and to help gauge the success or otherwise of initiatives to encourage a wider range of persons to stand for election to councils. • The survey form, questions and method of data collation will be prescribed in regulations to be made by WAG. The proposed Measure also gives WAG powers to issue guidance to local authorities on such surveys. • Councillors and candidates should be able to provide the information anonymously and be under no obligation to respond to the survey. • Unitary councils will be required to complete the survey and provide the collated information to WAG within 6 months of the election date. The survey information received by WAG from unitary councils must be collated and published within 12 months of the election date. | Yes – see Appendix C:1 |
| Remote attendance at meetings (Section 4) | <ul style="list-style-type: none"> • This will enable remote attendance at meetings providing certain conditions are met. It is intended to introduce more flexibility for meeting arrangements to accommodate the needs of councillors from more diverse backgrounds. • Standing orders of a local authority must ensure that the number of members in actual attendance at the place where the meeting is held are greater in number than those in remote attendance. Local authorities may also make other standing orders about remote attendance and must have regard to any related guidance that may be issued by WAG. | Yes – see Appendix C:23 |
| Annual reports by Members (Section 5) | <ul style="list-style-type: none"> • Requires local authorities to make arrangements for the publication of annual reports by all Members and by Executive Members relating to the activities that they have undertaken as part of either or both roles in the year to which the report relates. • These arrangements may include conditions as to the content of a report that must be satisfied by Members and these arrangements must be publicised. Local authorities must also have regard to any guidance on annual reports that may be issued by WAG. | Yes – see Appendix C:11. The Council agreed on 25 March 2010 to accept all the non-remunerative recommendations set out in the IRP's Annual Report 2009, which included the publication of annual reports by Members. |

| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| Timing of council meetings (Section 6) | <ul style="list-style-type: none"> • Gives WAG powers to issue guidance to local authorities about the timing of meetings (including any committee or subcommittee meetings) with a view to introducing more flexible arrangements to assist councillors from more diverse backgrounds. Local authorities must have regard to that guidance. | No |
| Member development (Section 7) | <ul style="list-style-type: none"> • Places a duty on unitary councils to secure the provision of reasonable training and development opportunities for their members. • Each unitary council must make available to its members an annual review of their training and development needs, including an opportunity for an interview with a person considered suitably qualified to advise on their training and development needs. • Local authorities must have regard to any guidance that may be issued by WAG on these matters. | Yes – see Appendix C: 13, 14 & 30 |
| Designation of Head of Democratic Services (Sections 8-10 & 21) | <ul style="list-style-type: none"> • Requires each unitary council to designate an officer as the Head of Democratic Services (HDS), but this cannot be the Head of Paid Service, Monitoring Officer or Chief Finance Officer. This will also be a politically restricted post. • The HDS may arrange for the discharge of democratic services functions by staff and the HDS must be provided with such staff, accommodation and other resources as are, in the opinion of the HDS, sufficient to allow their functions to be discharged. The purpose of the post is to ensure that non-executive or ‘backbench’ councillors are provided with sufficient support to enable them to carry out their duties effectively, with the necessary administrative and research provision. • Sets out the various functions that the HDS is charged with. Other functions of the HDS and required changes to standing orders may be prescribed in regulations to be issued by WAG. | No – see Appendix B:8 and Appendix C:2 |

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| <p>Creation of Democratic Services Committee</p> <p>(Sections 11-19)</p> | <ul style="list-style-type: none"> • Requires local authorities to appoint a new committee of the council to oversee the work of Democratic Services and to ensure that the work is adequately resourced. The Democratic Services Committee (DSC) will report to full council accordingly. • Membership of the DSC will be limited to councillors (no co-opted members), should reflect political balance, and include only 1 Executive Member (excluding the Leader of the Council who may not be a member of the DSC). The chair of the DSC should be appointed by the full council and the DSC will also be allowed to establish sub-committees, which may discharge its functions. • Requires that the DSC must meet at least once a calendar year, but may meet more frequently than that. In addition, the DSC must meet if the local authority resolves that it should, or at least one-third of its members requisition a meeting. • Requires the HDS to send a copy of any report or recommendations he or she has prepared on the staffing issues in relation to the discharge of democratic services functions to all members of the DSC. A meeting of the DSC must be held to consider such reports or recommendations within 3 months of their being sent to committee members. • If a DSC prepares any report or makes recommendations about the provision of staff, accommodation and other resources provided by the local authority for the discharge of democratic service functions, a copy must be sent to each member of the authority who is not a member of the committee, as soon as practicable. A meeting of the full council must be held to consider such reports or recommendations within 3 months of their being sent to members. | <p>No</p> |
| <p>Non-delegation of Council functions</p> <p>(Section 20)</p> | <ul style="list-style-type: none"> • Ensures that the full council is not permitted to delegate the duties and functions bestowed on it by the proposed Measure (e.g. the designation of a HDS and providing him/her with staff, accommodation and other resources; the appointment of a DSC; and the consideration of a report or recommendations from the DSC). | <p>No</p> |
| <p>Meaning of “member”</p> <p>(Section 22)</p> | <ul style="list-style-type: none"> • Reference to an elected member in Part 1 of the proposed Measure includes an Executive Member, but does not include an elected mayor. | <p>No</p> |

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| Part 2 – Family Absence for members of local authorities | | |
| Family Absence (Sections 23-24) | <ul style="list-style-type: none"> Part 2 of the proposed Measure provides members of unitary councils with the entitlement to maternity, newborn, adoption and parental absence (“family absence”) to support councillors and those wanting to stand for election who may have family responsibilities. Makes provision that a period of “family absence” does not, in itself, leave a councillor liable to being required to vacate office by virtue of not having attended council meetings for 6 months. This will also ensure that family absence will not be taken into account for calculating a 6-month period of absence. | Yes – see Appendix C:26 |
| Maternity Absence (Section 25) | <ul style="list-style-type: none"> Entitles a councillor to a period of up to 26 weeks maternity absence if the councillor has given birth to a child and satisfies prescribed conditions. | |
| Newborn Absence (Section 26) | <ul style="list-style-type: none"> Entitles a councillor to up to 2 weeks absence for a councillor who satisfies conditions in relation to “newborn absence”. The absence must be taken within a period of 56 days beginning with the birth of a child with which the councillor has a relationship as set down in prescribed conditions. | |
| Adoption Absence (Sections 27-28) | <ul style="list-style-type: none"> Entitles a councillor who satisfies prescribed conditions to a period of absence of up to 2 weeks where that councillor adopts a child (whether individually or jointly with another person). Entitles a councillor to a period of absence of up to 2 weeks where that councillor is the partner of a person who is to adopt a child. New adoption absence is available to a person for the purpose of caring for a child who is adopted or supporting the person who is to adopt the child. | |
| Parental Absence (Section 29) | <ul style="list-style-type: none"> Entitles a councillor to a period of absence of up to 3 months if the councillor has or expects to have responsibilities for a child. | |
| New Entitlements – Regulations and Guidance (Sections 30-32) | <ul style="list-style-type: none"> Enables WAG to make regulations setting out certain administrative details and requirements for local authorities and members of local authorities in connection with the new entitlements introduced by the provisions in Part 2 of the proposed Measure. Gives WAG powers to issue guidance on family absence entitlements, to which unitary councils must have regard. | |

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| Part 3 – Available Governance Arrangements | | |
| Removal of the Elected Mayor and Council Manager Model (Section 33) | <ul style="list-style-type: none"> Removes the elected mayor and council manager option from the executive arrangements available in Wales. | Yes – see Appendix B:10 |
| Removal of the ‘Fourth Option’ Model (Sections 34-35 and Schedule 1) | <ul style="list-style-type: none"> Removes the Fourth Option or alternative arrangements from the executive arrangements available in Wales. Requires those local authorities in Wales which are currently operating under the Fourth Option to cease doing so and start to operate a permitted form of executive arrangements instead within 6 months of Section 34 of the proposed Measure coming into force. Paragraph 13(2) of Part 3 of Schedule 1 gives WAG a default power to require a local authority by order to cease operating alternative arrangements and to start to operate a specified form of executive arrangements where an authority fails to make the change in accordance with Section 34 of the proposed Measure. | No |

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| Part 4 – Changes to Executive Arrangements | | |
| Adopting a different form of executive (Sections 36-46) | <ul style="list-style-type: none"> • Makes new provision to simplify the procedure for a local authority already operating one form of permitted executive arrangements to change to another form of executive arrangements, but enable them to make such a change only once between ordinary elections. The new procedures mean that a local authority will no longer need to formally consult local electors or prepare “fall-back” proposals, but any proposed change will be subject to approval by WAG. • If the proposed change is to a form of executive arrangements which involves an elected mayor, the proposals must include provision for a local referendum to approve the proposed change, but a referendum must not be held if the change is to any other form of executive arrangements. A referendum on executive arrangements may not be held more than once in any 5-year period. • Outlines the timetables for implementing an agreed change. If an authority approves a change which does not require approval in a referendum it must publicise the proposed change. If a referendum must be held and the change is rejected by voters, the local authority may not implement the change and must continue to operate its existing executive arrangements. • A change of executive arrangements will require approval in a referendum if either the existing model or the proposed model is a mayor and cabinet executive. | Yes – see Appendix B:10 |
| Other variations of existing executive arrangements (Sections 47-53) | <ul style="list-style-type: none"> • Introduces new provision to enable a local authority which is operating executive arrangements to vary the arrangements (so that these differ from the existing arrangements) but still operate with the same model. | |

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| Part 5 – Local Authority functions: Discharge by Committees and Councillors | | |
| <p>Increased flexibility in the discharge of functions</p> <p>(Sections 54-56)</p> | <ul style="list-style-type: none"> • Provides more flexibility in the way that functions of the executive of that authority may be discharged. • Gives local authorities more flexibility about the membership of an area committee which discharges specified functions in its part of the area of the authority. Currently, an area committee satisfies the conditions if the members of the committee who are councillors are elected for electoral divisions which fall wholly or partly within that part. The existing area conditions are that the area covered by the area committee does not exceed two-fifths of the total area of the authority and the population of that part likewise. • Makes provision to enable a member of a local authority who represents the executive or the authority on an outside body to be able to make decisions in relation to functions which are the responsibility of the authority’s executive, provided that the executive or the local authority has formally discharged those functions to the member. • Makes provision for members exercising functions to make written records of decisions and to provide them to the authority. • Allows for the discharge of executive functions in accordance with the new provisions regarding members and for those members to be called before a scrutiny committee to answer questions about those functions. | <p>Yes – see Appendix B:10 and B:12</p> |

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| Part 6 – Overview and Scrutiny | | |
| Joint scrutiny committees (Section 57) | <ul style="list-style-type: none"> • Gives WAG powers to provide by regulation that two or more unitary councils may set up one or more joint scrutiny committees and arrange for the committee or committees to make reports or recommendations to any of the unitary councils setting up the committee, and to the executives of those councils. • The joint scrutiny committees may make reports and recommendations about any matter, but not about crime and disorder matters, which are matters for a crime and disorder committee. The regulations may also make provision for joint scrutiny committees to have equivalent powers to non-joint scrutiny committees. | Yes – see Appendix B:1 |
| Scrutinising designated persons (Sections 58-60) | <ul style="list-style-type: none"> • Strengthens the position of scrutiny committees (and by extension, joint scrutiny committees) so that committees are required to scrutinise and report on matters which relate to a “designated person”. • Provides new powers for a committee to require information to be given (a requirement that must be complied with); to send a copy of a report or recommendations to a designated person; and to request such a person to have regard to the report or recommendations. • Allows WAG to designate by order those persons or categories of persons (a “designated person”) whose responsibilities or functions may be scrutinised by a scrutiny committee. Designated persons will be responsible for providing the public with services, goods or facilities, even if not carried out directly by those persons. | Yes – see Appendix B:3 |
| Taking into account the views of the public (Section 61) | <ul style="list-style-type: none"> • Introduces provision to require local authorities to make arrangements to enable the public to express their views in relation to any matter being considered by a scrutiny committee. | Yes – see Appendix B:16 |

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| <p>Reference of matters to Scrutiny Committees and duty to respond</p> <p>(Sections 62-64)</p> | <ul style="list-style-type: none"> • Enables a councillor of a unitary council in Wales to refer a matter to a scrutiny committee which relates to the discharge of any of the functions of the council or which affects all or part of the electoral area which the councillor represents. The scrutiny committee must consider the matter and report back to the member. • Outlines the steps a scrutiny committee must take to inform the authority or executive of a report it has produced and the steps the authority or executive must take to respond. • Extends the definition of information which is exempt from publication in reports etc of scrutiny committees to include health matters currently exempted under section 186 of the National Health Service Act 2006. | <p>Yes – see Appendix B:17</p> |
| <p>Appointment of Scrutiny Committee Chairs</p> <p>(Sections 65-74)</p> | <ul style="list-style-type: none"> • Requires a local authority to make provision in its standing orders for the appointment of chairs for the authority’s scrutiny committees (the “appointment procedure”). The provisions also set out who will appoint the chairs, a decision which depends on the number of political groups on that authority and the composition of the executive. • Requires local authorities to make provision for the allocation of scrutiny committee chairs on a proportionate basis, with the additional proviso that the political group(s) which comprises the executive cannot allocate a greater number of scrutiny chairs to its group(s) than is proportionate to its (combined) representation on the full council (i.e. all members, whether or not they are members of political groups). The remaining scrutiny chairs are then to be allocated to opposition political groups, each opposition group’s allocation being in proportion to that group’s numerical strength within the combined total of opposition groups. The calculation of scrutiny chairs for opposition groups should not take any account of councillors who are not members of political groups. • If any scrutiny committee chairs are not appointed in this way, the executive group(s) cannot get more appointments and the opposition groups that have fully used their initial appointment allocation will get additional appointments in proportion to their initial appointments. If all the opposition groups have failed to fully use their initial appointment allocation or if an opposition group is entitled to an additional appointment, but does not use it, the power of appointment in these cases falls to the committees. If the composition of the executive changes, the allocation of the scrutiny chairs must be re-visited and changes may need to be made to the allocations. • Permits a local authority to waive the requirement to follow these procedures if an alternative appointment procedure is agreed by all political groups, with the proviso that the alternative procedure does not result in the majority party allocating a greater number of scrutiny chairs from its party than permitted. • Enables WAG to make regulations about the appointment procedure for allocating scrutiny committee chairs and to issue guidance or directions. | <p>Yes – Appendix B:6</p> |

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| Co-opted Members on Scrutiny Committees (Sections 75-79) | <ul style="list-style-type: none"> • The maximum permitted number of co-opted members on a scrutiny committee will be one-third of the total membership of the committee. • Requires that a sub-committee of a scrutiny committee may not be fully constituted of co-opted members. • Allows a local authority to give co-opted members of overview and scrutiny committees and sub-committees voting rights. • Removes the requirement for scrutiny sub-committees to be subject to the rules on political balance, provided there are co-opted members and at least one of them has voting rights. • Requires a local authority to have regard to any guidance or direction on co-option issued by WAG. | Yes – see Appendix B:2 |
| Scrutiny Committee Forward Plans (Section 80) | <ul style="list-style-type: none"> • Enables WAG by regulations to make provision to require the publication of forward plans by scrutiny committees and sub-committees. | Yes – see Appendix B:7 |
| Prohibition of the party whip on Scrutiny Committees (Section 81) | <ul style="list-style-type: none"> • Prohibits the application of whipping at meetings of scrutiny committees • Sets out a procedure for declaring, determining and recording a prohibited party whip at scrutiny committee meetings and the consequences of a prohibited party whip being given. | Yes – see Appendix B:5 |
| Guidance, directions and interpretation (Sections 82-83) | <ul style="list-style-type: none"> • Enables WAG to issue guidance or give directions about scrutiny committees. | No |
| Audit Committees (Sections 84-90) | <ul style="list-style-type: none"> • Requires a local authority to appoint an audit committee to review and scrutinise the authority's financial affairs and to make reports and recommendations in relation to these. There is currently no statutory requirement upon local authorities in Wales to have such a committee. • The proposed Measure makes provision for the audit committee's functions, membership, proceedings, frequency of meetings, discharge of functions and termination of membership. • Local authorities must secure that (a) at least two-thirds of the members of its audit committee are members of the authority; (b) at least one member of its audit committee is a lay member; (c) no more than one of the members of its audit committee is a member of the authority's executive; and (d) the senior member of its executive is not a member of its audit committee. | Yes – see Appendix B:14 |

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| Part 7 – Communities and Community councils | | |
| Community meetings (Sections 91-95) | <ul style="list-style-type: none"> • In communities which have a community council, a community meeting may be convened by the chair of the council or by two councillors representing the community on the council. These triggers for convening a community meeting are unchanged. Where community meetings are convened in this way, the existing requirements for giving public notice are re-applied. • Accordingly, if the business of the community meeting is a general issue, at least 7 days notice must be given; if the business concerns the existence of a community council or the grouping of a community with other communities at least 30 days notice must be given. This removes the existing provisions whereby a community meeting may be convened by 6 local government electors (whether or not the community in question has a community council). A new threshold is to be introduced, namely 10% of the local government electors for that community or 50 of the electors, whichever is the lower. • Specifies the information that must be provided to enable the relevant local council to decide whether a community meeting has been duly convened when the convenors of the meeting are local government electors. The relevant local council, to which the notice of a community meeting must be given, is a community council in communities where one exists and the unitary council where one does not. The provisions allow for the notice to be given in electronic form to a unitary council (provided it meets technical requirements set by the unitary council) and for the supporting electors to retain anonymity if they are registered anonymously in the register of local government electors. • Requires a unitary council to make available facilities so that notices for community meetings may be delivered electronically. The council is also required to set, and appropriately publicise, the requirements for electronic notices scheme, such as the authentication of an electronic signature. • Requires the recipient council of the notice to consider whether the stipulated requirements and initial trigger threshold have been met. If the council considers they have, then the council must give public notice. If the council considers that the requirements have not been met, it must give notice to the convenors and state why it is of that opinion. • Requires that within 30 days of deciding that the requirements for convening a community meeting have been met, the relevant council must give public notice that the community meeting will be held. If the business of the community meeting is a general issue, at least 7 days notice of the meeting must be given; if the business concerns the existence of a community council or the grouping of a community with other communities at least 30 days notice of the meeting must be given. Details are also provided of what is required to be included in the notice and how the notice should be published. | No |

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| <p>Community polls (Sections 96-102)</p> | <ul style="list-style-type: none"> • Makes provision for raising the thresholds required for a community meeting to demand a community poll. The existing thresholds require a demand for a poll to be supported by no less than 10 or one-third of the local government electors present at the community meeting, whichever is the lower. This is replaced with a majority of the local government electors present, the said majority constituting 10% of the local government electorate for that community or 150 of the electors, whichever is the less. • Introduces a new provision which sets out the notice procedure following a community poll which was triggered by a community meeting and where a majority of electors voting were in favour of the question posed. The notice requirements need not be applied if the poll were on a question of a type which would be inappropriate for the council to respond to and that type had been specified in regulations by WAG. • Requires the monitoring officer to whom the notice of the result of the community poll has been delivered to determine, within 14 days of receiving notice, the council to whose functions the poll question relates. The monitoring officer must then give notice to the relevant council as soon as reasonably practicable. • Requires a community council to consider the results of a poll in a meeting of the council and to inform the convenors of the community meeting which triggered the poll of what action (if any) the council intends to take in response to the poll. There is no legal expectation that the community council will take any action in response to the poll. This action need be taken only where the community poll was triggered at a community meeting of local government electors. • Requires a unitary council to consider the result of the community poll and decide what action(s) it will take within 2 months of receiving notice. The unitary council must also give notice, as soon as is reasonably practicable, of the action(s) which it has taken and, possibly intends to take, in response to the community poll. | <p>No</p> |

| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| <p>Establishment and dissolution of community councils (Sections 103-107)</p> | <ul style="list-style-type: none"> • WAG considers that the existing thresholds for establishing a community council are too high and those for dissolving a community council are too low. In addition, the existing provisions are unnecessarily complex and the development of community councils is hindered by the existing thresholds which apply to some of the procedures for the establishment or dissolution of a community council. • Specifies the conditions which must be met before a community meeting may apply to the unitary council for its area for an order to establish a community council for the area. This lowers the threshold for a community meeting voting to establish a community council to require 10% of the local government electors for the community or 150 of the electors (whichever is the lower) to be present and voting at the meeting. The existing threshold is 30% of the local government electors for the community or 300 of the electors (whichever is the lower). • Outlines the action a unitary council must take when it has received an application from a community meeting for an order to establish a separate community council for the area of the community. • Specifies the conditions which must be met before a community meeting may apply to the unitary council for its area for an order to dissolve an existing separate community council for the area. The threshold for a community meeting voting to dissolve a community council remains 30% of the local government electors for the community or 300 of the electors (whichever is the lower) to be present and voting at the meeting. A new threshold is also introduced which requires that at least two-thirds of those voting in the community poll support the proposal to dissolve a community council. A bare majority is required at present. • Outlines the action that a unitary council must take when it has received an application from a community meeting for an order to dissolve a separate community council for the area of the community. | <p>No</p> |

| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| <p>Establishment and dissolution of groupings of community councils</p> <p>(Sections 108-118)</p> | <ul style="list-style-type: none"> • Specifies the conditions which must be met before a community meeting may apply to the unitary council for its area for an order grouping its community with other communities under a common community council. The provisions are essentially the same as those for establishing a community council, with the additional condition requiring applications to be made jointly with the other communities involved in the prospective grouping. • Outlines the action a unitary council must take when it has received an application from a community meeting for an order to group a community with other communities under a common community council. • Specifies the conditions which must be met before a community meeting may apply to the unitary council for its area for an order adding its community to a group of communities under a common community council. The provisions require the consent of all the communities involved in the prospective new grouping with the same thresholds applying as are introduced for establishing a community council. • Outlines the action a unitary council must take when it has received an application from a community meeting for an order to add a community to a group of communities with a common community council. • Specifies the conditions which must be met before a council for a group of communities may apply to the unitary council for its area for an order dissolving the group. The provisions are essentially the same as those for dissolving a separate community council, with each community in the group being required to consider and vote on the proposal separately. • Outlines the action a unitary council must take when it has received an application from a council for a group of communities for an order dissolving the group. • Specifies the conditions which must be met before a community meeting may apply to the unitary council for its area for an order separating the community from a group of communities. The provisions are essentially the same as those for dissolving a separate community council. • Outlines the action a unitary council must take when it has received an application from a community meeting for an order separating the community from an existing group of communities. | |

| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| Co-option of members of community councils (Sections 119-120) | <ul style="list-style-type: none"> • Requires public notice to be given where a community council intends filling a vacancy by co-option. It is accepted good practice that opportunities for co-option are advertised openly, but there is no requirement at present. This will avoid the perception of community councils being ‘closed shops’ and raise awareness of opportunities for greater participation by under-represented groups. • Specifies the requirements of the public notice and makes provision for WAG to set other requirements for the notice in the light of experience. • Gives WAG powers to issue guidance about giving public notice about co-option, to which community councils and community councillors must have regard. | No |
| Appointment of community youth representatives (Sections 121-124) | <ul style="list-style-type: none"> • Enables a community council to appoint up to 2 community youth representatives to the community council. • Requires that a community council must give advance public notice of its intention to appoint a community youth representative. • Gives WAG powers to issue guidance on the appointment of community youth representatives, to which community councils must have regard. • Enables WAG, by regulations, to provide for a community youth representative to be treated as a member of the council for purposes specified in the regulations. | No |

| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| <p>Review of community areas and electoral arrangements</p> <p>(Sections 125-128)</p> | <ul style="list-style-type: none"> • Requires a unitary council to publish every 15 years (and send to the Local Government Boundary Commission for Wales – the “Welsh Commission”) a report of how it has discharged its existing function of keeping community areas and electoral arrangements under review. The existing legislation has no such timeframe for publishing reports and some councils have not published reports. • Enables the Welsh Commission and a unitary council to agree arrangements by which the Welsh Commission may exercise the unitary council’s functions of reviewing the community areas or electoral arrangements for communities and considering requests received from community meetings and councils in this respect. The existing legislation enables the Welsh Commission to undertake these functions at present, but the Welsh Commission must first be directed to do so by WAG. The cost of undertaking reviews currently falls to the Welsh Commission as the existing legislation does not allow it to charge any fee to the unitary council concerned. The new provision alleviates the need for a direction from WAG where a unitary council and the Welsh Commission have reached agreement about the arrangements for the review. • Introduces new provisions for circumstances where WAG has had to direct the Welsh Commission to undertake a review on behalf of a unitary council (perhaps because the Welsh Commission and the council have failed to reach agreement about the arrangements for the review). The direction from WAG may include a requirement on the unitary council concerned to pay the Welsh Commission a sum specified or to be calculated. | <p>No</p> |
| <p>Power of community councils to promote well-being</p> <p>(Sections 129-131)</p> | <ul style="list-style-type: none"> • Includes community councils in the list of local authorities on which the power of well-being is conferred. This provides a power for local authorities to do anything that they consider is likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area. WAG considers that extending the power of well-being to community councils will enhance the opportunities for them to develop their role in promoting and improving the well-being of their areas. | <p>No</p> |
| <p>Grants to community councils</p> <p>(Section 132)</p> | <ul style="list-style-type: none"> • Enables WAG to pay grants to community councils as a result of the developing role of community councils, which may create new demands on their finances. | <p>No</p> |

| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| <p>Model charter agreements between local authorities and community councils</p> <p>(Sections 133-136)</p> | <ul style="list-style-type: none"> • WAG considers that, in the first instance, the development and adoption of collaboration arrangements or charters is best achieved on a voluntary basis at the local level. There is, however, no power currently available to WAG to require reluctant councils to come together, address the issues and agree a charter for the benefit of their areas. • The proposed Measure will enable WAG to issue directions requiring the adoption of a model charter and requires WAG to consult the bodies, persons or local government institutions stipulated before making an order or issuing a direction about model charter agreements. It also empowers WAG to issue guidance on charter agreements, to which unitary and community councils must have regard. | <p>No, but the Council is currently developing a Charter in partnership with the six Community Councils in Cardiff.</p> |
| <p>Schemes for the accreditation of quality in community government</p> <p>(Sections 137-143)</p> | <ul style="list-style-type: none"> • There is currently no national accreditation of quality scheme to assess the competence of community councils in Wales. WAG considers that there is value in developing such a scheme to help raise standards of local government by community councils. In the first instance, WAG intends to develop a national accreditation of quality scheme in Wales that will be operated on a non-statutory basis. However, WAG considers that it would be beneficial for it to have a “reserve” power to introduce a statutory accreditation scheme should this be considered appropriate at some future point. • Enables WAG to make regulations to provide for an accreditation of quality scheme for community councils. • Allows WAG to arrange for another person (which need not be a public authority) to operate the accreditation scheme. • Enables WAG, by regulations, to remove or alter statutory impediments from accredited community councils (for example, because they have achieved a certain standard of performance) and to place impediments in the way of unaccredited community councils (e.g. because they are unable to show that they have achieved a certain standard). | <p>No</p> |

| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| Part 8 – Members: Payment and Pensions | | |
| <p>Independent Remuneration Panel (IRP)</p> <p>(Sections 144-163 and Schedules 2-3)</p> | <ul style="list-style-type: none"> • Provides for the continued existence of the Independent Remuneration Panel for Wales (IRP). Schedule 2 sets out the detail for membership, tenure and organisation of the IRP. • Outlines the functions of the IRP, in particular giving it a greater degree of flexibility in defining the duties and responsibilities which may qualify councillors to receive payments, to describe the types of payments and to set levels of payments for those authorities. • Enables the IRP to stipulate the actual amount of payment an authority may make to a member, or set the maximum level of payment to a member of the authority. The IRP could, in relation to one or more or all authorities of different descriptions or different authorities of the same description decide to set payments which could include maxima and actual rates. • Enables the IRP to determine which elected members (not co-opted members) of such authorities as are or become eligible members of the Local Government Pension Scheme (LGPS) shall be entitled to pensions. • Extends the remit of the IRP to cover community councils, National Park Authorities and fire and rescue authorities in Wales, in addition to county and county borough councils. • Requires the IRP to publish an annual report for the financial year beginning 1 April 2012; which must be published by 31 December 2011 and also allows the IRP to produce supplementary reports to the first annual report. • The IRP must allow a minimum period of 8 weeks for consultation on a draft report. • Enables WAG to direct the IRP to reconsider a provision of a draft report. WAG must specify its reasons for issuing the direction and give a date for a response. The IRP is not obliged to vary the draft, but must respond and explain if it decides not to vary. • Enables the IRP to require local authorities to put in place administrative systems to avoid the duplication of claims for payments and to keep records in relation to payments made to their members, and to stipulate in an annual report the publicity arrangements that should be put in place by authorities in relation to the payments it makes. • Requires local authorities to comply with decisions of the IRP set out in an annual report and empowers the IRP to monitor the implementation and management of the payments made by the authorities affected by its decisions. • Gives the IRP powers to require authorities to provide it with details of their payments and actual rates in payment. The local authority must comply with such a request. • Enables a member of an authority to waive his or her entitlement to such payments as that member determines. Since authorities will be required to make certain payments to members, it is considered necessary to make provision to permit authorities not to pay allowances in circumstances where a member has elected to forgo payment. | <p>No</p> |

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| | <ul style="list-style-type: none">• Requires an authority to withhold payments to persons who have been suspended from being a councillor (or partially suspended) as a result of an adjudication by a local standards committee or by a case tribunal or interim case tribunal on whether the councillor had complied with the local authority's code of conduct.• Gives WAG powers to issue directions, following consultation with the IRP, to a local authority requiring it to withhold payments to a member of an authority for reasons specified in the direction. WAG may apply to the Court for an order enforcing the direction.• If WAG is are satisfied that an authority has failed to discharge any duty imposed on it by the IRP for the purposes of the Measure, it may issue a direction requiring the authority to comply. Any such direction must explain the reason for its issue and set out the steps that need to be taken by the authority, including a timetable by which the authority should respond. WAG may apply to the Court for an order enforcing the direction.• Gives the IRP powers to issue guidance on complying with its requirements set out in annual and supplementary reports.• Gives WAG powers to modify, by order, the provisions in this Part of the Measure relating to the appointment of members of the IRP or its functions and to make any consequential modifications to other enactments as a result. | |
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| Proposed Measure – Key Theme | Summary of Provisions | Considered as part of previous Council response |
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| Part 9 – General | | |
| Guidance on collaboration between Welsh improvement authorities (Section 164) | <ul style="list-style-type: none"> Amends Part 1 of the Local Government (Wales) Measure 2009 to allow WAG to issue comprehensive statutory guidance on all aspects of local authorities' powers and duties under that Measure. | No |
| Other Provisions (Sections 165-172 and Schedule 4) | <ul style="list-style-type: none"> Provides for orders and regulations under the proposed Measure to be made by Statutory Instrument. Clarifies WAG powers to give guidance and directions under the proposed Measure. Makes provision for the IRP to prescribe a scheme for a local authority using the current regulations for a transitional period for the financial year from 1 April 2011 to 31 March 2012. The IRP is to publish its first annual report under the Measure by 31 December 2011 and the report is to relate to the financial year from 1 April 2012 to 31 March 2013. | No |

APPENDIX B

WAG Consultation on Scrutiny and Political Structures – Response from Cardiff Council (March 2010)

| Policy Proposals | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| Future development of scrutiny | | | |
| <p>1 <u>Joint scrutiny committees</u></p> <p>The Assembly Government proposes that local authorities should be able to create joint scrutiny committees with one or more local authorities. Such joint committees would have similar powers to single-authority scrutiny committees in relation to each authority involved in its membership.</p> <p>The nominations for membership of joint committees from each constituent authority should reflect political balance within that authority and the same number of members should be nominated by each authority. The process for deciding on the appointment of the chairs and vice-chair posts should be agreed between constituent authorities.</p> <p>We propose that Welsh local authorities should be able to form joint scrutiny committees with neighbouring English authorities. However, the National Assembly cannot legislate for English local government, so their participation in such a body would be dependent on any legal constraints placed upon them.</p> | <p>This proposal is welcomed. Whilst there are no existing powers for local authorities to establish formal joint scrutiny committees, joint scrutiny exercises have been undertaken successfully by Cardiff Council and neighbouring councils (e.g. Prosiect Gwyrdd).</p> <p>With reference to the new crime & disorder scrutiny powers, this proposal could assist with the scrutiny of regional issues affecting all or a number of local authorities within the wider South Wales Police Authority area.</p> | <p>Yes</p> | <p>Section 57</p> |

| Policy Proposals | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| <p>2 <u>Co-option of persons other than councillors</u></p> <p>The Assembly Government proposes that local authorities be enabled to co-opt people to scrutiny committees other than elected councillors and allow them voting powers. Local authorities would be able to decide on the appropriateness of such a move but the Welsh Ministers should have a fallback power to direct authorities to co-opt if felt necessary to do so (for instance, if this seemed necessary to ensure the cooperation of outside public bodies).</p> <p>The total number of co-optees on a scrutiny committee should not outnumber the elected members on that committee, although such a provision could be disapplied for scrutiny sub-committees, so that a number of co-options could be made without requiring a regard for balance in the elected members.</p> <p>Any voting co-optees are to be treated as being members of the authority and subject to the members' code of conduct. They should have the same power as elected members to propose agenda items, including those which "call-in" executive decisions. Best practice in relation to co-option will be included in guidance.</p> | <p>This should be a matter for local authorities to determine locally and any regulations should not provide an opportunity for there to be more voting co-optees than democratically elected members on scrutiny committees.</p> <p>Cardiff Council recognises the benefits that have been gained from the contribution of co-optees to the work of the Council's Children & Young People's Scrutiny Committee and the LSB Scrutiny Panel. However, there is a need to demonstrate the potential contribution and specific expertise of co-optees in terms of how they can add value to the work of scrutiny committees.</p> <p>Cardiff Council would not support the extension of powers (e.g. voting, call-in) to all co-optees.</p> <p>There is also a need to consider the potential financial implications of any increase in the number of co-optees on scrutiny committees in the light of the determinations on allowances payable to co-optees from 1 April 2010 that have been made by the IRP.</p> | <p>Yes</p> | <p>Sections 75-79</p> |

| Policy Proposals | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| <p>3</p> <p><u>Scrutiny beyond the functions of a local authority</u></p> <p>The Assembly Government intends to strengthen provisions so that there be a requirement on local authorities that they take responsibility for scrutinising the delivery of public services in their area (but see below with respect to Health). Scrutiny committees would be able to require representatives of deliverers of devolved public services to provide information and/or to attend when invited to do so. Any such organisations would have to provide an explanation to the scrutiny chair in the event of a refusal to attend. The bodies which would be subject to scrutiny would be listed in regulations to be made by Welsh Ministers prior to the measure coming into force.</p> | <p>Cardiff Council broadly welcomes the proposal. However, it should be noted that it is already difficult to scrutinise all Council functions based on current time and resource constraints. The extension of the scrutiny function to other public service providers will have clear resource implications for local authorities.</p> <p>Further clarification is needed in relation to which organisations will fall under the definition of “<i>deliverers of devolved public services</i>” as it is unclear at present.</p> | <p>Yes</p> | <p>Sections 58-60</p> |
| <p>4</p> <p><u>Health scrutiny</u></p> <p>The Assembly Government wishes to encourage local authorities, CHCs and LHBs to take account of these experiments and any others which may develop Legislative steps in relation to scrutiny in this area will be revisited following a review of these projects, allowing time for the health restructuring to bed in and for relationship between CHCs and local authority scrutiny to be tested.</p> | <p>Cardiff Council would be willing to participate in any exploratory work by local authorities in this area. This would build on the success of the work undertaken to date with local public service partners as part of the LSB Scrutiny Panel.</p> | <p>No</p> | |

| Policy Proposals | | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| 5 | <p><u>Imposition of group discipline in scrutiny committees</u></p> <p>The Assembly Government proposes that political groups should be prevented from imposing voting instructions on members of a scrutiny committee and from imposing discipline on a member of a scrutiny committee as a result of their voting in a particular fashion.</p> | <p>This is not considered to be a common practice as part of the scrutiny function in Cardiff. This proposal would be difficult to enforce, but any proposal that seeks to strengthen the independence of the scrutiny function is to be welcomed.</p> | Yes | Section 81 |
| 6 | <p><u>Allocation of scrutiny chairs</u></p> <p>The Assembly Government proposes that chairs of scrutiny committees should be allocated at least in proportion to the political balance of an authority. This will not prevent an authority from allocating a greater proportion of chairs to members of political groups outside the executive if they see fit. Nor would it prevent an authority from avoiding this requirement, provided there was unanimity in support of this. Committee vice-chairs should be decided upon by the membership of the committee.</p> <p>In the event of a political group refusing to take up its allocation of chairs, the post should be offered to another political group not represented in the executive or, in the absence of such, be decided upon by the committee itself.</p> | <p>This proposal is supported and has been a long established practice in Cardiff. The appointment of scrutiny committee chairs should be a matter for decision by full council.</p> | Yes | Sections 65-74 |

| Policy Proposals | | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| 7 | <p><u>Forward planning</u></p> <p>We propose that scrutiny committees should be required to produce forward work plans and publish them on their council web pages. In drawing up their forward plans, committees would be obliged to have regard to the cabinet forward plan, their authority's joint risk assessment, local delivery agreement and (when existent) outcome agreements.</p> | <p>In Cardiff, work programmes are developed by each scrutiny committee on an annual basis and are published on the Council's website. Each work programme has regard to future business that forms part of the Executive's forward plan. However, this does not preclude the scrutiny of urgent items or issues that were not could not have been foreseen when the work programmes were developed.</p> | Yes | Section 80 |
| 8 | <p><u>Officer support for scrutiny</u></p> <p>The Assembly Government proposes to place a requirement on local authorities to provide adequate, independent officer support for scrutiny and to have regard to any guidance produced by the Assembly Government in relation to this matter. Such support could be shared between different authorities. We do not propose to follow the route of the statutory scrutiny officer, as introduced for England, but would welcome views on this matter.</p> | <p>Cardiff Council has invested significantly in the scrutiny function for over 10 years and currently has one of the best resourced scrutiny teams in Wales.</p> <p>The Council does not support the need for a statutory scrutiny officer. It also does not support a legal separation between executive and non-executive functions, as was recommended by the Councillors Commission Expert Panel in Wales. The Council has responded previously to this latter proposal as follows:</p> <p><i>"This is a matter for determination by individual local authorities.</i></p> <p><i>There are concerns relating to how</i></p> | No | Sections 8-10 and 21 refer to provision for the designation of a Head of Democratic Services. |

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| | | <p><i>the legal separation between executive and non-executive functions would be made and the potential duplication of officer support structures, as well as related additional costs and bureaucracy. There is potential scope for enhancing the role of the Monitoring Officer, rather than imposing a legal split in governance arrangements.”</i></p> | | |
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| Policy Proposals | | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| 9 | <p><u>Reference back of executive decisions</u></p> <p>The Assembly Government supports the general point of the Health, Wellbeing and Local Government Committee and intends to address it within statutory guidance. This will include reference to safeguards to deal with vexatious or repetitive attempts at call-ins.</p> | <p>The proposal for strengthened guidance on call-in procedures is supported and this should draw on best practice examples within local authorities. Cardiff Council operates an open and transparent call-in process, which is not widely abused.</p> | No | |
| Review of political structures and council organization | | | | |
| 10 | <p><u>Options for political structures</u></p> <p>The Assembly Government proposes to remove the “mayor and council manager” option. We will make it easier for local authorities to change their political models (subject to this not happening more than once every four years. All political models will need to include a leader or elected mayor plus a cabinet/executive, though this may include the possibility of a politically balanced cabinet. <i>(Note: In this case, the executive would reflect the balance immediately following the four-yearly full council elections and be in place for the full term of the council)</i></p> <p>It is proposed to introduce greater flexibility in the rules governing the establishment of area committees compared to existing executive models.</p> | <p>The proposal is generally supported, but the Council does not support any proposal that would require the executive/cabinet to be politically balanced to reflect the outcomes of the local government elections held every 4 years.</p> <p>Cardiff Council also welcomes proposals for greater flexibility in the rules on the establishment of area committees.</p> | Yes | Sections 33, 36-56 |

| Policy Proposals | | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| 11 | <p><u>Functions and responsibilities</u></p> <p>The Assembly Government intends to simplify the current system, so that “fields” of activity would be stipulated which would not be appropriate for executive responsibility, allowing authorities themselves to decide on fine detail and allowing more functions to be subject to local choice. Welsh Ministers would have a fall-back power of direction in relation to this matter.</p> | <p>Any proposal for increased local choice is welcomed.</p> | No | |
| 12 | <p><u>Delegation of functions</u></p> <p>It is proposed that local authorities will be able to delegate decision-making powers to executive members representing them on Local Service Boards or other partnerships. Any such decisions will need to be recorded and published in the same way as other executive decisions.</p> | <p>This proposal is supported in principle but does raise some issues in terms of how decision-making is delegated, recorded and reported back by nominated representatives on partnership bodies such as Local Service Boards, local strategic partnerships and Regional Partnership Boards.</p> <p>Further clarification is also needed (e.g. on call-in procedures – which body is the call-in directed to?) and mechanisms for formally recording decisions as a matter of public record.</p> | Yes | Sections 54-56 |

| Policy Proposals | | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| 13 | <p><u>Forward planning</u></p> <p>The Assembly Government proposes to make it a requirement that executives should publish forward plans on their websites. These should be rolling documents covering a period of six months ahead and subject to quarterly update. Guidance would make reference to the extent of detail required.</p> | <p>This proposal is welcomed and supports the position in Cardiff where the Council's Executive has published a forward plan for many years. However, there is a need for either robust guidance to support this proposal or flexibility for local authorities to determine locally how to implement this proposal.</p> <p>There is a need for any future guidance to explain what constitutes urgency and for clarification of what decisions should be indicated on the forward plan.</p> | No | |

| Policy Proposals | | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| 14 | <p><u>Audit committees</u></p> <p>We propose to make the establishment of audit committees a requirement and that the arrangements for appointment of members should be a function of the full council. It is proposed that the Chair of the audit committee be a lay person, as in the case of standards committees, and that a maximum of one third of the membership also be lay appointees.</p> | <p>An independent audit panel was established in Cardiff in 2002. Whilst the panel is not mandatory, it is recognised throughout the UK as good practice among most public bodies and is in line with good governance arrangements.</p> <p>The Cardiff Independent Audit Panel currently consists of 4 independent persons who are appointed for a four-year term (including the Chair who is appointed from among the independent members on an annual basis) and 3 non-executive councillors representing the main political parties who are re-appointed annually. The appointment of independent members is made following public advertisement and interview.</p> <p>The proposed limit on the number of independent or lay members on the audit committee would have significant implications for the current model and operation of the Council's independent audit panel. This specific proposal is therefore not supported as it should be a matter for local authorities to determine locally.</p> | Yes | Sections 84-90 |

| Policy Proposals | | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| 15 | <p><u>Welsh Ministers' powers</u></p> <p>It is proposed that Welsh Ministers be empowered to intervene in the operation of a local authority when there is an actual or perceived threat to the effective discharge of functions, as identified within a report of an inspector/regulator.</p> | <p>This proposal should be considered to be a 'last resort' option if matters cannot be resolved locally. It also raises some concerns in relation to the timeliness of the publication of reports by inspection or regulatory bodies, particularly when it can be evidenced that local authorities have already taken significant steps to address any evident failings or concerns that may have been highlighted following specific incidents.</p> | No | |
| Strengthening the links with the Community | | | | |
| 16 | <p><u>Duty to consult</u></p> <p>It is proposed that scrutiny committees should be placed under an obligation to provide the public an opportunity to contribute to policy reviews by scrutiny committees.</p> | <p>This proposal is welcomed and is in line with the Council's ongoing work to develop more citizen-focused scrutiny in Cardiff. Some good examples of where the Council's scrutiny committees have involved the public over recent years include the proposed changes for traffic and pedestrians in High Street/St Mary Street, Controlled Parking Zones (CPZs) and the closure of the Iorwerth Jones residential home.</p> | Yes | Section 61 |

| Policy Proposals | | Cardiff Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
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| 17 | <p><u>Councillor/community calls for action</u></p> <p>The Assembly Government proposes to introduce the provisions enabling CCfAs in policy areas beyond that of crime and disorder. Such provisions would be supported by guidance as to how to deal with frivolous or repetitive bids. Local authorities would be empowered to provide for functions and budgets to be delegated to councillors for use within their local community area.</p> | <p>This proposal is broadly supported, but there is a need for detailed guidance on CCfAs and, in particular, on what constitutes a frivolous or repetitive bid.</p> | Yes | Sections 62-64 |
| 18 | <p><u>Promotion of democracy and petitions</u></p> <p>The Assembly Government proposes to commence these provisions so as to come into force at the same time as provisions in the Assembly Measure. We will consult on guidance on the promotion of democracy and on petitions. We will also consult on whether other local authorities (community councils, national parks, fire and rescue authorities) should be subject to petition schemes.</p> | <p>The Council will await future consultation on this proposal. However, there are clear resource implications associated with work to promote democracy and the need to invest in appropriate new technology that will enable local authorities to receive e-petitions.</p> | No | |

APPENDIX C

Cardiff Council Response to the Expert Panel Recommendations (November 2009)

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 1 | As part of their statutory duties, local authorities should undertake equality monitoring amongst candidates standing for election and all newly-elected councillors. The same should be done for community and town councillors and in the meantime the census of county councillors should also be extended to community and town councillors. | <p>This recommendation is not supported. Equality monitoring of candidates should not be imposed as a statutory duty on local authorities any more than it should be the responsibility of political parties to undertake appropriate monitoring of their own candidates.</p> <p>Recommendations relating to Town & Community Councils are a matter for One Voice Wales.</p> | Yes | Sections 1-3 |
| 2 | Consideration should be given to introducing a legal separation of the executive and non-executive functions of the council with separate funding streams that would protect the central provision of members' services. | <p>This is a matter for determination by individual local authorities.</p> <p>There are concerns relating to how the legal separation between executive and non-executive functions would be made and the potential duplication of officer support structures, as well as related additional costs and bureaucracy. There is potential scope for enhancing the role of the Monitoring Officer, rather than imposing a legal split in governance arrangements.</p> | No | Sections 8-10 and 21 refer to provision for the designation of a Head of Democratic Services. |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 3 | One Voice Wales should in conjunction with community and town councils and the Welsh Local Government Association (WLGA) develop role descriptions for community and town councillors | No comments. This is a matter for One Voice Wales and the WLGA. | No | |
| 4 | The WLGA should place a stronger emphasis and focus on the role of a Councillor in representing their community - the ward role, in the Wales Member Support and Development Charter. | This is a matter for the WLGA. However, the recommendation to place stronger emphasis on the importance of the community leadership role and 'ward role' of Members is supported. | No | |
| 5 | Work should be undertaken within local authorities to further raise the awareness and recognition of the different roles that councillors undertake, in particular ward representation in their communities. This could be achieved by involving members in officer training and induction and including this aspect of their role in the induction and development programmes for council officers. | This recommendation is supported. Similar work is already being undertaken in Cardiff in order to assist officers in working in a political context and in understanding the different roles of Members in the Council's decision-making processes and in their wards. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 6 | <p>Political parties should:</p> <p>(a) make better use of the Candidates' Guide developed by the WLGA amongst candidates and potential candidates</p> <p>(b) consider developing or, where they already exist, standardising their own role descriptions to match with the WLGA role specifications to inform the candidate selection process (although the part of the councillor role related to representing their political party would remain the responsibility of each party)</p> | No comments. This is a matter for political parties. | No | |
| 7 | The National Assembly, Welsh Assembly Government, the WLGA and One Voice Wales should lead a Governance Wales Campaign which would seek to clarify and explain to the public the responsibilities of the different tiers of government in Wales and what different types of representatives do. | No comments. This is a matter for the National Assembly for Wales, the Welsh Assembly Government, the WLGA and One Voice Wales. | No | |
| 8 | Local authorities should be charged with a statutory duty to facilitate local democratic engagement. This should be supported by the production of guidance from the WLGA. | The general principle is supported; however, a statutory duty is not considered to be necessary. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 9 | Local authorities should put in place arrangements which ensure that council officers recognise the importance of working with and supporting councillors to engage with their communities and particular, where appropriate, with marginalised, seldom heard or so called "hard-to-reach" groups. | This recommendation is supported. However, clearly defined parameters would be required in order to ensure that officer support provided in promoting local democracy and engagement does not conflict with the democratic/political role of Members. | No | |
| 10 | The Code of Practice on Local Authority Publicity should be reviewed by the Welsh Assembly Government. | No comments. This is a matter for the Welsh Assembly Government. | No | |
| 11 | Local authorities should make arrangements to support councillors to publish (as a minimum on the website) an annual report of their work both in their communities and within the council. | This recommendation is not supported as it is considered to be a waste of public money. | Yes | Section 5 |
| 12 | The Independent Remuneration Panel should consider making a communication allowance available to councillors which could be used to fund communication with their electorate. This expenditure should be accounted for in an annual report and any communication would need to adhere to the Code of Practice on Local Authority Publicity. | This is a matter for the Independent Remuneration Panel (IRP), but this recommendation is not supported as it is considered to be a waste of public money. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 13 | Councillors should be actively encouraged to embrace the digital age in communication with their communities. In line with the WLGA Charter, local authorities should provide all elected members with training opportunities on using appropriate IT packages and communicating through digital media (such as developing websites and blogging), as well as ongoing IT support. Wherever possible, such training should be opened up to community and town councillors. | <p>This recommendation is supported. However, it is important that Members are provided with appropriate IT facilities and support which should facilitate their role, not direct it.</p> <p>Local authorities should already provide IT training and development opportunities for Members as part of their respective Member Development programmes.</p> | Yes (Member development only) | Section 7 |
| 14 | Local authorities should provide training and ongoing support in dealing with the press and broadcasters for all their elected members. Wherever possible, such training should be opened up to community and town councillors. | <p>This recommendation is supported. Local authorities should already provide media training and development opportunities for Members as part of their respective Member Development programmes.</p> | Yes (Member development only) | Section 7 |
| 15 | The Welsh Assembly Government, WLGA and One Voice Wales should initiate discussions with the public service broadcasters in Wales and Ofcom to identify what role these broadcasters could play in enhancing the coverage of local government, and, in particular, how the BBC will carry out the commitment given by the Director General in January to improving coverage of local government. | No comments. This is a matter for the Welsh Assembly Government, WLGA and One Voice Wales. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 16 | The UK Government should consider including a provision in the forthcoming Equality Bill which will allow political parties to use special measure for the selection of black and minority ethnic candidates. Political parties should be encouraged to use special measures for women which are already permissible in their selection processes in order to ensure that a balanced list of candidates are standing for election. | No comments. This is a matter for the UK Government and political parties. | No | |
| 17 | The Electoral Commission should assist political parties in Wales to identify and take account of good practice from other parts of the UK and learn from other parties in measures to engage with under-represented groups and support them through the process of selection and candidacy. | No comments. This is a matter for the Electoral Commission and political parties. | No | |
| 18 | The Candidates' Guide produced by the WLGA should be available to potential candidates prior to every local government election and steps should be taken by the Electoral Commission to promote the guidance which is available to all candidates, particularly to independent candidates who do not have practical support provided by a political party. | This recommendation is supported. Cardiff Council can also assist in distributing the WLGA's Candidates Guide to potential candidates. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 19 | The possibility of establishing a fund to support the specific needs of people from under-represented groups to become candidates (such as meeting accessibility needs, communication support where English is not a first language etc) should be explored by the Welsh Assembly Government in conjunction with the Electoral Commission. | <p>This is a matter for the Welsh Assembly Government and the Electoral Commission.</p> <p>The Step Up Cymru pilot scheme has already been established to provide opportunities for people from under-represented groups to become future candidates.</p> | No | |
| 20 | The Welsh Assembly Government should work in partnership with the Assembly Commission, the WLGA and other relevant organisations to develop an all Wales shadowing scheme which would provide opportunities for shadowing and mentoring people from under represented groups by councillors and AMs. | The Step Up Cymru pilot scheme has already been established to provide opportunities for people from under-represented groups to become future candidates. Five Members from Cardiff are currently participating in this pilot scheme. | No | |
| 21 | Schools and council officers working with children and young people or in promoting democracy should be encouraged to actively seek opportunities to engage councillors (both county and community and town) in meeting and working with children and young people, both at county and ward level. | This recommendation is not supported, but the importance of teaching children and young people about citizenship is acknowledged. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 22 | A comprehensive review of the role of a councillor role and the time commitment required to fulfil it should be undertaken by the Independent Remuneration Panel in the course of their fundamental review of Members' Remuneration this year. | No comments. This is a matter for the IRP. | No | |
| 23 | Local authorities should consider ways in which time commitments for councillors and cost burdens for local authorities can be reduced, for example through the use of video conferencing facilities, remote voting and paperless working. In addition, One Voice Wales, the WLGA and the Welsh Assembly Government should jointly consider how to promote greater use of ICT by community and town councils. | The increased availability and use of technology and IT facilities to support the work of Members is supported. Efforts to reduce cost burdens and the use of paper are also supported. Remote voting is not supported as Members should be present at meetings in order to vote on matters. | Yes | Section 4 |
| 24 | The WLGA should develop an employer's pack in conjunction with employer organisations which sets out the benefits to supporting employees who wish to become, or are, councillors. The pack could include examples of good practice. | This recommendation is a matter for the WLGA, but is supported in principle. There are some concerns relating to the amount of time off granted to those in public life and the related cost to the employer. | No | |
| 25 | Consideration should be given to how public sector employers can be encouraged to actively support employees to participate in public life and whether it is possible to use procurement to achieve the same outcome amongst private sector employers. | This recommendation is supported in principle, but there are some concerns about the related costs to the individual and the employer, as well as the use of procurement in encouraging private sector companies to follow suit. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 26 | Guidance should be issued to local authorities to encourage them to put in place policies for maternity, paternity (including adoptive) and caring leave for councillors. Similarly, policies for time management, including cover in periods of absence, flexible working and support should be developed. | <p>This recommendation is not supported as public service as an elected local councillor is not considered to be a job which requires specific leave entitlements.</p> <p>It is also not possible to provide effective cover for elected members, particularly in single member wards, as individuals would have no mandate from the electorate. However, it may be helpful for single ward councillors to be contactable at all times through the use of technology, but this is a matter for determination by individual local authorities.</p> | Yes | Sections 23-32 |
| 27 | The forthcoming consultation being conducted by the Independent Remuneration Panel on a review of councillors' allowances should engage members of the public in a meaningful way, possibly through the use of a Citizens Panel. | No comments. This is a matter for the IRP. | No | |
| 28 | Councils should be required to undertake a bi-annual survey of members in order to identify their support needs. This survey should be reported to full council and shared with the WLGA. | This recommendation is not supported. There should not be a 'requirement' on local authorities to undertake a survey on a bi-annual basis. It should be encouraged but, ultimately, it is a matter for individual local authorities to determine the frequency, extent and reporting of any such survey. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 29 | Investors in People UK should ensure that the Investor in People Standard assesses a council's commitment to developing their councillors as well as their employees. Investors in People status should only be awarded to councils who have been successful in being awarded the Wales Charter for Member Support and Development. | This recommendation is not supported. It is considered to be flawed as Councillors are not employees and should not be included within any assessment of the Council's role as an employer. In addition, different Council service areas may wish to apply for Investors in People status in their own right without reference to any specific corporate commitment by Members. | No | |
| 30 | All local authorities should ensure that training and development opportunities are available to their elected members and ensure that consideration is given to ways in which these programmes can be delivered in a way which minimises the time commitment required for members. The development of training packages should be done in association with community and town Councils, whose councillors could also benefit from training and development opportunities. | This recommendation is supported and opportunities for Members should already be provided through the respective Member Development programmes of local authorities. Opportunities to participate in any such workshops are also offered to representatives from Community Councils in Cardiff, subject to appropriateness, cost and the availability of spaces, but the holding of such workshops should not be dependent on the attendance of Community Councillors. | Yes | Section 7 |
| 31 | The WLGA should consider the development of accredited training which could be taken up by councillors on a voluntary basis. | This recommendation is a matter for the WLGA. However, the development of accredited training for Members is supported in principle, but has to be meaningful. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 32 | Consideration should be given to allocating some funding, with an appropriate audit mechanism attached, to individual councillors through the remuneration framework to allow members to meet some support needs. This could be explored further by the Independent Remuneration Panel. | No comments. This is a matter for the IRP. | No | |
| 33 | Councils should consider the needs of individual members when determining what technological support is provided. In doing this they should be mindful of addressing the specific need for councillors to combine their role with other commitments. | The provision of appropriate IT facilities and support for Members is supported. | No | |

| Recommendation | | Council Response | Is the proposal included in the proposed Measure? | Relevant section of proposed Measure |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|
| 34 | <p>The WLGA should issue guidance to local authorities in consultation with the Equality and Human Rights Commission on meeting their obligations to councillors in respect of the equality enactments and councils should be encouraged to provide support over and above their statutory obligations as a way of encouraging the recruitment and retention of under-represented groups. All councillors should be offered an assessment which would identify any accessibility needs, language support requirements or caring needs. Local Authority Members support officers should in conjunction with the individual councillor and where appropriate party group officers draw up a plan to identify how these needs can be met.</p> | <p>This recommendation is supported. Cardiff Council already provides appropriate support to Members in response to specific needs identified as part of the Member Induction process.</p> | No | |
| 35 | <p>Political parties should ensure that support for councillors extends beyond candidacy and should consider ways in which mechanisms for supporting their councillors can be developed.</p> | <p>No comments. This is a matter for political parties.</p> | No | |

APPENDIX D

ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

Proposed Local Government (Wales) Measure [AS INTRODUCED]

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Proposed Local Government (Wales) Measure

[AS INTRODUCED]

A Measure of the National Assembly for Wales to make provision for and in connection with the promotion of, and support for, membership of county and county borough councils; the provision of staff and other resources by county and county borough councils in connection with the councils' democratic services; family absence for members of county and county borough councils; governance arrangements of county and county borough councils; the discharge of functions of county and county borough councils by committees and members; overview and scrutiny committees of county and county borough councils; audit committees of county and county borough councils; communities and community councils; pensions and other payments for members of county and county borough councils, community councils, National Park authorities, and fire and rescue authorities; collaboration in local government; and for connected purposes.

PART 1

STRENGTHENING LOCAL DEMOCRACY

CHAPTER 1

PROMOTING AND SUPPORTING MEMBERSHIP OF LOCAL AUTHORITIES

Survey of councillors and unsuccessful candidates for election as councillors

1 Duty to conduct a survey

- (1) A local authority must, in accordance with regulations under this section, conduct a survey of—
 - (a) councillors in its area, and
 - (b) unsuccessful candidates for election to the office of councillor in its area.
- (2) A local authority must conduct a survey after each ordinary election to—
 - (a) the council of the county or county borough, and
 - (b) a community council in the local authority's area.
- (3) The survey must be conducted by—
 - (a) asking prescribed questions in any prescribed form or manner, and
 - (b) collating the information in any prescribed form or manner.
- (4) The questions that may be prescribed under subsection (3) include (but are not limited to) questions about the individual to whom they are addressed which relate to—
 - (a) gender;

- (b) sexual orientation;
- (c) language;
- (d) race;
- (e) age;
- 5 (f) disability;
- (g) religion or belief;
- (h) health;
- (i) education and qualifications;
- (j) employment;
- 10 (k) work as a councillor.

(5) Nothing in this section places a duty on a councillor or an unsuccessful candidate for election to the office of councillor to provide any information.

(6) A local authority must make arrangements for councillors and unsuccessful candidates for election to the office of councillor to provide information under this section anonymously.

(7) In this section –

“belief” (“*cred*”) means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief;

“councillor” (“*cynghorydd*”) includes community councillor;

20 “disability” (“*anabledd*”) means a physical or mental impairment that has a substantial and long-term adverse affect on a person’s ability to carry out normal day to day activities;

“race” (“*hil*”) means colour, nationality or ethnic or national origins;

25 “religion” (“*crefydd*”) means any religion and a reference to religion includes a reference to a lack of religion;

“sexual orientation” (“*cyfeiriadedd rhywiol*”) means a person’s sexual orientation towards –

- (a) persons of the same sex,
- (b) persons of the opposite sex, or
- 30 (c) persons of either sex.

2 Completion of a survey and publication of information

(1) A local authority must complete its survey and provide the information collated in it to the Welsh Ministers within six months of the date of the ordinary election to which it relates.

35 (2) A local authority must provide the information in any prescribed form or manner.

(3) A local authority may publish the information collated in a survey in such manner as it considers appropriate, subject to subsection (6).

- (4) The Welsh Ministers must –
- (a) collate the information they receive from local authorities under this section, and
 - (b) publish it within twelve months of the date of the ordinary election to which it relates.
- (5) The Welsh Ministers may –
- (a) publish information under subsection (4)(b) in such manner as they consider appropriate, subject to subsection (6);
 - (b) share any information provided to them under subsection (1) with any body representing the interests of county, county borough or community councils in Wales.
- (6) No information received under section 1 or this section is to be published or shared in any form that, either by itself or in combination with any other information, identifies any individual to whom it relates or enables that individual to be identified.

3 Guidance about surveys

In exercising its functions under sections 1 and 2, a local authority must have regard to guidance given by the Welsh Ministers.

Supporting membership

4 Remote attendance at meetings

- (1) A reference in any enactment to a meeting of a local authority is not limited to a meeting of persons all of whom are present in the same place.
- (2) For the purposes of any such enactment, a member of a local authority who is not present in the place where a meeting of that authority is held (a “member in remote attendance”) attends the meeting at any time if all of the conditions in subsection (3) are satisfied.
- (3) Those conditions are that –
- (a) the member in remote attendance is able at that time –
 - (i) to see and hear, and be seen and heard by, the members in actual attendance,
 - (ii) to see and hear, and be seen and heard by, any members of the public entitled to attend the meeting who are present in that place and who exercise a right to speak at the meeting, and
 - (iii) to be seen and heard by any other members of the public so entitled who are present in that place;
 - (b) the member in remote attendance is able at that time to hear, and be heard by, any other member in remote attendance in respect of whom the condition in paragraph (a) is satisfied at that time;

(c) use of facilities enabling the conditions in paragraphs (a) and (b) to be satisfied in respect of the member in remote attendance is not prohibited by the standing orders or any other rules of the authority governing the meeting.

5 (4) The standing orders of a local authority must secure that there is no quorum for a meeting of the local authority at any time when the number of members in remote attendance is equal to, or greater than, the number of members in actual attendance.

(5) A local authority may make other standing orders about remote attendance at meetings of a local authority.

10 (6) A local authority must have regard to guidance given by the Welsh Ministers in relation to meetings of the authority attended remotely in accordance with this section.

(7) This section applies in relation to a meeting of a committee or sub-committee of a local authority as it applies in relation to a meeting of a local authority.

15 (8) But a person who is a co-opted member of a committee or sub-committee may not be a member in remote attendance at a meeting by virtue of this section.

(9) For the purpose of this section –

(a) a reference to a person (A) seeing another person (B) is to be interpreted as a reference to A seeing B when B is speaking at the meeting;

20 (b) a reference to a person (C) being seen by another person (D) is to be interpreted as a reference to C being seen by D when C is speaking at the meeting.

(10) In this section –

25 “co-opted member” (*“aelod cyfetholedig”*), in relation to a committee or sub-committee of a local authority, means a person who is a member of the committee or sub-committee, but not a member of the authority;

“member in actual attendance” (*“aelod sy’n mynychu’r fangre”*), in relation to a meeting of a local authority, means a member of the authority who is attending the meeting at the place where the meeting is held.

5 Annual reports by members of a local authority

30 (1) A local authority must make arrangements for –

(a) each person who is a member of the authority to make an annual report about the person’s activities as a member of the authority during the year to which the report relates,

35 (b) each person who is a member of the authority’s executive to make an annual report about the person’s activities as a member of the executive during the year to which the report relates, and

(c) the authority to publish all annual reports produced by its members and by the members of its executive.

40 (2) The arrangements may include conditions as to the content of a report that must be satisfied by the person making it.

(3) A local authority must publicise its arrangements.

- (4) In exercising its functions under this section a local authority must have regard to guidance given by the Welsh Ministers.

6 Timing of council meetings

- (1) The Welsh Ministers may give guidance about the times at which meetings of a local authority are held.
- (2) A local authority must have regard to guidance given under subsection (1).
- (3) In subsection (1), “meetings of a local authority” means –
- (a) meetings of the local authority;
 - (b) meetings of any committee or sub-committee of the authority.

7 Training and development of members of a local authority

- (1) A local authority must secure the provision of reasonable training and development opportunities for its members.
- (2) A local authority must make available to each member of the authority an annual review of the member’s training and development needs.
- (3) The review must include an opportunity for an interview with a person who is, in the opinion of the authority, suitably qualified to provide advice about the training and development needs of a member of a local authority.
- (4) In exercising its functions under this section a local authority must have regard to guidance given by the Welsh Ministers.
- (5) In the case of an authority which operates a leader and cabinet executive (Wales), a reference in this section to a member of a local authority does not include the executive leader.

CHAPTER 2

LOCAL AUTHORITY DEMOCRATIC SERVICES

8 Head of democratic services

- (1) A local authority must –
- (a) designate one of its officers to discharge the functions in section 9 (“democratic services functions”);
 - (b) provide that officer with such staff, accommodation and other resources as are, in its opinion, sufficient to allow his or her functions to be discharged.
- (2) A head of democratic services may arrange for the discharge of democratic services functions by staff provided under this section.
- (3) An officer designated by a local authority under this section is to be known as the head of democratic services.
- (4) A local authority may not designate any of the following under this section –

- (a) the head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989;
- (b) the authority's monitoring officer designated under section 5 of that Act;
- (c) the authority's chief finance officer, within the meaning of that section.

9 Democratic services functions

(1) The functions of the head of democratic services are –

- (a) to provide support and advice to the authority in relation to its meetings, subject to subsection (2);
- (b) to provide support and advice to committees of the authority (other than the committees mentioned in paragraph (e)) and the members of those committees, subject to subsection (2);
- (c) to provide support and advice to any joint-committee which a local authority is responsible for organising and the members of that committee, subject to subsection (2);
- (d) to promote the role of the authority's overview and scrutiny committee or committees;
- (e) to provide support and advice to –
 - (i) the authority's overview and scrutiny committee or committees and the members of that committee or those committees, and
 - (ii) the authority's democratic services committee and the members of that committee;
- (f) to provide support and advice in relation to the functions of the authority's overview and scrutiny committee or committees to each of the following –
 - (i) members of the authority;
 - (ii) members of the executive of the authority;
 - (iii) officers of the authority;
- (g) to provide support and advice to each member of the authority in carrying out the role of member of the authority, subject to subsection (3);
- (h) to make reports and recommendations in respect of any of the following –
 - (i) the number and grades of staff required to discharge democratic services functions;
 - (ii) the appointment of staff to discharge democratic services functions;
 - (iii) the organisation and proper management of staff discharging democratic services functions;
- (i) such other functions as may be prescribed.

(2) The references to "advice" in paragraphs (a) to (c) do not include advice about whether or how the authority's functions should be, or should have been, exercised.

(3) The following kinds of support and advice are not to be considered as support and advice for the purposes of subsection (1)(g) –

(a) support and advice to a member of the authority in discharging that member's functions as part of the executive of the authority (except as provided for under subsection (1)(f));

(b) advice about whether or how the authority's functions should be, or should have been, exercised in relation to any matter under consideration, or to be considered, at a meeting of the authority, a committee referred to in subsection (1)(b) or a joint committee which a local authority is responsible for organising.

(4) Nothing in subsection (1)(h) affects the duty of the head of paid service in section 4(2) of the Local Government and Housing Act 1989.

(5) In this section, references to a committee (or joint-committee) include references to any sub-committee of that committee.

10 Duty to adopt standing orders about management of staff

(1) The Welsh Ministers may by regulations require a local authority –

(a) to incorporate prescribed provision relating to the management of staff provided under section 8(1)(b) in its standing orders;

(b) to make other modifications of the authority's standing orders.

(2) In this section "management of staff" does not include appointment of staff or dismissal of staff or the taking of other disciplinary action against staff.

11 Local authorities to appoint democratic services committees

(1) A local authority must appoint a committee ("a democratic services committee") to –

(a) review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions, and

(b) make reports and recommendations to the authority in relation to such provision.

(2) It is for a democratic services committee to determine how to exercise those functions.

12 Membership

(1) A local authority is to appoint the members of its democratic services committee.

(2) A local authority must secure that –

(a) each member of its democratic services committee is a member of the authority;

(b) no more than one of the members of its democratic services committee is a member of the authority's executive;

(c) in the case of a local authority which operates a leader and cabinet executive (Wales), the executive leader is not a member of its democratic services committee.

- (3) The appointment of a person as a member of a democratic services committee has no effect if the membership of the committee breaches subsection (2) immediately after the appointment (whether or not by virtue of the appointment).
- (4) In a case where one or more persons are to become, or to cease to be, members of a democratic services committee at a particular time, all those changes of membership are to be taken into account in determining whether the membership of the committee breaches subsection (2).
- (5) A democratic services committee of a local authority is to be treated as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

13 Sub-committees

- (1) A democratic services committee –
- (a) may appoint one or more sub-committees, and
 - (b) may arrange for the discharge of any of its functions by such a sub-committee.
- (2) A sub-committee of a democratic services committee may not discharge functions other than those conferred on it under subsection (1)(b).

14 Proceedings etc

- (1) A local authority is to appoint the person who is to chair the democratic services committee.
- (2) A democratic services committee is to appoint the person who is to chair any sub-committee of such a committee.
- (3) All members of a democratic services committee, or of a sub-committee of such a committee, may vote on any question that falls to be decided by the committee.
- (4) A democratic services committee of a local authority, or a sub-committee of such a committee –
- (a) may require members and officers of the authority to attend before it to answer questions, and
 - (b) may invite other persons to attend meetings of the committee.
- (5) It is the duty of any member or officer of a local authority to comply with any requirement imposed under subsection (4)(a).
- (6) A person is not obliged by subsection (5) to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.
- (7) A democratic services committee, or a sub-committee of such a committee, is to be treated as a committee, or sub-committee, of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).

15 Frequency of meetings

- (1) A democratic services committee must meet once in every calendar year.
- (2) The democratic services committee of a local authority must also meet if—
- (a) the local authority resolves that the committee should meet, or
- (b) at least one-third of the members of the committee requisition a meeting by one or more notices in writing given to the person who chairs the committee.
- (3) It is the duty of the person who chairs a democratic services committee to secure that meetings of the committee are held as required by subsections (1) and (2).
- (4) This section does not prevent a democratic services committee from meeting otherwise than as required by this section.

16 Discharging functions

- (1) A democratic services committee may not exercise any functions other than its functions under this Chapter.
- (2) In exercising, or deciding whether to exercise any of its functions, a democratic services committee, or a sub-committee of such a committee, must have regard to guidance given by the Welsh Ministers.

17 Termination of membership on ceasing to be member of authority

- (1) This section applies to a person (P) who is—
- (a) appointed to be a member of a democratic services committee of a local authority, or of a sub-committee of such a committee, and
- (b) is a member of the authority at the time of that appointment.
- (2) If P ceases to be a member of the authority, P also ceases to be a member of the democratic services committee or sub-committee.
- (3) But subsection (2) does not apply if P—
- (a) ceases to be a member of the authority by reason of retirement, and
- (b) is re-elected a member of the authority not later than the day of retirement.
- (4) Subsection (3) is subject to the standing orders of the authority or the democratic services committee or sub-committee.

18 Reports and recommendations by head of democratic services

- (1) The head of democratic services for a local authority must, as soon as practicable after preparing a report or making a recommendation under section 9(1)(h), send to each member of the authority's democratic services committee a copy of the report or recommendation.

- (2) A democratic services committee must consider any report or recommendation sent to the members of the committee under this section at a meeting held not more than three months after copies of the report are first sent to members of the committee.

19 Reports and recommendations by democratic services committees

- (1) A democratic services committee for a local authority must, as soon as practicable after it has prepared a report or made a recommendation under section 11(1)(b), arrange for a copy of it to be sent to each member of the authority who is not a member of the committee.
- (2) A local authority must consider any report or recommendations at a meeting held not more than three months after copies of the report or recommendation are first sent to members of the authority.

20 Local authority functions not to be delegated

The functions of a local authority under sections 8(1), 11, 12(1) and (2) 14(1), 15(2)(a) and 19(2) are not to be delegated under section 101 of the Local Government Act 1972.

21 Head of democratic services to be a politically restricted post

- (1) Section 2(1) of the Local Government and Housing Act 1989 is amended as follows.
- (2) In paragraph (f) omit “and”.
- (3) After “delegated” in paragraph (g) insert—
- “; and
- (h) the head of democratic services designated under section 8 of the Local Government (Wales) Measure 2011”.

CHAPTER 3

INTERPRETATION

22 Meaning of “member”

In this Part, a reference to a member of a local authority includes a reference to an elected executive member (within the meaning of section 39(4) of the Local Government Act 2000).

PART 2

FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES

23 Amendment of Local Government Act 1972

- (1) Section 85 of the Local Government Act 1972 (vacation of office by failure to attend meetings) is amended as follows.

(2) After subsection (3A) insert –

“(3B) Subsections (3C) and (3D) apply for the purpose of calculating the period of six consecutive months under subsection (1) or (2A).

(3C) Any period during which a member of a local authority in Wales is exercising a right to absence under Part 2 of the Local Government (Wales) Measure 2011 is to be disregarded.

(3D) The following two periods are to be treated as consecutive –

(a) the period during which a member of a local authority in Wales fails to attend meetings of the authority or, as the case may be, meetings of the executive that falls immediately before the period described in subsection (3C), and

(b) the period that falls immediately after the period described in subsection (3C).”.

24 Right to family absence

(1) A member of a local authority who is entitled to a period of family absence may be absent from meetings of the authority during that period of family absence.

(2) If the member is a member of the local authority’s executive, the member may be absent from meetings of the executive during that period of family absence.

(3) Subsections (1) and (2) are subject to regulations under this Part.

(4) For the purposes of this Part, a member is entitled to a period of family absence if the member is entitled to a period of –

(a) maternity absence (see section 25),

(b) newborn absence (see section 26),

(c) adopter’s absence (see section 27),

(d) new adoption absence (see section 28), or

(e) parental absence (see section 29).

25 Maternity absence

(1) A member of a local authority is entitled to a period of absence (“maternity absence”) if the member satisfies prescribed conditions as to maternity.

(2) The period of maternity absence to which the member is entitled is to be calculated in accordance with regulations.

(3) The regulations must not provide for a period of maternity absence to exceed 26 weeks.

(4) Regulations must include provision for determining when maternity absence may be taken.

(5) Regulations may allow a member to choose, subject to prescribed restrictions, the date on which a period of maternity absence starts.

- (6) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may –
- (a) bring a period of maternity absence to an end, or
 - (b) cancel a period of maternity absence.

5 **26 Newborn absence**

- (1) This section applies to a member of a local authority who satisfies prescribed conditions –
- (a) as to relationship with a newborn, or expected, child, and
 - (b) as to relationship with the child’s mother.
- 10 (2) The member is entitled to a period of absence (“newborn absence”) for the purpose of –
- (a) caring for the child, or
 - (b) supporting the mother.
- (3) Regulations must include provision for determining –
- 15 (a) the extent of a member’s entitlement to newborn absence in respect of a child;
- (b) when newborn absence may be taken.
- (4) Regulations must not provide for a period of newborn absence in respect of a child to exceed two weeks.
- (5) Regulations must require newborn absence to be taken before the end of a prescribed
- 20 period.
- (6) That period must be a period of at least 56 days beginning with the date of the child’s birth.
- (7) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may –
- 25 (a) bring a period of newborn absence to an end, or
- (b) cancel a period of newborn absence.
- (8) Regulations may –
- (a) (for the purpose of subsection (2)) prescribe things which are, or are not, to be
- 30 taken as done for the purpose of caring for a child or supporting the child’s mother;
- (b) allow a member to choose, subject to prescribed restrictions, the date on which a period of newborn absence starts;
- (c) make provision excluding an entitlement to newborn absence in respect of a child where more than one child is born as a result of the same pregnancy;
- 35 (d) make provision about how newborn absence may be taken.

(9) Where more than one child is born as a result of the same pregnancy, the reference in subsection (6) to the date of the child's birth is to be read as a reference to the date of birth of the first child born as a result of the pregnancy.

(10) In this section –

“newborn child” (*“plentyn newydd-anedig”*) includes a child stillborn after 24 weeks of pregnancy;

“week” (*“wythnos”*) means any period of seven days.

27 Adopter's absence

(1) A member of a local authority is entitled to a period of absence (“adopter's absence”) if the member satisfies prescribed conditions as to adoption of a child.

(2) Regulations must include provision for determining –

- (a) the extent of a member's entitlement to adopter's absence in respect of a child;
- (b) when adopter's absence may be taken.

(3) Regulations must not provide for a period of adopter's absence in respect of a child to exceed two weeks.

(4) Regulations may allow a member to choose, subject to prescribed restrictions, the date on which a period of adopter's absence starts.

(5) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may –

- (a) bring a period of adopter's absence to an end, or
- (b) cancel a period of adopter's absence.

28 New adoption absence

(1) This section applies to a member of a local authority who satisfies prescribed conditions –

- (a) as to relationship with a child placed, or expected to be placed, for adoption under the law of any part of the United Kingdom, and
- (b) as to relationship with a person with whom the child is, or is expected to be, so placed for adoption.

(2) The member is entitled to a period of absence (“new adoption absence”) for the purpose of –

- (a) caring for the child, or
- (b) supporting the person by reference to whom the member satisfies the condition under subsection (1)(b).

(3) Regulations must include provision for determining –

- (a) the extent of a member's entitlement to new adoption absence in respect of a child;

(b) when new adoption absence may be taken.

(4) Regulations must not provide for a period of new adoption absence in respect of a child to exceed two weeks.

(5) Regulations must require new adoption absence to be taken before the end of a prescribed period.

(6) That period must be a period of at least 56 days beginning with the date of the child's placement for adoption.

(7) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may –

(a) bring a period of new adoption absence to an end, or

(b) cancel a period of new adoption absence.

(8) Regulations may –

(a) (for the purpose of subsection (2)) prescribe things which are, or are not, to be taken as done for the purpose of caring for a child or supporting a person with whom a child is placed for adoption;

(b) allow a member to choose, subject to prescribed restrictions, the date on which a period of new adoption absence starts;

(c) make provision excluding the right to be absent under this section in the case of a member who exercises a right to be absent on adopter's absence;

(d) make provision excluding an entitlement to new adoption absence in respect of a child where more than one child is placed for adoption as part of the same arrangement;

(e) make provision about how new adoption absence may be taken.

(9) Where more than one child is placed for adoption as part of the same arrangement, the reference in subsection (6) to the date of the child's placement is to be read as a reference to the date of placement of the first child to be placed as part of the arrangement.

(10) In this section, "week" means any period of seven days.

(11) The Welsh Ministers may by regulations provide for this section to apply in relation to cases which involve adoption, but not the placement of a child for adoption under the law of any part of the United Kingdom.

29 Parental absence

(1) This section applies to a member of a local authority who satisfies prescribed conditions as to –

(a) having responsibility for a child, or

(b) expecting to have responsibility for a child.

(2) The member is entitled to a period of absence ("parental absence") for the purpose of caring for the child.

(3) Regulations must include provision for determining –

- (a) the extent of a member's entitlement to parental absence in respect of a child;
 - (b) when parental absence may be taken.
- (4) Regulations must not provide for parental absence in respect of a child to exceed a period, or a total period, of three months.
- 5 (5) Provision under subsection (3)(b) may (amongst other things) refer to –
- (a) a child's age, or
 - (b) a prescribed period of time starting from a prescribed event.
- (6) Regulations may prescribe circumstances in which a member of a local authority, or the local authority, may –
- 10 (a) bring a period of parental absence to an end, or
- (b) cancel a period of parental absence.
- (7) Regulations may –
- (a) (for the purpose of subsection (2)) prescribe things which are, or are not, to be taken as done for the purpose of caring for a child;
 - 15 (b) require parental absence to be taken as a single period of absence in all cases or in prescribed cases;
 - (c) require parental absence to be taken as a series of periods of absence in all cases or in prescribed cases;
 - (d) require all or prescribed parts of a period of parental absence to be taken at or by prescribed times;
 - 20 (e) allow a member to choose, subject to prescribed restrictions, the date on which a period of parental absence starts;
 - (f) make provision about the postponement by a local authority of a period of parental absence which a member wishes to take;
 - 25 (g) prescribe a minimum or maximum period of absence which may be taken as part of a period of parental absence;
 - (h) prescribe a maximum aggregate of periods of parental absence which may be taken during a prescribed period of time.

30 Regulations: supplemental

30 Regulations under this Part may –

- (a) make provision about notices to be given, evidence to be produced, records to be kept and other procedures to be followed by a member of a local authority or a local authority;
- 35 (b) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
- (c) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);

- (d) make provision entitling a member of a local authority (or of the executive) to present a complaint about a decision by a local authority to bring a period of absence to an end or to postpone or cancel a period of absence;
- (e) make provision in connection with an entitlement conferred by virtue of paragraph (d) including, amongst other things, provision about –
- (i) the grounds on which a complaint may be presented;
 - (ii) the person to whom a complaint may be presented;
 - (iii) procedural conditions to be satisfied;
 - (iv) the making, determination and effect of a complaint;
- (f) make provision about the extent to which a member of a local authority (or of the executive) –
- (i) may act as a member of the authority (or the executive) during a period of absence;
 - (ii) is entitled to any benefits arising from membership of the authority (or the executive) during a period of absence;
 - (iii) is bound by any duty arising from membership of the authority (or the executive) during a period of absence.
- (g) apply, or make modifications of, an enactment.

31 Guidance

When exercising its functions, a local authority must have regard to guidance given by the Welsh Ministers in relation to the rights of members of the authority under this Part.

32 Interpretation of Part 2

In this Part –

“executive” (*“gweithrediaeth”*) means any of the following –

- (a) a leader and cabinet executive (Wales);
- (b) a mayor and cabinet executive;
- (c) each different form of executive prescribed in regulations under section 11(5) of the Local Government Act 2000;

“meeting of the authority” (*“cyfarfod o’r awrdurdod”*) means any of the following –

- (a) a meeting of the local authority;
- (b) a meeting of any committee or sub-committee of the authority;
- (c) a meeting of any joint-committee, joint board or other body by whom for the time being functions of the authority are being discharged;
- (d) a meeting of any body appointed to advise the authority on any matter relating to the discharge of the authority’s functions;
- (e) a meeting of any body at which the authority is represented.

“meeting of the executive” (“*cyfarfod o’r weithrediaeth*”) means any of the following—

- (a) a meeting of the executive;
- (b) a meeting of any committee of the executive;
- (c) discharge by a member, acting alone, of any function which is the responsibility of the executive;

“member of a local authority” (“*aelod o awrdurdod lleol*”) includes an elected mayor (within the meaning of section 39(1) of the Local Government Act 2000) or elected executive member (within the meaning of section 39(4) of that Act) of the authority;

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers.

PART 3

AVAILABLE GOVERNANCE ARRANGEMENTS

Mayor and council manager executive

33 Abolition of mayor and council manager executive

- (1) The Local Government Act 2000 is amended as follows.
- (2) In section 11 (local authority executives)—
 - (a) omit subsection (4) (mayor and council manager executive);
 - (b) in subsection (10)—
 - (i) omit “or an officer”;
 - (ii) omit “or (4)(b)”.
- (3) Omit section 16.
- (4) In section 26 (proposals not requiring referendum), in subsection (2)—
 - (a) at the end of paragraph (a) insert “or”;
 - (b) omit paragraph (b).
- (5) In section 48 (interpretation of Part 2), in subsection (1), omit the definition of “council manager”.
- (6) In Schedule 1 (executive arrangements: further provision), omit paragraph 3.
- (7) In the Local Government Act 1972—
 - (a) in section 21 (constitution of principal councils in Wales), in subsection (1A), omit “or a mayor and council manager executive”;
 - (b) in section 22 (chairman), in subsection (4A), omit “or a mayor and council manager executive”;

- (c) in section 25A (title of chairman or vice-chairman of county borough council), in subsection (3), omit “or a mayor and council manager executive”;
- (d) in section 245 (status of certain districts, parishes and communities), in subsections (1A) and (4A), omit “or a mayor and council manager executive”;
- 5 (e) in section 270 (general provisions as to interpretation), in subsection (1), in the definition ““mayor and cabinet executive” and “mayor and council manager executive”” omit “and “mayor and council manager executive””.
- (8) In the Local Government and Housing Act 1989 –
- (a) in section 5 (designation and reports of monitoring officer), in subsection 10 (3)(b), omit the words from “and, in a case where” to the end of paragraph (b);
- (b) in section 5A (reports of monitoring officer – local authorities operating executive arrangements), in subsection (5)(b), omit the words from “and, where” to the end of paragraph (b);
- (c) in section 13 (voting rights of members of certain committees: England and 15 Wales) –
- (i) omit subsection (5A);
- (ii) in subsection (9), omit “and “mayor and council manager executive””;
- (d) in section 21 (interpretation of Part 1), in subsection (3), omit ““council manager”” and “and “mayor and council manager executive””.
- 20 (9) In section 106 of the Local Government Finance Act 1992 (council tax and community charge: restrictions on voting) –
- (a) in subsection (1), omit “or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000”;
- (b) in subsection (2), omit “or a council manager”.

25 *Alternative arrangements*

34 Authorities to replace alternative arrangements with executive arrangements

- (1) A local authority that is operating alternative arrangements must –
- (a) cease to operate alternative arrangements, and
- (b) start to operate executive arrangements.
- 30 (2) Schedule 1 contains provision supplementing this section.
- (3) In complying with this section and Schedule 1, a local authority must comply with directions given by the Welsh Ministers.

35 Consequential provision etc

- (1) In the Local Government Act 2000 –
- 35 (a) in section 29 (operation of, and publicity for, executive arrangements), omit subsection (3);

- (b) omit section 30 (operation of different executive arrangements);
- (c) in section 31 (alternative arrangements in case of certain local authorities), before subsection (1) insert—
- 5 “(A1) In this section references to a local authority are references to a local authority in England.”;
- (d) in section 32 (alternative arrangements), before subsection (1) insert—
- “ (A1) In this section references to a local authority are references to a local authority in England.”;
- (e) omit section 33 (operation of alternative arrangements);
- 10 (f) in section 34 (referendum following petition), in subsection (3), for “29 or 33” substitute “or 29”;
- (g) in section 35 (referendum following direction), in subsection (3), for “29 or 33” substitute “or 29”;
- 15 (h) in section 36 (referendum following order), in subsection (3), for “29 or 33” substitute “or 29”.
- (2) In this Measure, omit section 90(3).
- (3) In the Local Government Act 1972—
- (a) in section 70 (restriction on promotion of Bills for changing local government areas, etc), in subsection (3), omit “or alternative arrangements”;
- 20 (b) in section 270 (general provisions as to interpretation), in subsection (1) omit the definition of “alternative arrangements”.
- (4) The following regulations are revoked—
- (a) the Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001 (S.I. 2001/2293);
- 25 (b) the Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397).
- (5) Subsections (1) to (4) do not prevent a local authority which is operating alternative arrangements on the commencement day from continuing to operate those arrangements on and after that day.
- 30 (6) Subsections (1) to (4) do not have effect in relation to a local authority if, and for as long as, the local authority continues to operate alternative arrangements on and after the commencement day.
- (7) Subsections (5) and (6) do not affect a local authority’s duty under section 34.
- 35 (8) In this section “commencement day”, in relation to an amendment made by this section, means the day on which that amendment comes into force.

PART 4

CHANGES TO EXECUTIVE ARRANGEMENTS

CHAPTER 1

ADOPTING A DIFFERENT FORM OF EXECUTIVE

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*General provisions***36 Power to adopt a different form of executive**

- (1) A local authority which is operating executive arrangements –
- (a) may vary or replace the arrangements so that its executive arrangements provide for a different form of executive, and
 - (b) if it makes such a variation of the arrangements, may vary the arrangements in such other respects (if any) as it considers appropriate.
- (2) The powers conferred by subsection (1) are exercisable in accordance with the following provisions of this Chapter.
- (3) A local authority may not use the power conferred by subsection (1)(a) to vary or replace its executive arrangements more than once in any electoral cycle.
- (4) For that purpose, a local authority is to be taken to use the power conferred by subsection (1)(a) at the time when the authority passes a resolution under section 37.
- (5) In this section “electoral cycle”, in relation to a local authority, means each period that –
- (a) begins with ordinary elections to the authority, and
 - (b) ends with the next ordinary elections to the authority.
- (6) For the definition of “form of executive”, see section 52.

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37 Proposals for adopting a different form of executive

- (1) The local authority must draw up, and approve by resolution, proposals to vary or replace its executive arrangements (if it is intended to use the powers conferred by section 36).
- (2) In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (3) The local authority must send the Welsh Ministers –
- (a) a copy of the proposals that it has approved, and

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(b) (with the copy of the proposals) a statement which describes the reasons why the authority considers that its proposals would be likely, if implemented, to ensure that decisions of the authority are taken in an efficient, transparent and accountable way.

- 5 (4) The Welsh Ministers must decide whether to approve, or not approve, the proposals.
- (5) The Welsh Ministers must give the local authority notice in writing of their decision.
- (6) If the Welsh Ministers give notice of a decision not to approve the proposals, the local authority must not take any further steps to implement the proposals after the notice is given.

10 **38 Contents of proposals**

A local authority's proposals must include all of the following –

- (a) a statement of the extent to which functions specified in regulations under section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the executive under the proposed executive arrangements,
- 15 (b) a timetable with respect to the implementation of the proposals, and
- (c) details of any transitional arrangements which are necessary for the implementation of the proposals.

39 Referendums

- 20 (1) The proposals must provide for the change of executive arrangements to be subject to approval in a referendum if the change of executive arrangements is one that requires approval in a referendum.
- (2) But, in any other case, the proposals may not provide for the change of executive arrangements to be subject to approval in a referendum.
- 25 (3) For provision about referendums under this section, see section 45 of the Local Government Act 2000.

40 Timetable for implementation of proposals: no referendum

- (1) This section applies to a local authority's proposals if the change of executive arrangements is not subject to approval in a referendum.
- 30 (2) The timetable with respect to the implementation of the proposals must be such as to secure that the local authority makes the change of executive arrangements no later than the end of the period of six months beginning with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

41 Timetable for implementation of proposals: referendum

- 35 (1) This section applies to a local authority's proposals if the proposed form of executive is subject to approval in a referendum.
- (2) The timetable with respect to the implementation of the proposals must comply with subsections (3) and (4).

(3) The timetable must be such as to secure that the local authority will hold the referendum within the period that –

(a) begins two months after, and

(b) ends six months after,

the day on which the local authority sends the Welsh Ministers the copy of the proposals.

(4) The timetable must be such as to secure that, if the result of the referendum is to approve the change of executive arrangements, the local authority will make that change within the period of six months beginning with the day on which the referendum is held.

42 Publicity for proposals

(1) This section applies to a local authority which has approved proposals by a resolution.

(2) The local authority must secure that copies of a document setting out the provisions of the proposed executive arrangements are available at its principal office for inspection by members of the public at all reasonable times.

(3) The local authority must publish a notice which –

(a) states that the local authority has resolved to operate the proposed executive arrangements,

(b) if the proposed form of executive is subject to approval in a referendum, states –

(i) that it is subject to such approval, and

(ii) the date of the referendum,

(c) states the date on which the local authority intends to begin operating those arrangements,

(d) describes the main features of those arrangements,

(e) states that copies of a document setting out the provisions of those arrangements are available at the local authority's principal office for inspection by members of the public at such times as may be specified in the notice, and

(f) specifies the address of the local authority's principal office.

(4) The local authority must comply with subsections (2) and (3) as soon as practicable after it passes the resolution approving the proposals.

43 Implementing proposals

(1) A local authority must implement its proposals in accordance with the timetable included in the proposals.

(2) But if the change of executive arrangements –

(a) is subject to approval in a referendum, and

(b) is not approved by the referendum,
the local authority must not implement the change.

44 Action if referendum rejects change

(1) This section applies to a local authority if the change of executive arrangements –

(a) is subject to approval in a referendum, and

(b) is not approved in the referendum.

(2) The local authority must publish a notice which –

(a) summarises the local authority's proposals which were the subject of the referendum,

(b) states that a referendum on the local authority's proposals rejected those proposals, and

(c) states that the local authority will continue to operate the form of executive provided for by its existing executive arrangements.

(3) The local authority must comply with subsection (2) as soon as practicable after the referendum.

Interpretation

45 Changes of executive arrangements requiring approval in a referendum

For the purposes of this Chapter, a change of executive arrangements requires approval in a referendum if –

(a) the existing form of executive, or

(b) the proposed form of executive,

is a mayor and cabinet executive.

46 Interpretation

In this Chapter –

“existing form of executive” (*“ffurf bresenol ar weithrediaeth”*) means the form of executive operated by a local authority which makes proposals;

“change of executive arrangements” (*“newid mewn trefniadau gweithrediaeth”*) means the change of executive arrangements proposed in proposals;

“proposals” (*“cynigion”*) means proposals under section 37;

“proposed form of executive” (*“ffurf arfaethedig ar weithrediaeth”*) means the form of executive which a local authority is, in proposals, proposing to begin operating.

CHAPTER 2

OTHER VARIATIONS OF EXISTING EXECUTIVE ARRANGEMENTS

47 Power to vary the existing form of executive

- 5 (1) A local authority which is operating executive arrangements may vary the arrangements so that they –
- (a) differ from the existing arrangements in any respect, but
 - (b) still provide for the same form of executive.
- (2) The power conferred by subsection (1) is exercisable in accordance with the following provisions of this Chapter.
- 10 (3) For the definition of “form of executive”, see section 52.

48 Proposals for varying the form of executive

- (1) The local authority must draw up, and approve by resolution, proposals to vary its executive arrangements (if it is intended to use the powers conferred by section 47).
- 15 (2) But, if the local authority is operating a mayor and cabinet executive, the local authority may not approve proposals for varying its executive arrangements unless the elected mayor has given written consent to the proposed change.

49 Contents of proposals

A local authority’s proposals must include all of the following –

- 20 (a) a timetable with respect to the implementation of the proposals, and
- (b) details of any transitional arrangements which are necessary for the implementation of the proposals.

50 Implementing proposals

A local authority must implement its proposals in accordance with the timetable included in the proposals.

CHAPTER 3

SUPPLEMENTARY

51 Powers under which executive arrangements may be varied

A local authority which is operating executive arrangements may not vary or replace those arrangements except as provided for in –

- 30 (a) Chapter 1 or 2 of this Part, or

(b) regulations under section 34, 35 or 36 of the Local Government Act 2000.

52 Forms of executive

For the purposes of this Part, each of the following is a form of executive –

- (a) a leader and cabinet executive (Wales);
- (b) a mayor and cabinet executive.

53 Consequential provision etc

- (1) The Local Government Act 2000 is amended as follows.
- (2) Omit section 30 (operation of different executive arrangements).
- (3) Before section 33A insert –

“33ZA Wales: changing governance arrangements

For provision about changing the governance arrangements of local authorities in Wales, see Part 4 of the Local Government (Wales) Measure 2011.”.

- (4) In section 45 (provisions with respect to referendums), in subsection (9), after “this Part” insert “or under section 39 of the Local Government (Wales) Measure 2011”.

PART 5

LOCAL AUTHORITY FUNCTIONS: DISCHARGE BY COMMITTEES AND COUNCILLORS

Area committees

54 Area covered and membership

- (1) Section 18 of the Local Government Act 2000 (discharge of functions by area committees) is amended as follows.
- (2) In subsection (3), for the definition of “area committee” substitute –
 - ““area committee” means –
 - (a) in relation to a local authority in England, a committee or sub-committee of the authority which satisfies the conditions in subsection (4);
 - (b) in relation to a local authority in Wales, a committee or sub-committee of the authority which satisfies the conditions in subsection (6);”.
- (3) In subsection (4), after “a local authority” insert “in England”.
- (4) After subsection (5) insert –
 - “(6) A committee or sub-committee of a local authority in Wales satisfies the conditions in this subsection if –
 - (a) the committee or sub-committee is established to discharge functions in respect of part of the area of the authority,

- (b) that part consists of the whole of one or more electoral divisions of the authority,
- (c) all the members of the authority who are elected for that electoral division, or those electoral divisions, are entitled to be members of the committee or sub-committee,
- (d) no members of the authority, other than those mentioned in paragraph (c), may be members of the committee or sub-committee, and
- (e) either or both of the conditions in subsection (7) are satisfied in relation to that part.

(7) Those conditions are –

- (a) that the area of that part does not exceed one-half of the total area of the authority;
- (b) that the population of that part, as estimated by the authority, does not exceed one-half of the total population of the area of the authority as so estimated.”.

Exercise of functions by councillors

55 Exercise of functions by councillors

- (1) The senior executive member of a local authority may make arrangements for a non-executive member of the authority to exercise a function of the local authority which is the responsibility of the executive.
- (2) A local authority may make arrangements for a non-executive member of the authority to exercise any other function of the authority.
- (3) Arrangements under this section may only provide for a non-executive member (N) to exercise functions –
- (a) in relation to the electoral division for which N is elected, or
- (b) in relation to N’s official membership of a body other than the local authority.
- (4) No arrangements may be made under this section for the exercise of a function –
- (a) if, or to the extent that, it is specified in an order made by the Welsh Ministers, or
- (b) in a manner, or in circumstances, specified in an order made by the Welsh Ministers.
- (5) Arrangements made under this section for the exercise of a function do not prevent the ordinary exercise of the function.
- (6) In making arrangements under this section, the senior executive member, or local authority, must have regard to guidance given by the Welsh Ministers.

(7) In this section –

- (a) a reference to the exercise of a function includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the function;
- (b) a reference to a function which is the responsibility of the executive of a local authority is to be construed in accordance with section 13(8) of the Local Government Act 2000;
- (c) a reference to N’s official membership of a body is a reference to membership of the body which N holds by virtue of –
- (i) a local authority appointment,
 - (ii) an appointment, other than a local authority appointment, made on a local authority nomination or recommendation or with local authority approval, or
 - (iii) an appointment, other than a local authority appointment, made in compliance with a requirement to appoint a member of a local authority;
- (d) a reference (in relation to N) to a local authority appointment, nomination or recommendation, or local authority approval, is a reference to an appointment, nomination or recommendation made by, or approval given by –
- (i) the local authority of which N is a member, or
 - (ii) the executive of that local authority;
- (e) a reference to the ordinary exercise of a function is a reference to its exercise by the person or persons by whom it is exercisable in the absence of arrangements made under this section.

(8) References in this section to a local authority are references to a local authority which operates executive arrangements.

(9) In this section –

“non-executive member” (*“aelod nad yw’n aelod gweithrediaeth”*) means a member of a local authority who is not a member of the executive of the authority;

“senior executive member” (*“aelod gweithrediaeth hŷn”*) means –

- (a) in the case of a local authority operating a leader and cabinet executive (Wales), the executive leader;
- (b) in the case of a local authority operating a mayor and cabinet executive, the elected mayor.

56 Consequential provision

(1) In section 100EA of the Local Government Act 1972 (inspection of records relating to functions exercisable by members) –

- (a) in subsection (1) –
 - (i) for “Secretary of State” substitute “appropriate authority”;

(ii) after “2007” insert “or under section 55 of the Local Government (Wales) Measure 2011”;

(b) after subsection (2) insert –

“(2A) In this section “appropriate authority” means –

(a) in relation to local authorities in England, the Secretary of State;

(b) in relation to local authorities in Wales, the Welsh Ministers.”;

(c) in subsection (3), after “Parliament” insert “(in the case of regulations made by the Secretary of State) or a resolution of the National Assembly of Wales (in the case of regulations made by the Welsh Ministers)”.

(2) In the Local Government Act 2000 –

(a) in section 13 (functions which are the responsibility of an executive), in subsection (9)(b), after “in England)” insert “or under section 55 of the Local Government (Wales) Measure 2011”;

(b) in section 21 (overview and scrutiny committees), in subsection (13)(aa), after “in England)” insert “or under section 55 of the Local Government (Wales) Measure 2011”.

PART 6

OVERVIEW AND SCRUTINY

CHAPTER 1

OVERVIEW AND SCRUTINY COMMITTEES

Joint overview and scrutiny committees

57 Joint overview and scrutiny committees

(1) The Welsh Ministers may by regulations make provision under which any two or more local authorities may –

(a) appoint a joint committee (a “joint overview and scrutiny committee”), and

(b) arrange for the committee to exercise any functions of making reports or recommendations about any matter which is not an excluded matter to –

(i) any of the local authorities appointing the committee, and

(ii) in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000, the local authority’s executive.

(2) In subsection (1)(b) “excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations –

- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) by virtue of subsection (3)(a) of that section.
- (3) The provision that may be made in regulations under this section includes (but is not limited to) –
- (a) provision for arrangements to be made only in prescribed circumstances, or subject to prescribed conditions or limitations;
- (b) provision for the appointment of sub-committees of joint overview and scrutiny committees;
- (c) in relation to joint overview and scrutiny committees (or sub-committees of such committees), provision applying, or corresponding to, any provision of –
- (i) subsections (4) to (15A) and (18) of section 21 of the Local Government Act 2000,
- (ii) sections 21A, 21B, 21F and 21G of that Act,
- (iii) section 186 of, and Schedule 11 to, the National Health Service (Wales) Act 2006.
- (4) A local authority and a joint overview and scrutiny committee must, in exercising or deciding whether to exercise any function conferred on it by or under this section, have regard to guidance given by the Welsh Ministers.
- (5) In section 21 of the Local Government Act 2000 (overview and scrutiny committees), in subsection (2A)(e) –
- (a) after “committee” insert “ –
- (i)”;
- (b) after “concerned” insert “, or
- (ii) a joint overview and scrutiny committee within the meaning of section 57 of the Local Government (Wales) Measure 2011 appointed by two or more local authorities, one of which is the authority concerned”.

Powers of committees

58 Scrutinising designated persons

- (1) Section 21 of the Local Government Act 2000 (overview and scrutiny committees) is amended as follows.
- (2) In subsection (2)(e), at the end insert “(insofar as the committee is not, or committees are not, under a duty to do those things by virtue of subsection (2ZA))”.
- (3) After subsection (2) insert –
- “(2ZA) Executive arrangements by a local authority in Wales must ensure that their overview and scrutiny committee is required (or their overview and scrutiny committees, and any joint overview and scrutiny committees, are required between them) to make reports or

recommendations on matters which relate to designated persons and affect the authority's area or the inhabitants of that area."

(4) In subsection (2A), after "(2)" insert "or (2ZA)".

(5) In subsection (13) –

(a) in paragraph (aa), omit the final "and";

(b) after paragraph (b) insert –

"(c) if it is a committee or sub-committee of a local authority in Wales may, in connection with making a report or recommendations of the kind referred to subsection (2ZA) –

(i) require a designated person to provide the committee or sub-committee with information, except information that relates to an excluded matter, and

(ii) require an officer, employee or other representative of a designated person to attend meetings of the committee, except in relation to an excluded matter."

(6) After subsection (15) insert –

"(15A) It is the duty of a person to comply with the requirement mentioned in subsection (13)(c)(i) or (ii); but that does not require a designated person to provide information which is not reasonably required in connection with the making of the report or recommendations."

(7) After subsection (17) insert –

"(18) In this section –

"designated person" means a person –

(a) who is designated by the Welsh Ministers in accordance with section 21G, or

(b) who falls within a category of person so designated;

"excluded matter" means any matter with respect to which a crime and disorder committee could make a report or recommendations –

(a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or

(b) by virtue of subsection (3)(a) of that section."

59 Notifying designated persons of report or recommendations

After section 21E of the Local Government Act 2000 insert –

"21F Wales: notifying designated body of report or recommendations

(1) This section applies if an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, makes a report or recommendations under section 21(2ZA).

(2) The committee or sub-committee may –

- (a) send a copy of the report or recommendations to a designated person, and
- (b) request the designated person to have regard to the report or recommendations.

5 (3) In sending a copy of the report or recommendations to the designated person, the committee or sub-committee –

- (a) must exclude any confidential information, and
- (b) may exclude any relevant exempt information.

10 (4) If information is excluded under subsection (3), in producing the copy of the report or recommendations the committee or sub-committee –

- (a) may replace so much of the report or recommendations as discloses the information with a summary which does not disclose that information, and
- (b) must do so if, in consequence of excluding the information, the report or recommendations would be misleading or not reasonably comprehensible.

15 (5) In this section –

20 “confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils);

“designated person” has the same meaning as in section 21;

25 “exempt information” has the meaning given by section 100I of that Act, and, in relation to any report or recommendations of a committee or joint committee which has functions under section 21(2)(f) of this Act, also includes information which is exempt information under section 186 of the National Health Service (Wales) Act 2006;

30 “relevant exempt information” means exempt information of a description specified in a resolution of the committee or sub-committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the committee or sub-committee at which the report was, or recommendations were, considered.”.

60 Designated persons

After section 21F of the Local Government Act 2000 insert –

35 “21G Wales: designated persons

- (1) The Welsh Ministers may, by order, designate for the purposes of section 21 –
 - (a) one or more persons, and
 - (b) one or more categories of person.
- (2) But –

- (a) the designation of a person has effect only if that person meets the following conditions, and
- (b) the designation of a category of persons has effect only if, and to the extent that, each person in that category meets the following conditions.
- (3) Condition A is that the person provides the public, or a section of the public, with services, goods or facilities of any description (whether on payment or not).
- (4) Condition B is that the person –
- (a) provides those services, goods or facilities in the exercise of functions of a public nature, or
- (b) is wholly or partly funded by public money.
- (5) Condition C is that the person is not a local authority.”.

Taking into account the views of the public

61 Taking into account the views of the public

- (1) A local authority must make arrangements of the kind referred to in subsection (2) in relation to each relevant overview and scrutiny committee of the authority.
- (2) Those arrangements are arrangements that enable all persons who live or work in the local authority’s area to bring to the attention of the relevant overview and scrutiny committee their views on any matter under consideration by the committee.
- (3) A relevant overview and scrutiny committee must, when exercising its functions, take into account any views brought to its attention in accordance with arrangements made under this section.
- (4) In complying with subsection (1), a local authority must have regard to guidance given by the Welsh Ministers.
- (5) In complying with subsection (3), a relevant overview and scrutiny committee must have regard to guidance given by the Welsh Ministers.
- (6) In this section –

“joint overview and scrutiny committee” (*“cyd-bwyllgor trosolwg a chraffu”*) has the same meaning as in section 21(2A) of the Local Government Act 2000;

“matter under consideration” (*“mater sy’n cael ei ystyried”*), in relation to a relevant overview and scrutiny committee, means a matter in respect of which the committee is exercising any function;

“relevant overview and scrutiny committee” (*“pwyllgor trosolwg a chraffu perthnasol”*), in relation to a local authority, means –

- (a) an overview and scrutiny committee of the authority,
- (b) a sub-committee of such a committee,
- (c) a joint overview and scrutiny committee of the authority, or
- (d) a sub-committee of such a joint committee.

*Powers of councillors***62 Reference of matters to overview and scrutiny committee etc**

(1) Section 21A of the Local Government Act 2000 (reference of matters to overview and scrutiny committee etc) is amended as follows.

5 (2) In subsection (1)(c) omit “in the case of a local authority in England,”.

(3) In subsection (3) –

(a) after “issued” insert “(in the case of a local authority in England)”;

(b) after “Secretary of State” insert “or (in the case of a local authority in Wales) by the Welsh Ministers”.

10 (4) In subsection (10), after “local authority” insert “in England”.

(5) After subsection (11) insert –

“(12) In this section “local government matter”, in relation to a member of a local authority in Wales, means a matter which is not an excluded matter and which –

15 (a) relates to the discharge of any function of the authority, or

(b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

(13) In subsection (12) “excluded matter” means any matter which is –

20 (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or

(b) a matter of any description specified in an order made by the Welsh Ministers for the purposes of this section.”.

63 Duty to respond to overview and scrutiny committee

25 In section 21B of the Local Government Act 2000 (duty of authority or executive to respond to overview and scrutiny committee), in subsection (1) omit “in England”.

64 Provision consequential on sections 62 and 63

30 In section 21D of the Local Government Act 2000 (publication etc of reports, recommendations and responses: confidential and exempt information), in subsection (6) in the definition of “exempt information”, after “2006” insert “or section 186 of the National Health Service (Wales) Act 2006”.

*Appointing persons to chair committees***65 Provision in standing orders about appointment of persons to chair committees**

- 5 (1) The standing orders of a local authority must make provision (“appointment provision”) for the appointment of the persons who are to chair the local authority’s overview and scrutiny committee or committees (“committee chairs”).
- (2) The appointment provision must comply with –
- (a) section 66,
 - (b) section 67, and
 - (c) section 68 (and accordingly with sections 69 to 72 or with section 73).
- 10 (3) Appointment provision must not prevent a person from being appointed as a committee chair because the person –
- (a) is, or is not, a member of any political group, or
 - (b) is, or is not, a member of a particular political group.

66 When appointments to be made by committee

- 15 (1) The appointment provision must provide for the appointment of committee chairs in cases A to C set out in this section.
- (2) The appointment provision must provide that, in those cases, the committee chair, or each committee chair, is to be appointed by the committee which that person is to chair.
- 20 (3) Case A is where there are no political groups on the authority.
- (4) Case B is where there is only one political group on the authority.
- (5) Case C is where –
- (a) there are two (but not more) political groups on the authority,
 - (b) the authority has only one overview and scrutiny committee, and
 - (c) the authority’s executive –
- (i) includes members of both political groups, or
 - (ii) does not include any member of either political group.
- 25

67 When appointments to be made by non-executive group

- 30 (1) The appointment provision must provide for the appointment of the committee chair in the case set out in this section.
- (2) The appointment provision must provide that, in that case, the committee chair is to be appointed by the non-executive political group.
- (3) That case is where –
- (a) there are two (but not more) political groups on the authority,

- (b) the authority has only one overview and scrutiny committee, and
- (c) the authority's executive –
 - (i) includes one or more members of one political group, but
 - (ii) does not include any member of the other political group.

5 (4) In this section “non-executive political group” means the group described in subsection (3)(c)(ii).

68 How appointments to be made in other cases

- (1) The appointment provision must provide for the appointment of committee chairs in cases other than those set out in section 66 and 67.
- 10 (2) The appointment provision applicable in the other cases must comply with –
 - (a) sections 69 to 72, or
 - (b) section 73.

69 Appointments to be made by political groups

- (1) A local authority's appointment provision complies with this section if it provides –
 - 15 (a) for the authority to be required, on each occasion when all of its committee chairs fall to be appointed, to make a determination under subsection (2) of which political groups on the authority are entitled to make which appointments, and
 - (b) for the groups to be able to make the appointments accordingly.
- 20 (2) The determination referred to in subsection (1) is a determination which, so far as reasonably practicable, gives effect to the following principles.
- (3) The first principle is that –
 - 25 (a) if there is only one executive group, the proportion of committee chairs which the executive group is entitled to appoint corresponds to the proportion of members of the authority who are in the group;
 - (b) if there are two or more executive groups, the proportion of committee chairs which the executive groups are (when taken together) entitled to appoint corresponds to the proportion of members of the authority who are members of those groups (when taken together).
- 30 (4) The second principle is that –
 - (a) if there is only one opposition group, the group is entitled to appoint all the opposition allocation of committee chairs, or
 - (b) if there are two or more opposition groups –
 - 35 (i) the opposition groups are (when taken together) entitled to appoint all the opposition allocation of committee chairs, and
 - (ii) the proportion of the opposition allocation of committee chairs which each opposition group (a “relevant group”) is entitled to appoint corresponds to the proportion of members of the opposition groups who are members of the relevant group.

(5) In giving effect to the principles in subsections (3)(a) and (b) and (4)(b)(ii), the appointment provision –

(a) must provide for a political group’s entitlement to appoint committee chairs to be an entitlement to appoint a whole number of committee chairs, and

(b) accordingly, must provide for an entitlement to be rounded off to the nearest whole number if it would not otherwise be a whole number.

(6) In giving effect to the principles in subsection (3)(a) and (b), the appointment provision made in accordance with subsection (5)(b) must provide for the entitlement of the executive group, or executive groups, to be rounded down to the nearest whole number.

(7) For the purposes of subsections (5) and (6), zero is to be taken to be a whole number.

(8) In this section –

“executive allocation of committee chairs” (*“dyraniad y weithrediaeth o gadeiryddion pwyllgor”*) means the number of committee chairs which –

(a) the executive group is entitled to appoint in accordance with subsection (3)(a), or

(b) the executive groups are entitled to appoint in accordance with subsection (3)(b);

“opposition allocation of committee chairs” (*“dyraniad yr wrthblaid o gadeiryddion pwyllgor”*) means the number of committee chairs remaining after deducting the executive allocation of committee chairs.

70 Failure to make appointments in accordance with section 69

(1) A local authority’s appointment provision complies with this section if it provides –

(a) for the authority to be required, on each occasion when some or all of the committee chairs (“the unappointed chairs”) which fall to be appointed in accordance with appointment provision that complies with section 69 are not so appointed, to make a determination under subsection (2) of how the unappointed chairs are to be appointed, and

(b) for the unappointed chairs to be appointed accordingly.

(2) The determination referred to in subsection (1) is a determination which, so far as reasonably practicable, gives effect to the following principles.

(3) The first principle is that no executive group is entitled to appoint any of the unappointed chairs.

(4) The second principle is that –

(a) if there is only one opposition group and it has made all of its initial appointments, or

(b) if there are two or more opposition groups and one or more of them have made all of their initial appointments,

each appointing group is entitled to appoint the proportion of unappointed committee chairs which corresponds to the proportion of completed initial appointments which were appointments made by that group.

- (5) The third principle is that if—
- (a) there are unappointed committee chairs, but
 - (b) none of them fall to be appointed as mentioned in subsection (4),
- each unappointed committee chair is to be appointed by the committee which that person is to chair.
- (6) The fourth principle is that if—
- (a) one or more unappointed committee chairs fall to be appointed as mentioned in subsection (4), but
 - (b) one or more of them are not so appointed,
- each committee chair not so appointed is to be appointed by the committee which that person is to chair.
- (7) In this section—
- “appointing group” (“*grŵp penodi*”) means an opposition group which makes all of its initial appointments;
- “completed initial appointment” (“*penodiad cychwynnol gorffenedig*”) means an initial appointment that is made;
- “initial appointment” (“*penodiad cychwynnol*”), in relation to a political group, means an appointment which the group is entitled to make in accordance with appointment provision that complies with section 69.

71 Changes in composition of executive

- (1) A local authority’s appointment provision complies with this section if it provides for the case set out in subsection (2) by means of provision of the kind referred to in subsections (3) and (4).
- (2) That case is where either or both of the following happen—
- (a) a political group ceases to be an executive group;
 - (b) a political group begins to be an executive group;
- and it is not the case set out in section 69.
- (3) The appointment provision must provide for the making of—
- (a) a section 69 determination (as if all of the local authority’s committee chairs had fallen to be appointed), and
 - (b) a determination of whether there is a difference between—
 - (i) the number of committee chairs that a political group would be entitled to appoint in accordance with the section 69 determination, and
 - (ii) the number of committee chairs holding office at that time who were appointed by that group.
- (4) The appointment provision must provide for any difference of the kind referred to in subsection (3)(b) to be eliminated by either or both of the following—

- (a) the termination of existing appointments of committee chairs;
 - (b) the making of new appointments of committee chairs.
- (5) For the purposes of this section, a political group is to be taken to cease to be an executive group only if, after ceasing to be an executive group, the period of two months (beginning with the day on which it ceases to be an executive group) passes without it becoming an executive group again.

72 Occasional vacancies in committee chairs

- (1) A local authority's appointment provision complies with this section if it provides for the case set out in subsection (2) by means of provision of the kind referred to in subsections (3) and (4).
- (2) That case is where—
- (a) some, but not all, of the authority's committee chairs fall to be appointed, and
 - (b) it is not the case set out in section 71.
- (3) The appointment provision must provide for the making of—
- (a) a section 69 determination (as if all of the local authority's committee chairs had fallen to be appointed), and
 - (b) a determination of whether there is a difference between—
 - (i) the number of committee chairs that a political group would be entitled to appoint in accordance with the section 69 determination, and
 - (ii) the number of committee chairs holding office at that time who were appointed by that group.
- (4) The appointment provision must provide for any difference of the kind referred to in subsection (3)(b) to be eliminated, so far as possible, by the appointment of the committee chair or chairs.

73 Appointment provision determined by authority

- (1) A local authority's appointment provision complies with this section if the provision—
- (a) is no less favourable to opposition groups than section 69, and
 - (b) is approved by a resolution of the local authority which has cross-group support.
- (2) Appointment provision is no less favourable to opposition groups than section 69 if it provides—
- (a) for opposition groups on the local authority (when taken together) to be given the opportunity to appoint a greater number of committee chairs than would be the case with provision made in accordance with section 69, and
 - (b) for each opposition group on the local authority to be given the opportunity to appoint at least the number of committee chairs as would be the case with provision made in accordance with section 69.

- (3) A resolution of the local authority has cross-group support if—
- (a) the persons voting in favour of the resolution include members of every political group on the authority, and
 - (b) each political group on the authority gives majority support to the resolution.
- 5 (4) A political group on the authority gives majority support to the resolution if the number of members of that group who vote in favour of the resolution is greater than the number of members of that group who vote against the resolution.

74 Supplementary provision and interpretation

- (1) The Welsh Ministers may, by regulations, make provision about—
- 10 (a) appointment provision, and
 - (b) the appointment of committee chairs in accordance with appointment provision.
- (2) A local authority must, in exercising or deciding whether to exercise a function in connection with appointment provision or the appointment of committee chairs—
- 15 (a) have regard to guidance given by the Welsh Ministers, and
 - (b) comply with any directions given by the Welsh Ministers.
- (3) In sections 65 to 73 and this section—

“appointment provision” (*“darpariaeth benodi”*) has the meaning given in section 65;

20 “committee chair” (*“cadeirydd pwyllgor”*) has the meaning given in section 65;

“executive group” (*“grŵp gweithrediaeth”*) means a political group some or all of whose members comprise, or are included in, the executive of the authority;

25 “opposition group” (*“grŵp gwrthblaid”*) means a political group none of whose members are included in the executive of the authority;

“political group” (*“grŵp gwleidyddol”*), in relation to a local authority, means a group of members of the authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989;

30 “section 69 determination” (*“dyfarniad adran 69”*) means a determination of the kind referred to in section 69.

- (4) In section 21 of the Local Government Act 2000 (overview and scrutiny committees), after subsection (10) insert—

“(10A) For provision about the appointment of persons to chair overview and scrutiny committees of local authorities in Wales, see sections 65 to 74 of the Local Government (Wales) Measure 2011.”.

35

*Co-opted members of overview and scrutiny committees***75 Committees: limit on number of co-opted members**

- 5 (1) A local authority must secure that, if an overview and scrutiny committee of the authority has co-opted members (see section 21(10) of the Local Government Act 2000), the number of co-opted members of the committee does not exceed the permitted maximum.
- 10 (2) The appointment of a person as a co-opted member of an overview and scrutiny committee has no effect if the number of co-opted members of the committee exceeds the permitted maximum immediately after the appointment (whether or not by virtue of the appointment).
- (3) An act of an overview and scrutiny committee is invalid if the number of co-opted members of the committee exceeds the permitted maximum.
- 15 (4) For the purposes of this section, the number of co-opted members of an overview and scrutiny committee exceeds the permitted maximum at a particular time if more than one-third of the members of the committee at that time are co-opted members.
- (5) In a case where one or more persons are to become, or to cease to be, members of the committee at a particular time, all those changes of membership are to be taken into account in determining whether the number of co-opted members of an overview and scrutiny committee exceeds the permitted maximum.

76 Sub-committees: limit on number of co-opted members

- 20 (1) A local authority must secure that, if a sub-committee of an overview and scrutiny committee of the authority has co-opted members (see section 21(10) of the Local Government Act 2000), the co-opted members do not constitute the whole membership of the committee.
- 25 (2) The appointment of a person as a co-opted member of a sub-committee of an overview and scrutiny committee has no effect if co-opted members constitute the whole membership immediately after the appointment (whether or not by virtue of the appointment).
- 30 (3) An act of a sub-committee of an overview and scrutiny committee is invalid if co-opted members constitute the whole membership of the committee.
- (4) In a case where one or more persons are to become, or to cease to be, members of a sub-committee of an overview and scrutiny committee at a particular time, all those changes of membership are to be taken into account in determining whether co-opted members constitute the whole membership of the sub-committee.
- 35 (5) In section 21 of the Local Government Act 2000 (overview and scrutiny committees), in subsection (10) after “may” insert “(subject to sections 75 and 76 of the Local Government (Wales) Measure 2011)”.

77 Voting by co-opted members

- (1) A local authority may –

- (a) permit a co-opted member of an overview and scrutiny committee of the local authority to vote at meetings of the committee;
- (b) permit a co-opted member of a sub-committee of an overview and scrutiny committee of the local authority to vote at meetings of the sub-committee.

5 (2) In section 21 of the Local Government Act 2000 (overview and scrutiny committees), in subsection (10) at the end insert “or under section 77 of the Local Government (Wales) Measure 2011”.

78 Sub-committees: political balance

- 10 (1) This section applies in relation to a sub-committee of an overview and scrutiny committee of a local authority if—
- (a) the sub-committee has one or more co-opted members, and
 - (b) one or more of the co-opted members are permitted to vote by virtue of section 77.
- 15 (2) Section 15 of the Local Government and Housing Act 1989 (application of duty to allocate seats to political groups) does not apply to the sub-committee if the overview and scrutiny committee resolves that it is not to apply.
- (3) But a resolution under subsection (2) ceases to have effect if the sub-committee ceases to satisfy one or both of the conditions in subsection (1)(a) and (b).
- 20 (4) Subsection (3) does not prevent a resolution under subsection (2) from ceasing to have effect in any other way (including, but not limited to, by the overview and scrutiny committee passing a resolution to bring its effect to an end).
- (5) In section 21 of the Local Government Act 2000 (overview and scrutiny committees), in subsection (11)(b), at the beginning insert “(subject to section 78 of the Local Government (Wales) Measure 2011)”.

25 79 Guidance and directions about co-option

- (1) A local authority must, in exercising or deciding whether to exercise a co-option function—
- (a) have regard to guidance given by the Welsh Ministers, and
 - (b) comply with directions given by the Welsh Ministers.
- 30 (2) In this section “co-option function” means a function of a local authority that relates to co-opted members of—
- (a) overview and scrutiny committees, or
 - (b) sub-committees of such committees.
- (3) That includes (but is not limited to) a function that relates to—
- 35 (a) appointment of such co-opted members, or
- (b) permitting such co-opted members to vote.

*Provision of information***80 Forward plans and other information**

- (1) The Welsh Ministers may by regulations make provision for or in connection with requiring prescribed information about the exercise of the functions of—
- 5 (a) an overview and scrutiny committee of a local authority, or
(b) a sub-committee of such a committee,
- to be made available to members of the public or members of the authority.
- (2) The provision that may be made under subsection (1) includes (but is not limited to)—
- 10 (a) provision requiring prescribed information to be made available in advance of the exercise of functions mentioned in that subsection, and
(b) provision as to the way or form in which prescribed information is to be made available.

*Restricting party control of committees***81 Prohibition of whipped votes & declaration of party whips**

- 15 (1) A member of an overview and scrutiny committee must not vote on a question at a meeting of the committee if, before the meeting, the member has been given a party whip relating to the question (a “prohibited party whip”).
- (2) A vote that is given in breach of subsection (1) must be disregarded.
- 20 (3) Standing orders must provide that, at each meeting of an overview and scrutiny committee of a local authority, each member of the committee must declare any prohibited party whip which the member has been given in relation to the meeting.
- (4) Standing orders must require the minutes of each meeting of an overview and scrutiny committee to record all such declarations of prohibited party whips made at the meeting.
- 25 (5) It is for the person chairing a meeting of an overview and scrutiny committee to determine whether a member of the committee has been given a prohibited party whip in relation to the meeting.
- (6) If the decision of a question by an overview and scrutiny committee is materially affected by a breach of this section, the decision is to be treated as if it had not been made.
- 30 (7) Subsection (6) does not affect any act or omission of any person apart from the overview and scrutiny committee.
- (8) For the purposes of subsection (6), the decision of a question by an overview and scrutiny committee is materially affected by a breach of this section if—
- 35

- (a) one or more members of the committee vote on the question in breach of subsection (1),
- (b) one or more of the votes mentioned in paragraph (a) is not disregarded in accordance with subsection (2), and
- (c) the decision on the question would have been different if the vote or votes mentioned in paragraph (b) had been disregarded in accordance with subsection (2).

(9) This section applies in relation to a sub-committee of an overview and scrutiny committee as it applies to the overview and scrutiny committee (and references in this section to an overview and scrutiny committee are accordingly to be read as including references to such a sub-committee).

(10) In this section –

“party whip” (“*cyfarwyddyd chwip plaid*”) means an instruction (however expressed) which –

- (a) is given on behalf of a political group on a local authority;
- (b) is given to a person (P) who is –
 - (i) a member of the political group, and
 - (ii) a member of an overview and scrutiny committee of the local authority;
- (c) is an instruction as to how P should vote on a question falling to be decided by the committee; and
- (d) if not complied with by P, would be likely to make P liable to disciplinary action by the political group which gives the instruction;

“political group” (“*grŵp gwleidyddol*”) means a group of members of a local authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989;

“standing orders” (“*rheolau sefydlog*”), in relation to an overview and scrutiny committee, means standing orders regulating the proceedings and business of that committee.

Overview and scrutiny committee structure

82 Guidance and directions

- (1) The Welsh Ministers may give a local authority –
 - (a) guidance about the authority’s overview and scrutiny committee structure, or
 - (b) directions about the authority’s overview and scrutiny committee structure.
- (2) A local authority must have regard to guidance given by the Welsh Ministers under this section.
- (3) A local authority must comply with directions given by the Welsh Ministers under this section.

- (4) In this section, references to a local authority's overview and scrutiny committee structure include (but are not limited to) references to the following things –
- (a) the number of overview and scrutiny committees which the authority has;
 - (b) the number of sub-committees (if any) which overview and scrutiny committees of the authority have;
 - (c) the functions of overview and scrutiny committees of the authority;
 - (d) the functions of sub-committees of overview and scrutiny committees of the authority.

Interpretation

83 Interpretation of this Chapter

In this Chapter –

“co-opted member” (*“aelod cyfetholedig”*), in relation to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, means a person who is –

- (a) a member of the committee or sub-committee, but
- (b) not a member of the local authority;

“overview and scrutiny committee” (*“pwyllgor trosolwg a chraffu”*) has the same meaning as in Part 2 of the Local Government Act 2000 (see section 21 of that Act).

CHAPTER 2

AUDIT COMMITTEES

84 Local authorities to appoint audit committees

- (1) A local authority must appoint a committee (an “audit committee”) to –
 - (a) review and scrutinise the authority's financial affairs, and
 - (b) make reports and recommendations in relation to the authority's financial affairs.
- (2) References in subsection (1) to the authority's financial affairs include (but are not limited to) references to –
 - (a) the administration and conduct of the authority's financial affairs,
 - (b) the governance arrangements, and procedures, of the authority so far as they are relevant to the administration and conduct of the authority's financial affairs, and
 - (c) the financial integrity of the members and officers of the authority when acting (or purporting to act) as such.
- (3) It is for an audit committee to determine how to exercise its functions.

85 Membership

- (1) A local authority is to appoint the members of its audit committee.
- (2) A local authority must secure that –
- (a) at least two-thirds of the members of its audit committee are members of the authority;
 - (b) at least one member of its audit committee is a lay member;
 - (c) no more than one of the members of its audit committee is a member of the authority's executive;
 - (d) the senior member of its executive is not a member of its audit committee.
- (3) Subsection (2)(c) does not require the membership of a local authority's audit committee to include a member of the authority's executive.
- (4) The appointment of a person as a member of an audit committee has no effect if the membership of the committee breaches subsection (2) immediately after the appointment (whether or not by virtue of the appointment).
- (5) In a case where one or more persons are to become, or to cease to be, members of an audit committee at a particular time, all those changes of membership are to be taken into account in determining whether the membership of the committee breaches subsection (2).
- (6) An act of an audit committee is invalid if the membership of the committee breaches subsection (2).

86 Proceedings etc

- (1) An audit committee is to appoint the person who is to chair the committee (who may be a member of the authority or a lay member but who must not be a member of an executive group within the meaning of section 74).
- (2) All members of an audit committee may vote on any question that falls to be decided by the committee.
- (3) An audit committee of a local authority –
- (a) may require members and officers of the authority to attend before it to answer questions, and
 - (b) may invite other persons to attend meetings of the committee.
- (4) It is the duty of any member or officer of a local authority to comply with any requirement imposed under subsection (3)(a).
- (5) A person is not obliged by subsection (4) to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.
- (6) An audit committee is to be treated as a committee of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).

87 Frequency of meetings

- (1) An audit committee must meet once in every calendar year.
- (2) The audit committee of a local authority must also meet if—
- (a) the local authority resolves that the committee should meet, or
 - (b) at least one-third of the members of the committee requisition a meeting by one or more notices in writing given to the person who chairs the committee.
- (3) It is the duty of the person who chairs an audit committee to secure that meetings of the committee are held as required by subsections (1) and (2).
- (4) This section does not prevent an audit committee from meeting otherwise than as required by this section.

88 Discharging functions

- (1) An audit committee may not exercise any functions other than its functions under this Chapter.
- (2) In exercising, or deciding whether to exercise any of its functions, an audit committee must have regard to guidance given by the Welsh Ministers.

89 Termination of membership on ceasing to be member of authority

- (1) This section applies to a person (P) who is—
- (a) appointed to be a member of an audit committee of a local authority, and
 - (b) is a member of the authority at the time of that appointment.
- (2) If P ceases to be a member of the authority, P also ceases to be a member of the audit committee.
- (3) But subsection (2) does not apply if P—
- (a) ceases to be a member of the authority by reason of retirement, and
 - (b) is re-elected a member of the authority not later than the day of retirement.
- (4) Subsection (3) is subject to the standing orders of the authority or the audit committee.

90 Interpretation etc

- (1) Expressions used in this Chapter and in Part 2 of the Local Government Act 2000 (or in an instrument made under that Part of that Act) have the same meanings in this Chapter as in that Part of that Act (or in that instrument).

(2) In this Chapter –

“audit committee” (*“pwyllgor archwilio”*) has the meaning given in section 84;

“lay member” (*“aelod lleyg”*) means a person who is not a member of a local authority;

“senior member of a local authority” (*“aelod hŷn awdurdod lleol”*) means –

(a) in the case of a local authority which operates a leader and cabinet executive (Wales), the executive leader;

(b) in the case of a local authority which operates a mayor and cabinet executive, the mayor.

(3) In the application of this Chapter to a local authority which operates alternative arrangements –

(a) a reference to the executive of the authority is a reference to the board of the authority, and

(b) a reference to the senior member of the authority is a reference to the chair of the board of the authority.

PART 7

COMMUNITIES AND COMMUNITY COUNCILS

CHAPTER 1

COMMUNITY MEETINGS AND COMMUNITY POLLS

91 Convening of community meetings by local government electors

(1) Paragraph 30 of Schedule 12 to the Local Government Act 1972 is amended as follows –

(a) for sub-paragraph (1) substitute –

“(1) Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.”;

(b) in sub-paragraph (2), for “any community meeting” substitute “a community meeting convened under sub-paragraph (1) above”;

(c) in sub-paragraphs (3) and (4), for “a community meeting” substitute “a community meeting convened under sub-paragraph (1) above”;

(d) in sub-paragraph (3), for “any of the matters mentioned in section 29B(4) of this Act” substitute “the existence of the community council or the grouping of the community with other communities”;

(e) at the end of the paragraph insert –

“(5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

- (2) After paragraph 30 of Schedule 12 to the Local Government Act 1972 insert the following –

“30A A community meeting may also be convened at any time by not less than –

- (a) 10% of the local government electors for the community, or
(b) 50 of the electors (if 10% of the electors exceeds 50 electors).”.

92 Notice of community meeting convened by local government electors

After paragraph 30A of Schedule 12 to the Local Government Act 1972 insert the following –

“30B (1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given –

- (a) in a case where there is a community council for the community, to the community council, or
(b) in a case where there is no community council for the community, to the principal council within whose area the community lies.

(2) The notice must contain –

- (a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;
(b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;
(c) the business which is proposed to be transacted at the meeting;
(d) the proposed time and place at which the meeting is to be held.

(3) The notice must –

- (a) where it is given under sub-paragraph (1)(a) above, be in writing (but not in an electronic form);
(b) where it is given under sub-paragraph (1)(b) above, be –
(i) in writing (but not in an electronic form), or
(ii) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C below.

(4) In sub-paragraph (3) above –

- (a) “address” means the individual’s qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;

(b) “signature” means –

- (i) where a notice is in writing, an individual’s signature or, if the individual cannot give a signature, a signature given on the individual’s behalf by a duly authorised individual who, in giving that signature, declares that he or she is so authorised;
- (ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.

(5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.

(6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above –

(a) need not include the individual’s name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and

(b) need not include a signature in respect of the individual.

(7) Where a notice is in electronic form, it is to be treated as given to a principal council when the notice is given in accordance with whatever requirements the council has set as to the giving of such notices under paragraph 30C(2) below.”.

93 Facility for the provision of electronic notices of the convening of community meetings

After paragraph 30B of Schedule 12 to the Local Government Act 1972 insert the following –

“30C (1) A principal council must provide a facility so that notices under paragraph 30B(1)(b) above may be given to the council in electronic form (“electronic notices”).

(2) The council must set and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices –

(a) the authentication requirements to be met by an electronic signature included within an electronic notice, and

(b) the other technical requirements to be met by and in relation to an electronic notice.”.

94 Action following receipt of notice of the convening of a community meeting

After paragraph 30C of Schedule 12 to the Local Government Act 1972 insert the following –

“30D (1) Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider –

(a) whether the group of individuals to whom the notice relates is comprised of—

(i) at least 50 local government electors for the community in question, or

(ii) at least 10% of the local government electors for the community in question, and

(b) whether the notice meets the requirements of paragraph 30B above.

(2) If the council is of the opinion that—

(a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and

(b) the notice meets the requirements of paragraph 30B above,

the council must give a public notice in accordance with paragraph 30E below.

(3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.

(4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6)(a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.

(5) In sub-paragraph (4) above, "relevant registration officer" means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies."

95 Public notice of community meeting

After paragraph 30D of Schedule 12 to the Local Government Act 1972 insert the following—

"30E (1) The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.

(2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.

(3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.

(4) The public notice must—

- (a) specify the time and place of the intended meeting;
 - (b) specify the business to be transacted at the meeting;
 - (c) be signed by the proper officer.
- (5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.
- (6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.
- (7) Public notice of a community meeting shall be given—
- (a) by posting a notice of the meeting in some conspicuous place or places in the community,
 - (b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.
- (8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

96 Demands for community polls

For sub-paragraph (4) of paragraph 34 of Schedule 12 to the Local Government Act 1972 substitute the following—

- “(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless—
- (a) the poll is demanded by a majority of the local government electors present at the meeting, and
 - (b) the electors demanding a poll constitute not less than—
 - (i) 10% of the local government electors for the community, or
 - (ii) 150 of the electors (if 10% of the electors exceeds 150 electors).”.

97 Notice to be given by returning officer following taking of a poll consequent on a community meeting

After paragraph 38 of Schedule 12 to the Local Government Act 1972 insert the following—

- “38A (1) This paragraph applies to a poll (other than a poll to which sub-paragraph (2) below refers) consequent on a community meeting where a majority of those voting were in favour of the question in relation to which the poll was taken.
- (2) This paragraph does not apply to a poll taken on a question of a type specified in regulations made by the Welsh Ministers.

- (3) The returning officer in relation to the poll must give notice in writing to the monitoring officer (within the meaning of section 5 of the Local Government and Housing Act 1989) of the relevant principal council of—
- (a) the question posed by the poll, and
 - (b) the fact that a majority of those voting were in favour of that question.
- (4) In sub-paragraph (3) above, “relevant principal council” means the principal council in whose area lies the community of the community meeting at which the poll was demanded.
- (5) The power of the Welsh Ministers to make regulations under sub-paragraph (2) above is exercisable by statutory instrument.
- (6) A statutory instrument which contains regulations under sub-paragraph (2) above is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.

98 Determination of monitoring officer as to the council to whose functions a poll relates

- (1) After paragraph 38A of Schedule 12 to the Local Government Act 1972 insert the following—

“38B (1) Within a period of 14 days beginning with the day on which notice was given under paragraph 38A(3) above, the monitoring officer must determine whether, in the officer’s opinion, the question in relation to which the poll was taken corresponds to any of the descriptions in sub-paragraph (2) below.

- (2) Those descriptions are—

- (a) a question which relates only to the functions of the principal council,
- (b) a question which relates only to the functions of a community council for the relevant community,
- (c) a question which relates to the functions of the principal council and the functions of a community council for the relevant community.

- (3) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(a) above, the officer must give notice of that determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice).

- (4) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(b) above, the officer must give notice of that determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

(5) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(c) above, the officer must—

(a) to the extent that the determination concludes that the question relates to the functions of the principal council, give notice of the determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice), and

(b) to the extent that the determination concludes that the question relates to the functions of the community council, give notice of the determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

(6) A notice required to be given by this paragraph must—

(a) be given in writing,

(b) be given as soon as is reasonably practicable after the date of determination, and

(c) include the monitoring officer's reasons for the determination to which the notice relates."

(2) After subsection (8A) of section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) insert the following—

"(8B) Any reference in this section to the duties of a monitoring officer imposed by this section, or to the duties of a monitoring officer under this section, shall include a reference to duties conferred on a monitoring officer by paragraph 38B of Schedule 12 to the Local Government Act 1972 (duties of monitoring officer for principal council in Wales in relation to polls consequent on community meetings)."

99 Consideration of result of community poll by community council

After paragraph 26 of Schedule 12 to the Local Government Act 1972 insert the following—

"26A (1) This paragraph applies where a community council has been given a notice under sub-paragraph (4) or (5)(b) of paragraph 38B below.

(2) The community council must ensure that the question of what action (if any) the council should take in response to the community poll, or the part of the community poll, to which the notice relates is included within the business to be transacted at a meeting of the community council held within the relevant period.

(3) If it is necessary for the chairman of the community council to exercise his power under paragraph 25(1) above to call an extraordinary meeting of a community council in order for the community council to comply with sub-paragraph (2) above, the chairman must so exercise that power.

(4) In sub-paragraph (2) "relevant period" means the period of six weeks beginning with the day following that on which the notice referred to in sub-paragraph (1) was given."

100 Action to be taken following community council's consideration of results of certain community polls

After paragraph 29 of Schedule 12 to the Local Government Act 1972 insert the following—

5 “29A (1) This paragraph applies where—

(a) a meeting of a community council has considered the question of what action (if any) the council is to take in response to a poll consequent on a community meeting,

10 (b) that question was included within the business to be transacted at the meeting in order to comply with paragraph 26A(2) above, and

(c) the poll was taken following a demand being made at a community meeting which was convened under paragraph 30A below.

15 (2) The council must take all reasonable steps to give notice to each of the individuals who convened the community meeting referred to in sub-paragraph (1) above of what action (if any) the council intends to take in response to the poll, or that part of the poll which was considered at the meeting.

20 (3) Notice under sub-paragraph (2) above must be given—

(a) subject to sub-paragraph (4) below, in writing by sending it to the address given in respect of an individual in the relevant convening notice, and

25 (b) as soon as is reasonably practicable after the meeting of the community council was held.

30 (4) Where an individual falling within sub-paragraph (2) above is an anonymous registrant in the register of local government electors, sub-paragraph (3)(a) above does not apply and the notice must instead be given in writing to the principal council within whose area the community in question lies.

(5) The notice under sub-paragraph (4) above must include the entry in respect of the individual which was included in the relevant convening notice.

35 (6) Where a principal council is given notice under sub-paragraph (4)—

(a) the council must, as soon as reasonably practicable, send the notice to the individual concerned, and

40 (b) for that purpose and for the purposes of paragraph 30D below, section 9B(8) of the Representation of the People Act 1983 (communications with anonymous registrants) shall have effect as if the council were an officer referred to in that section.

(7) The relevant registration officer must supply the principal council with any information that it is necessary for the council to have in order to comply with the duty under sub-paragraph (6) above.

(8) In this paragraph—

“anonymous registrant in the register of local government electors” means an individual in respect of whom the relevant convening notice included an entry referred to in paragraph 30B(6)(a) below;

“relevant convening notice” means the notice given to the council under paragraph 30B below which preceded the holding of the community meeting at which the poll in question was demanded;

“relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of electors for the local government area (within the meaning of that Act) in which the community in question lies.”.

101 Consideration of result of community poll by principal council

After section 33A of the Local Government Act 1972 insert the following –

“33B Principal council’s response to a community poll

- (1) This section applies where a principal council has been given a notice under paragraph 38B(3) or (5)(a) of Schedule 12 to this Act which contains a determination that a question in relation to which a poll consequent on a community meeting was taken relates to the council’s functions.
- (2) The council must, during the relevant period, perform one of the actions described in subsection (4).
- (3) If the council chooses to perform more than one action, the council may do so during or after the relevant period.
- (4) The actions referred to in subsection (2) are as follows –
 - (a) to exercise the council’s functions in accordance with the question in relation to which the poll was taken;
 - (b) to include the question of what action (if any) the council should take in response to the community poll within the business to be transacted at a meeting of the principal council held within the relevant period (and for this purpose a meeting of a committee or sub-committee of the council does not count);
 - (c) to initiate a consultation exercise which seeks the views of such members of the public as the council considers appropriate about what action (if any) the council should take in response to the community poll;
 - (d) to hold a meeting open to members of the public, at such venue as the council considers appropriate, for the purpose of seeking the views of members of the public about what action (if any) the council should take in response to the community poll;
 - (e) to initiate research for the purpose of assisting the council to decide what action (if any) it should take in response to the community poll;
 - (f) to refer the question of what action (if any) the council should take in response to the community poll to an overview and scrutiny committee with a request that the committee reports its conclusions to the council.

- (5) In this section the “relevant period” means the period of two months beginning on the day following that on which the notice referred to in subsection (1) was given.”.

102 Principal council’s explanation of its response to a community poll

After section 33B of the Local Government Act 1972 insert the following –

“33C Principal council’s explanation of its response to a community poll

- (1) As soon as is reasonably practicable following the end of the relevant period for the purposes of section 33B of this Act, a principal council must take all reasonable steps to give the chairman of, or person who presided at, the community meeting referred to in subsection (1) of that section a notice in writing which –
- (a) describes what action the council has taken in response to the community poll to which the notice relates, and
 - (b) describes what further action (if any) the council intends to take.
- (2) If notice cannot be given to the chairman of, or person who presided at, the community meeting –
- (a) in the case of a community meeting convened under paragraph 30 of Schedule 12 to this Act, the notice must instead be given to the chairman of the community council for the community;
 - (b) in the case of a community meeting convened under paragraph 30A of Schedule 12 to this Act, the principal council must instead take all reasonable steps to give notice to each of the individuals who convened the community meeting.
- (3) Subject to subsection (5), notice under subsection (2)(b) is to be given by sending the notice to the address given in respect of an individual in the relevant convening notice.
- (4) In subsection (3), “relevant convening notice” means the notice given to the council under paragraph 30B of Schedule 12 to this Act which preceded the holding of the community meeting at which the poll in question was demanded.
- (5) Where an individual is an anonymous registrant in the register of local government electors (within the meaning of paragraph 29A of Schedule 12 to this Act), the duty under subsection (3) does not apply and notice shall instead be given, and related functions performed, in accordance with subparagraphs (4) to (8) of paragraph 29A of Schedule 12 to this Act.
- (6) The council must publish the notice on its website for a period of at least six months, beginning with the day on which the notice was given.”.

CHAPTER 2

ORGANISATION OF COMMUNITIES AND THEIR COUNCILS

103 Repeal of existing provisions about establishment and dissolution of community councils etc

5 Sections 28 to 29B of the Local Government Act 1972 are omitted.

104 Power of community meeting to apply for an order establishing a community council

After section 27 of the Local Government Act 1972 insert the following—

“27A Power of community meeting to apply for an order establishing a community council

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(1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which does not have a separate council for an order under section 27B establishing a separate council for the community.

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(2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to establish a separate council for the community.

(3) For the purposes of the first condition a decision is only effective if not less than—

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(a) 10% of the local government electors for the community, or

(b) 150 of the electors (if 10% of the electors exceeds 150 electors),

are present and voting at the community meeting.

(4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.

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(5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to establish a separate council for the community (that period of two years beginning with the day on which the earlier poll was held).

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(6) The fourth condition is that a majority of those voting in the poll support the proposal to establish a separate council for the community.

(7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”

105 Orders establishing separate community councils for communities

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After section 27A of the Local Government Act 1972 insert the following—

“27B Orders establishing separate community councils for communities

(1) This section applies where a community meeting of a community which does not have a separate council applies to the principal council within

whose area it lies for an order establishing a separate council for the community.

- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27A are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (6) below).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1983.
- (5) No order shall be made so as to establish a separate community council for a community grouped under a common community council unless—
 - (a) the community is separated from the group, or
 - (b) the group is dissolved,
 by the order, or by an under section 27J or section 27L below.
- (6) Where, in a case to which subsection (5) above applies, the group is not dissolved, the order under this section shall make such provision as appears to the principal council to be necessary for the alteration of the group's community council."

106 Power of community meeting to apply for an order dissolving its separate community council

After section 27B of the Local Government Act 1972 insert the following—

"27C Power of community meeting to apply for an order dissolving its separate community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which has a separate council for an order under section 27D dissolving the council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to dissolve the council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the separate

council for the community (that period of two years beginning with the day on which the earlier poll was held).

- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to dissolve the separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

107 Orders dissolving separate community councils for communities

After section 27C of the Local Government Act 1972 insert the following –

“27D Orders dissolving separate community councils for communities

- (1) This section applies where a community meeting of a community which has a separate council applies to the principal council within whose area it lies for an order dissolving the council for the community.
- (2) The principal council must consider whether it is satisfied that –
 - (a) the conditions in section 27C are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for.”.

108 Power of community meeting to apply for an order grouping its community with other communities under a common community council

After section 27D of the Local Government Act 1972 insert the following –

“27E Power of community meeting to apply for an order grouping its community with other communities under a common community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27F grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than –
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of an identical proposal to group the

community with a neighbouring community or communities (that period of two years beginning with the day on which the earlier poll was held).

- 5 (6) The fourth condition is that a majority of those voting in the poll support the proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (7) The fifth condition is that the application is made jointly with the community meeting, or meetings, for the community, or communities to be grouped under the common community council.
- 10 (8) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

109 Orders grouping a community with other communities under a common community council

After section 27E of the Local Government Act 1972 insert the following –

15 “27F Orders grouping a community with other communities under a common community council

- 20 (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The principal council must consider whether it is satisfied that –
- (a) the conditions in section 27E are met; and
- (b) any relevant requirements of Schedule 12 have been met.
- 25 (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall –
- 30 (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for each community or for the wards of any community, and
- 35 (b) provide for the dissolution of the separate community council of any community included in the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- 40

- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

110 Power of community meeting to apply for an order adding its community to a group of communities with a common council

After section 27F of the Local Government Act 1972 insert the following –

“27G Power of community meeting to apply for an order adding its community to a group of communities with a common council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27H adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than –
- (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
- are present and voting at the community meeting.
- (4) The second condition is that a majority of those voting in the poll support the proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (5) The third condition is that a community meeting of each of the communities in the group has made an effective decision to hold a poll on a proposal to consent to the community in question becoming a member of the group.
- (6) For the purposes of the third condition a decision is only effective if not less than –
- (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
- are present and voting at the community meeting.
- (7) The fourth condition is that a majority of those voting in a poll following an effective decision for the purposes of the third condition support the proposal to consent to the community in question becoming a member of the group.
- (8) The fifth condition is that none of the above polls are held within two years of an earlier poll which resulted in a rejection of an identical proposal to add the community in question to the group of communities (that period of two years beginning with the day on which the earlier poll was held).

- (9) The sixth condition is that none of the above polls are held before the end of the period of 42 days beginning with the day on which the decision to hold that poll was taken.
- (10) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

111 Orders adding a community to a group of communities with a common council

After section 27G of the Local Government Act 1972 insert the following—

“27H Orders adding a community to a group of communities with a common council

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The principal council must consider whether is it satisfied that—
- (a) the conditions in section 27G are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—
- (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for the community that is added to the group or for the wards of that community, and
 - (b) provide for the dissolution of any separate community council for the community that is added to the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

112 Power of council for a group of communities to apply for an order dissolving the group

After section 27H of the Local Government Act 1972 insert the following—

“27I Power of council for a group of communities to apply for an order dissolving the group

- 5 (1) This section sets out the conditions that must be met before an application may be made by a council for a group of communities to the principal council in whose area the communities lie for an order under section 27J below dissolving the group.
- (2) The first condition is that a community meeting of each of the communities in the group has taken an effective decision to hold a poll on a proposal to dissolve the group.
- 10 (3) For the purposes of the first condition a decision is only effective if not less than—
- (a) 30% of the local government electors for the community, or
- (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
- are present and voting at the community meeting.
- 15 (4) The second condition is that no poll is held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that no poll is held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the group (that
- 20 period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two thirds of those voting in each poll support the proposal to dissolve the group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings)
- 25 shall have effect subject to the provisions of this section.”.

113 Orders dissolving a group of communities

After section 27I of the Local Government Act 1972 insert the following—

“27J Orders dissolving a group of communities

- 30 (1) This section applies where the council for a group of communities applies to the principal council within whose area the communities lie for an order dissolving the group.
- (2) The principal council must consider whether is it satisfied that—
- (a) the conditions in section 27I are met; and
- (b) any relevant requirements of Schedule 12 have been met.
- 35 (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the
- 40 Representation of the People Act 1983.”.

114 Power of community meeting to apply for order separating community from a group of communities

After section 27J of the Local Government Act 1972 insert the following—

“27K Power of community meeting to apply for an order separating community from a group of communities

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community included in a group of communities for an order under section 27L separating the community from the group.
- (2) The first condition is that a community meeting of the community has taken an effective decision to hold a poll on a proposal to separate the community from its group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to separate the community from its group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to separate the community from its group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

115 Orders separating a community from a group of communities

After section 27K of the Local Government Act 1972 insert the following—

“27L Orders separating a community from a group of communities

- (1) This section applies where a community meeting of a community included in a group of communities applies to the principal council within whose area the community lies for an order separating the community from the group.
- (2) The principal council must consider whether is it satisfied that—
 - (a) the conditions in section 27K are met; and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).

- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in accordance with this Act and Part I of the Representation of the People Act 1983.”.

5 **116 Power of Welsh Ministers to alter voting threshold in connection with organisation of community councils**

After section 27L of the Local Government Act 1972 insert the following –

“**27M Power of Welsh Ministers to alter voting thresholds in connection with organisation of community councils**

- 10 (1) The Welsh Ministers may by order amend the following provisions of this Act –
- (a) section 27A(3) and (6);
 - (b) section 27C(3) and (6);
 - (c) section 27E(3) and (6);
 - 15 (d) section 27G(3), (4), (6) and (7);
 - (e) section 27I(3) and (6);
 - (f) section 27K(3) and (6).
- (2) That power includes power to amend provision previously made by an order under subsection (1).
- 20 (3) No order may be made under subsection (1) unless the Welsh Ministers have carried out such consultation as they consider appropriate with the following –
- (a) principal councils in Wales or a body representative of such councils; and
 - 25 (b) community councils in Wales or a body representative of such councils.
- (4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.
- 30 (5) A statutory instrument which contains an order under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

117 Organisation of communities and their councils: consequential amendments

(1) The Local Government Act 1972 is amended as follows –

- 35 (a) in section 30(5), for “under section 28, 29 or 29A” substitute “referred to in section 27B, 27D, 27F, 27H, 27J or 27L”;
- (b) in section 31 –
- (i) in the heading, for “27 to 29” substitute “27A to 27L”;
 - (ii) in subsection (1), for “28, 29 or 29A” substitute “27B, 27D, 27F, 27H, 27J or 27L”;

(c) in section 255(1), for “28, 29 or 29A” substitute “27B, 27D, 27F, 27H, 27J or 27L”.

(2) The second column of the table in Schedule 1 to the Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397) is amended as follows –

(a) for “Section 28 of the Local Government Act 1972”, substitute “Section 27D of the Local Government Act 1972”;

(b) for “Section 29 of the Local Government Act 1972”, substitute “Section 27F or 27H of the Local Government Act 1972”;

(c) for “Section 29A of the Local Government Act 1972”, substitute “Section 27J or 27L of the Local Government Act 1972”.

(3) The second column of the table in Schedule 1 to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulation 2007 (S.I. 2007/399) is amended as follows –

(a) for “Section 28 of the Local Government Act 1972”, substitute “Section 27D of the Local Government Act 1972”;

(b) for “Section 29 of the Local Government Act 1972”, substitute “Section 27F or 27H of the Local Government Act 1972”;

(c) for “Section 29A of the Local Government Act 1972”, substitute “Section 27J or 27L of the Local Government Act 1972”.

(4) Regulation 4(2) of the Local Authorities (Miscellaneous Provisions) Order 1979 (S.I. 1979/1123) is amended by substituting “section 27F or 27H” for “section 29”.

(5) Subsections (2) to (4) do not affect any power to make provision which amends or omits the provision inserted by those subsections.

118 Transitional provision

Sections 91(1)(d) and (e), 103 to 115, section 117 (“the Chapter 2 provisions”) do not apply in relation to –

(a) an application made under section 28, 29 or 29A of the Local Government Act 1972 before the date on which the Chapter 2 provisions come into force; and

(b) an application made after that date but in relation to which a poll as referred to in section 29B(4) was held before the date on which the Chapter 2 provisions come into force.

CHAPTER 3

CO-OPTION OF MEMBERS OF COMMUNITY COUNCILS

119 Requirement of public notice where vacancies in community council membership are to be filled by co-option

(1) This section applies to the following functions –

- (a) the power of members of a community council under section 21(2)(a) of the Representation of the People Act 1985 to co-opt a person to fill a vacancy in the membership of the council (power to co-opt in the event of insufficient nominations to fill vacancies in respect of which an election is held);
- 5 (b) any power or duty of a community council under rules made under section 36(2) of the Representation of the People Act 1983 to co-opt a person to fill a casual vacancy in the membership of the council.
- (2) A function to which this section applies must not be exercised unless public notice of the vacancy or vacancies in question has been given.
- 10 (3) The public notice must be given –
- (a) in the case of the power to co-opt referred to in subsection (1)(a), by any one of the members of the community council authorised for that purpose by a majority of the other members;
- (b) in the case of the power or duty to co-opt referred to in subsection (1)(b), by
15 the community council.
- (4) Section 232 of the Local Government Act 1972 (public notices) applies to the giving of a public notice by a member of a community council under subsection (3)(a) as it applies to the giving of a public notice by a community council under subsection (3)(b).
- 20 (5) The public notice must contain –
- (a) contact details of an individual from whom further information about the vacancy or vacancies in question, and the process for selecting a person for co-option, may be obtained;
- (b) such other information as –
- 25 (i) in the case of a notice under subsection (3)(a), the members of the community council consider appropriate, and
- (ii) in the case of a notice under subsection (3)(b), the community council considers appropriate, and
- (c) such other information as is required to be included in the notice by any
30 regulations made by the Welsh Ministers.

120 Guidance about giving public notice of co-option

- (1) In exercising functions under subsections (2) to (5) of section 119, the members of a community council and a community council must have regard to guidance given by the Welsh Ministers.
- 35 (2) The reference to functions in subsection (1) includes a reference to functions under section 232 of the Local Government Act 1972 in relation to a notice required to be given under section 119(2).

CHAPTER 4

APPOINTMENT OF COMMUNITY YOUTH REPRESENTATIVES

121 Appointment of community youth representatives by community councils

- 5 (1) A community council may appoint no more than two individuals to act at any one time as community youth representatives (but this is subject to section 122).
- (2) For the purposes of subsection (1) a “community youth representative” is an individual—
- 10 (a) who is over the age of 15 but has not attained the age of 26; and
- (b) whom the community council considers to be suitable to act as a community representative, that is to represent the interests of those individuals who live, work or receive education or training in the community area who have not attained the age of 26.
- (3) A youth representative is to hold and vacate office in accordance with the terms of the representative’s appointment.
- 15 (4) But a youth representative’s appointment shall cease if the representative attains the age of 26.

122 Notice requirements in connection with youth representative appointments

- 20 (1) A community council must not appoint an individual as a community youth representative under section 121 unless the council has complied with the requirements of this section.
- (2) The council must give public notice of its intention to make a community youth representative appointment.
- (3) In its application to the giving of a notice under this section, section 232 of the Local Government Act 1972 shall have effect subject to the modifications contained in
- 25 subsections (4) and (5).
- (4) The first modification is that subsection (1)(b) of section 232 is substituted by the following—
- 30 “(b) by giving the notice to the head teacher and proprietor of any school any part of whose premises is situated within the area of the community or communities for which the community council is established;
- (c) by giving the notice to the principal and governing body of any institution within the further or higher education sector any part of whose premises is situated within the area of the community or communities for which the community council is established; and
- 35 (d) in such other manner, if any, as appears to the community council to be desirable for ensuring that as many individuals as possible who may be eligible for appointment as community youth representatives are aware that the council intends to appoint such a representative.”
- 40

(5) The second modification is that the following is inserted at the end of section 232—

“(3) Where a term used in paragraph (b) or (c) of subsection (1) is defined by the Education Act 1996, that definition shall apply for the purposes of those paragraphs.

(4) The reference in subsection (1)(c) to the principal or governing body of an institution includes a reference to a person with functions that are similar to those of a principal or governing body.”.

(6) The public notice must contain—

(a) contact details of an individual from whom further information about the appointment, and the process of selecting a person for appointment, may be obtained;

(b) such other information as the community council considers appropriate; and

(c) such other information as is required to be included in the notice by any regulations made by the Welsh Ministers.

123 Guidance about appointment of community youth representatives

(1) In exercising functions under sections 121 and 122, a community council must have regard to guidance given by the Welsh Ministers.

(2) The reference to functions in subsection (1) includes a reference to functions under section 232 of the Local Government Act 1972 as it applies in relation to a notice required to be given under section 122(2) of this Measure.

124 Effect of appointment as a community youth representative

The Welsh Ministers may by regulations provide that a community youth representative is to be treated for prescribed purposes as a member of the council which appointed the representative.

CHAPTER 5

REVIEWS OF COMMUNITY AREAS AND ELECTORAL ARRANGEMENTS

125 Reports about discharge of a principal council’s function of keeping community areas under review

After section 55(2) of the Local Government Act 1972 insert the following—

“(2A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of their area under review for the purpose described in subsection (2).

(2B) The council must send a copy of any report published under subsection (2A) to the Welsh Commission.

(2C) The first report under subsection (2A) must be published within four years of the day on which that subsection comes into force.

- (2D) Further reports must be published within fifteen years of the date on which the last report under subsection (2A) was published.”.

126 Reports about discharge of a principal council’s function of keeping electoral arrangements for communities under review

After section 57(4) of the Local Government Act 1972 insert the following—

“(4A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of the area under review for the purpose described in subsection (4).

(4B) The council must send a copy of any report published under subsection (4A) to the Welsh Commission.

(4C) The first report under subsection (4A) must be published within four years of the day on which that subsection comes into force.

(4D) Further reports must be published within fifteen years of the date on which the last report under subsection (4A) was published.”.

127 Exercise of functions by the Local Government Boundary Commission for Wales on behalf of principal councils

After section 57 of the Local Government Act 1972 insert the following—

“57A Exercise of functions by the Welsh Commission on behalf of principal councils

(1) Arrangements may be made between the Welsh Commission and a principal council in Wales under which the Commission exercises, to whatever extent and subject to whatever terms the parties may agree, all or any of the functions of the principal council referred to in subsection (2).

(2) The functions are—

(a) the principal council’s function of keeping under review the whole of their area for the purpose specified in section 55(2) or the purpose specified in section 57(4);

(b) the principal council’s function of considering requests specified in section 55(2) or section 57(4).”.

128 Sums payable in respect of reviews carried out by the Local Government Boundary Commission for Wales

After section 56(4) of the Local Government Act 1972 insert the following—

“(4A) A direction given to the Welsh Commission under subsection (4) may require the principal council to pay to the Commission such sum as is specified, or calculated according to a formula contained, in the direction.

(4B) Any dispute as to the sum payable under the direction is to be determined by the Welsh Ministers.

- (4C) Any sum payable under a direction under subsection (4) is to be recoverable as a debt due to the Welsh Commission.”.

CHAPTER 6

COMMUNITY COUNCILS’ POWERS TO PROMOTE WELL-BEING

5 **129 Community councils’ powers to promote well-being**

- (1) In section 1 of the Local Government Act 2000 (meaning of “local authority” in Part 1 of that Act), at the end of subsection (1)(b) insert “or a community council”.

- (2) In section 2 of that Act (promotion of well-being), insert the following after subsection (3B)–

10 “(3C) The community strategy for the area of a community council is the strategy referred to in subsection (3B) that is published by the county council or county borough council in whose area lies the community or communities for which the community council is established.”.

- (3) In section 5 of that Act (power to amend or repeal enactments), insert the following
15 after subsection (6)–

“(7) The reference to local authorities in subsection (1) does not include community councils.”.

130 Modifications of enactments preventing or obstructing a community council from exercising their well-being power

- 20 (1) The Welsh Ministers may by order make modifications of any enactment if they consider that the enactment prevents or obstructs community councils from exercising their power under section 2(1) of the Local Government Act 2000 (promotion of well-being).

- (2) The power under subsection (1) may be exercised in relation to–

- 25 (a) all community councils,
(b) particular community councils, or
(c) particular descriptions of community council.

- (3) The power under subsection (1) includes a power to make modifications of an enactment for a particular period.

30 **131 Transitional provision**

- (1) This section applies to a community council for so long as the local authority in whose area it lies has not published a community strategy under section 39(4) of the Local Government (Wales) Measure 2009.

- (2) Where this section applies to a community council, the reference in section 2(3C) of the Local Government Act 2000 to the community strategy for the area of the community council is to be read as a reference to the community strategy of the county council or county borough council under section 4 of that Act.

CHAPTER 7

GRANTS TO COMMUNITY COUNCILS

132 Welsh Ministers' power to pay grant to community councils

- (1) The Welsh Ministers may pay a grant to a community council towards expenditure incurred or to be incurred by it.
- (2) The amount of a grant under this section and the manner of its payment are to be such as the Welsh Ministers may determine.
- (3) A grant under this section may be paid on such conditions as the person paying it may determine.
- (4) Conditions under subsection (3) may include (but are not limited to) –
- (a) provision as to the use of the grant;
 - (b) provision as to circumstances in which the whole or part of the grant must be repaid.

CHAPTER 8

MODEL CHARTER AGREEMENTS BETWEEN LOCAL AUTHORITIES AND COMMUNITY COUNCILS

133 Power to set out model charter agreement

- (1) The Welsh Ministers may by order make provision setting out a model charter agreement between a local authority and a community council for a community or communities within its area.
- (2) In subsection (1), “model charter agreement between a local authority and a community council” means a description of the way in which their functions can be exercised for the purpose of maintaining and improving cooperation between them.
- (3) The provision that may be made by an order under subsection (1) includes (but is not limited to) provision –
- (a) setting out the way in which specified functions, or aspects of such functions, are to be exercised;
 - (b) setting out specified functions, or aspects of such functions, in respect of which the local authority and the community council are to seek agreement as to how they are to be exercised;
 - (c) setting out specified functions which are to be exercised by reference to specified principles.
- (4) In this section and section 134, a reference to the exercise of functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions.

134 Directions requiring the adoption of model charter agreements

- (1) The Welsh Ministers may by direction require a local authority and a community council for a community or communities within the authority's area to adopt a model charter agreement set out in an order under section 133(1).
- 5 (2) In subsection (1), "adopt" means resolve, in accordance with any procedure specified in the direction, to exercise functions, or to seek agreement as to how to exercise functions, in accordance with—
- (a) all the provisions of the model charter agreement, or
 - (b) those provisions specified in the direction.
- 10 (3) A direction under subsection (1) may—
- (a) relate to all, or any one or more, of the community councils for communities within the area of the local authority, and
 - (b) if the direction relates to more than one community council, make different provision in relation to different councils.
- 15 (4) A direction under subsection (1) is enforceable by mandatory order on the application of the Welsh Ministers.

135 Guidance about model charter agreements

A local authority and a community council must, in acting under a direction under section 134(1), have regard to guidance given by the Welsh Ministers.

20 136 Consultation

- (1) The Welsh Ministers must, before making an order under section 133(1), consult—
- (a) such bodies representative of local authorities and community councils as the Welsh Ministers consider it appropriate to consult, and
 - (b) such other persons as the Welsh Ministers consider it appropriate to consult.
- 25 (2) The Welsh Ministers must, before giving a direction under section 134(1), consult the authority and council to which the direction relates.

CHAPTER 9

SCHEMES FOR THE ACCREDITATION OF QUALITY IN COMMUNITY GOVERNMENT

137 Schemes for the accreditation of quality in community government

- 30 (1) The Welsh Ministers may by regulations provide for a scheme under which the Welsh Ministers may or, if the regulations so require, must grant accreditation to a community council if—

- (a) the Welsh Ministers are satisfied that the criteria set in the regulations are satisfied in relation to a council (see section 138),
 - (b) the Welsh Ministers are satisfied that a council has made a valid application for accreditation (see section 139), and
 - 5 (c) the required fee (if any) has been paid to the Welsh Ministers (see section 140).
- (2) An accreditation under subsection (1) is referred to in this Chapter as an accreditation of quality in community government.

138 Accreditation of quality in community government: criteria

- 10 (1) If the Welsh Ministers make regulations under section 137(1), the regulations must set criteria to be met on an application for accreditation of quality in community government.
- (2) The criteria that may be set include (but are not limited to) criteria about the following matters –
- 15 (a) the percentage of the members of the council who hold office by virtue of having been elected as described in section 35(1) of the Local Government Act 1972 (election of community councillors);
 - (b) qualifications of and training for officers of the council;
 - (c) training for members of the council and community youth representatives;
 - 20 (d) the frequency with which meetings of the council are held and the publicity given to meetings (both before and after they are held);
 - (e) involving persons in the work of the community council;
 - (f) encouraging persons to improve the well-being of the community or communities for which the council is established;
 - (g) annual reports;
 - 25 (h) accounts.

139 Accreditation of quality in community government: applications

If the Welsh Ministers make regulations under section 137(1), the regulations must set requirements to be met in order for a valid application for accreditation of quality in community government to be made.

140 Accreditation of quality in community government: fees

30 If the Welsh Ministers make regulations under section 137(1), the regulations may prescribe a fee that an applicant for accreditation of quality in community government is required to pay.

141 Accreditation of quality in community government: removal of accreditation

35 If the Welsh Ministers make regulations under section 137(1), the regulations must provide for –

- (a) review of accreditations of quality in community government, and
- (b) the grounds on which an accreditation of quality in community government may be removed and the removal process.

142 Applications for accreditation of quality in community government: delegation of functions

- (1) The Welsh Ministers may make arrangements with any person under which that person is to exercise, in accordance with the terms of the arrangements, the functions of the Welsh Ministers under regulations made under section 137(1).
- (2) If such arrangements are made, section 137(1)(c) is to have effect so that any required fee is to be paid to the person with whom the arrangements are made.

143 Accreditation of quality in community government: consequences

- (1) The Welsh Ministers may by regulations make modifications of any enactment which imposes any obligation upon or in respect of a community council so that, in the case of a council in respect of which an accreditation of quality in community government is in force, the obligation is –
 - (a) Disapplied, or
 - (b) altered so as to make it easier to comply with.
- (2) The Welsh Ministers may by regulations make modifications of any enactment which confers a power upon or in respect of a community council so that, in the case of a council in respect of which an accreditation of quality in community government is not in force, the power –
 - (a) may not be exercised, or
 - (b) may only be exercised if prescribed conditions are satisfied.

PART 8

MEMBERS: PAYMENTS AND PENSIONS

The Independent Remuneration Panel for Wales

144 The Panel

- (1) There is to continue to be a panel of persons known as the Independent Remuneration Panel for Wales.
- (2) Schedule 2 has effect in relation to the Panel.

Principal functions of the Panel

145 Functions relating to payments to members

- (1) For the financial year beginning 1 April 2012 and for each following financial year, the Panel may decide the relevant matters –

- (a) for which a relevant authority will be required to make payments to members of the authority;
 - (b) for which a relevant authority will be authorised to make payments to members of the authority.
- 5 (2) Relevant matters are—
 - (a) matters relating to the official business of members of relevant authorities;
 - (b) periods of absence under Part 1.
- (3) Having exercised that power, the Panel must set for each relevant matter one of the following—
 - 10 (a) the amount that a relevant authority must pay to a member of the authority;
 - (b) the maximum amount that a relevant authority may pay to a member of the authority.
- (4) The Panel may set—
 - 15 (a) the maximum percentage or other rate by which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for the relevant matters for the previous financial year;
 - (b) an index by reference to which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for such of the relevant matters for the previous financial year as the Panel decides.
- 20 (5) The powers under subsection (4) may be exercised so as to—
 - (a) set a rate and an index in relation to the same matter;
 - (b) set different rates or indices in relation to different matters.
- (6) When setting an amount under subsection (3) or a rate or index under subsection (4),
25 the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities.
- (7) The Panel may make different decisions under subsection (1), set different amounts under subsection (3) or set different rates or indices under subsection (4) in relation to authorities of different descriptions or different authorities of the same description.
- (8) For the purposes of subsection (2) a matter relates to the official business of a member
30 of a relevant authority if it is a matter which a member undertakes—
 - (a) as a member of a relevant authority, or
 - (b) as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.

146 Functions relating to members' pensions

- (1) This section applies in relation to members of relevant authorities who—
- (a) are not co-opted members, and
 - (b) are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (local government pension schemes).
- (2) The Panel may decide the descriptions of members to or in respect of whom a relevant authority will be required to pay a pension (a “relevant pension”).
- (3) The Panel may decide the relevant matters in respect of which a relevant authority will be required to pay a relevant pension.
- (4) The Panel may make different decisions in relation to authorities of different descriptions or different authorities of the same description.

147 Relevant authorities, members etc.

- (1) This section applies for the purposes of this Part.
- (2) An authority is a “relevant authority” if it comes within one of the following descriptions—
- (a) a local authority;
 - (b) a community council;
 - (c) a National Park authority (established under section 63 of the Environment Act 1995) for a National Park in Wales;
 - (d) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- (3) A reference to a description of a relevant authority is to be read with subsection (2).
- (4) “Member”, in relation to a relevant authority, includes—
- (a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),
 - (b) an elected executive member of the authority (within the meaning of section 39(4) of that Act), and
 - (c) a co-opted member of the authority.
- (5) “Co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority (except by virtue of subsection (4)) but—
- (a) is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and
 - (b) is entitled to vote on questions for decision at meetings of that committee or sub-committee.

*Reports by the Panel***148 Annual reports**

- (1) The Panel must publish a report (an “annual report”) about the exercise of its functions with respect to each financial year.
- 5 (2) An annual report may impose requirements (including, amongst other things, requirements to make payments) on relevant authorities.

149 First annual report

- (1) The first financial year for which the Panel must publish an annual report under section 148 is the financial year beginning 1 April 2012.
- 10 (2) The report for that financial year (“the first annual report”) must be published no later than 31 December 2011.
- (3) The first annual report must specify –
 - (a) the relevant matters,
 - (b) the amounts set under section 145(3),
 - 15 (c) the members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension, and
 - (d) the relevant matters in respect of which a relevant pension is payable.
- (4) After publishing the first annual report but before publishing the second annual report, the Panel may publish one or more supplementary reports.
- 20 (5) A supplementary report under this section may vary the provision made in the first annual report for the purposes of subsection (3)(a), (b), (c) or (d).
- (6) In preparing a supplementary report under this section, the Panel must take into account –
 - (a) the first annual report and any supplementary reports relating to it, and
 - 25 (b) the representations the Panel received about the reports referred to in paragraph (a).
- (7) Before publishing the first annual report or a supplementary report under this section, the Panel must –
 - (a) send a draft to the Welsh Ministers, every relevant authority and such other
 - 30 persons as the Panel considers appropriate, and
 - (b) take into account the representations it receives about the draft.
- (8) The provisions of the first annual report or a supplementary report under this section come into force on the date specified for that purpose in the report; but the report may not specify a date earlier than the last day of the period of three months
- 35 beginning with the day after the date of publication.

150 Subsequent annual reports

- (1) This section applies in relation to annual reports after the first annual report.

- (2) An annual report must be published no later than—
- (a) 31 December in the financial year preceding that to which the report relates, or
 - (b) such later date as the Panel and the Welsh Ministers may agree.
- 5 (3) An annual report must specify—
- (a) by reference to the amount having effect for each relevant matter, such rate or index as is set under section 145(4), and
 - (b) the descriptions of members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension.
- 10 (4) An annual report may vary the provision made in the first annual report for the purposes of section 149(3)(a), (b), (c) or (d).
- (5) After publishing an annual report but before publishing the next annual report, the Panel may publish one or more supplementary reports.
- (6) A supplementary report under this section may—
- 15 (a) vary the provision made in the annual report to which the supplementary report relates for the purposes of subsection (3)(a) or (b) (and may make provision for those purposes to the extent that the annual report does not);
- (b) vary the provision made in the first annual report for the purposes of section 149(3)(a), (b), (c) or (d) (or that provision as varied by virtue of subsection (4)).
- 20 (7) In preparing an annual report or a supplementary report under this section, the Panel must take into account—
- (a) the previous annual report and any supplementary reports relating to it;
 - (b) the representations the Panel received about the reports referred to in paragraph (a).
- 25 (8) Before publishing an annual report or a supplementary report under this section, the Panel must—
- (a) send a draft to the Welsh Ministers, every relevant authority and such other persons as the Panel considers appropriate, and
 - (b) take into account the representations the Panel receives about the draft.
- 30 (9) The provisions of an annual report or a supplementary report under this section come into force on the date specified for that purpose in the report; but no report may specify a date earlier than the last day of the period of three months beginning with the day after the date of publication.

151 Consultation on draft reports

- 35 (1) The Panel must not publish an annual report or a supplementary report before the end of the period of eight weeks beginning with the day on which it sends a draft of the report in accordance with section 149 or 150.

- (2) The Panel must, when it sends a draft of a report in accordance with either of those sections, place an electronic copy of the draft on its website.

152 Directions to vary draft reports

- (1) The Welsh Ministers may direct the Panel to reconsider a provision of a draft report.

- (2) A direction under this section must specify –

- (a) the provision,
- (b) the reason for giving the direction, and
- (c) the date by which the Welsh Ministers require the Panel to respond.

- (3) The Panel –

- (a) must respond to the direction no later than the date specified for the purposes of subsection (2)(c);
- (b) may not publish the report before having responded to the direction.

- (4) If the Panel decides not to vary the draft in accordance with the direction, it must specify in its response the reason for its decision.

153 Administrative requirements in reports

- (1) An annual report may impose on relevant authorities requirements for avoiding –

- (a) duplication of payments made in respect of relevant matters;
- (b) duplication as relevant matters of matters relating to the official business of members.

- (2) For the purposes of a case where a member of a relevant authority does something which relates to another relevant authority (as well as the authority to which the member belongs), and for which a payment in respect of a relevant matter must be made to the member, an annual report must set out how to determine which of the authorities will be required to make the payment.

- (3) An annual report may impose on relevant authorities requirements for keeping –

- (a) records of requests for payments in respect of relevant matters;
- (b) records of payments made in respect of relevant matters;
- (c) records of payments made in respect of relevant pensions.

154 Publicity requirements in reports

- (1) An annual report may impose on relevant authorities requirements for making arrangements for publishing information of a specified description –

- (a) about payments made in respect of relevant matters;
- (b) about payments made in respect of relevant pensions.

- (2) The report may require different arrangements to be made by authorities of different descriptions or different authorities of the same description.

155 Publicising reports

- (1) If the Panel publishes a report, it must notify –
- 5 (a) such persons as it considers are likely to be affected by the report, and
(b) such broadcasters and such members of the press as it considers appropriate.
- (2) The Panel must secure reasonable availability of its reports to persons generally.
- (3) Subject to subsections (1) and (2), the Panel may decide how to publicise its reports.
- (4) In this section, “report” (except in relation to subsection (1)(b)) includes a draft of a
10 report; and “publish”, in relation to a draft, means send to the persons to whom the draft is required to be sent under section 149 or 150.

Payments by relevant authorities

156 Compliance with Panel’s requirements

- (1) A relevant authority must comply with the requirements imposed on it by an annual
15 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 –
- 20 (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 –
- 25 (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).

157 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 156(1) is to be read accordingly.

5 (3) “Proper officer” has the meaning given in section 270(3) of the Local Government Act 1972.

158 Withholding payments

10 (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.

15 (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.

Enforcement

20 159 Directions to comply with requirements

(1) If the Welsh Ministers are satisfied that a relevant authority has failed to comply with a requirement relating to relevant matters which is imposed on it by or by virtue of this Measure, they may direct the authority to comply with the requirement.

(2) A direction under this section must specify –

25 (a) the requirement;

(b) the reason for giving the direction;

(c) the steps that the Welsh Ministers require the authority to take;

(d) the date by which the Welsh Ministers require the authority to take the steps.

30 (3) A direction under this section is enforceable by mandatory order on the application of the Welsh Ministers.

Supplementary

160 Guidance

(1) The Panel may give guidance about how to comply with requirements imposed by annual reports.

- (2) A relevant authority must have regard to guidance given under subsection (1).

161 Power to modify provision about Panel

The Welsh Ministers may by order make modifications of this Part so as to—

- (a) add, vary or omit provision about the Panel’s membership, the tenure of its members, or its procedures;
- (b) add, vary or omit provision conferring or imposing a function on the Panel.

162 Interpretation of Part 8

- (1) In this Part—

“annual report” (*“adroddiad blynyddol”*) has the meaning given in section 148;

“co-opted member” (*“aelod cyfetholedig”*), in relation to a relevant authority, has the meaning given in section 147;

“financial year” (*“blwyddyn ariannol”*) means a period of 12 months ending with 31 March;

“member” (*“aelod”*), in relation to a relevant authority, has the meaning given in section 147;

“the Panel” (*“y Panel”*) means the Independent Remuneration Panel for Wales;

“relevant authority” (*“awdurdod perthnasol”*) has the meaning given in section 147 (and a reference to a description of a relevant authority is to be read in accordance with that section);

“relevant matter” (*“mater perthnasol”*) has the meaning given in section 145;

“relevant pension” (*“pensiwn perthnasol”*) has the meaning given in section 146.

- (2) The references in sections 156, 157 and 160 to requirements imposed by an annual report include a reference to requirements included in an annual report by a supplementary report.

163 Consequential amendments

Schedule 3 (payments and pensions: minor and consequential amendments) has effect.

PART 9

GENERAL

164 Guidance about collaboration between Welsh improvement authorities

After section 12 of the Local Government (Wales) Measure 2009 insert the following—

“12A Guidance about collaboration between Welsh improvement authorities

In deciding whether and how to exercise its functions under sections 9(1) and 12, a Welsh improvement authority must have regard to any guidance issued by the Welsh Ministers.”.

165 Orders and regulations

- 5 (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales –
- 10 (a) regulations under section 9(1)(i) or Part 2;
- (b) an order under section 130 or 161;
- (c) an order under section 170 that contains modifications of an enactment (other than an enactment contained in subordinate legislation).
- (3) For additional requirements in relation to the making by the Welsh Ministers of an order under section 130, see section 166.
- 15 (4) Any other statutory instrument containing an order or regulations under this Measure, apart from an instrument containing only an order under section 171 (commencement), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- 20 (5) Any power of the Welsh Ministers under this Measure to apply an enactment is a power to apply it with or without modifications.
- (6) Any power of the Welsh Ministers to make an order or regulations under this Measure includes (but is not limited to) power –
- 25 (a) to make different provision for different cases, different purposes, or different geographical areas;
- (b) to make provision generally or in relation to specific cases;
- (c) to make such supplementary, transitional, transitory, consequential, saving, incidental and other provision as the Welsh Ministers consider necessary or appropriate.

30 166 Procedure applicable to certain orders under section 130

- (1) Before the Welsh Ministers make an order under section 130 they must consult –
- (a) such community councils,
- (b) such representatives of community councils, and
- (c) such other persons (if any),
- 35 as appear to the Welsh Ministers to be likely to be affected by their proposals.

- (2) If, following that consultation, the Welsh Ministers propose to make an order under section 130 they must lay before the National Assembly for Wales a document which—
- (a) explains their proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of consultation under subsection (1).
- (3) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (2), no draft of an order under section 130 to give effect to the proposals (with or without modifications) is to be laid before the Assembly in accordance with section 165(2)(a) until after the expiry of the period of 60 days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account shall be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (5) In preparing a draft order under section 130 the Welsh Ministers must consider any representations made during the period mentioned in subsection (3).
- (6) A draft order laid before the National Assembly for Wales in accordance with section 165(2)(a) must be accompanied by a statement of the Welsh Ministers giving details of—
- (a) any representations considered in accordance with subsection (5), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2).
- (7) Nothing in this section applies to an order under section 130 which is made only for the purpose of amending an earlier order under that section—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular community council or to community councils of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular community council or to community councils of a particular description.

167 Guidance and directions

- (1) Any power of the Welsh Ministers to give guidance under this Measure includes power to vary or revoke guidance given.
- (2) Any power of the Welsh Ministers to give directions under this Measure includes power to vary or revoke directions given.
- (3) Any power of the Welsh Ministers to give guidance or directions under this Measure includes power—
 - (a) to make different provision for different cases, different purposes, or different geographical areas;

- (b) to make provision generally or in relation to specific cases.
- (4) Subsections (1) to (3) do not limit the powers under this Measure to give guidance or directions.

168 Interpretation

In this Measure –

“enactment” (“*deddfiad*”) includes –

- (a) an enactment whenever passed or made,
- (b) an enactment contained in this Measure, and
- (c) provision contained in subordinate legislation (within the meaning of the Interpretation Act 1978);

“local authority” (“*awdurdod lleol*”) means a county borough council or county council in Wales;

“modifications” (“*addasiadau*”) includes (but is not limited to) amendments, repeals and revocations.

“prescribed” (“*rhagnodedig*”) means prescribed in regulations made by the Welsh Ministers.

169 Consequential amendments and repeals

- (1) In section 106 of the Local Government Act 2000 (Wales), after subsection (4) insert –

“(5) The power of the Welsh Ministers to make an order under section 21A(13)(b) or section 21G is exercisable by statutory instrument.

(6) A statutory instrument which contains an order made by the Welsh Ministers under section 21A(13)(b) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(7) A statutory instrument which contains an order under section 21G may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

- (2) Schedule 4 (repeals and revocations) has effect.

- (3) The revocation of the Local Authorities (Allowances for Members) (Wales) Regulations 2007 (S.I. 2007/1086), by subsection (2), does not affect the power of the Panel to prescribe matters in relation to a scheme made under Part 2 of those Regulations where that scheme operates during any part of the financial year beginning 1 April 2011 (and for this purpose “Panel” and “financial year” have the same meanings as in Part 8 of this Measure).

170 Power to make supplementary provision

- (1) The Welsh Ministers may, by order, make such supplementary, incidental, consequential, transitional, transitory and saving provision as they consider appropriate in connection with this Measure.

- (2) The provision that may be made under subsection (1) includes (but is not limited to) modifications of any enactment.
- (3) The modifications that may be made by virtue of subsection (2) are in addition to those made by or which may be made under any other provision of this Measure.

5 **171 Commencement**

- (1) The following provisions come into force on the day after the day on which this Measure is approved by Her Majesty in Council—
 - (a) sections 57, 80, 82, 83 and 162;
 - (b) Chapters 2 to 9 of Part 7;
 - 10 (c) this Part (except section 169);
 - (d) Part E of Schedule 4 (and section 169(2) in so far as it relates to Part E of Schedule 4).
- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Measure is approved by Her Majesty in Council—
 - 15 (a) Parts 3 and 4;
 - (b) section 54 and sections 75 to 79.
- (3) Subject to subsections (1) and (2), this Measure comes into force in accordance with provision made by the Welsh Ministers by order.

20 **172 Short title**

This Measure may be cited as the Local Government (Wales) Measure 2011.

SCHEDULE 1
(introduced by section 34)

CHANGE FROM ALTERNATIVE TO EXECUTIVE ARRANGEMENTS

PART 1
GENERAL PROVISIONS

5

Introduction

1 This Schedule applies to a local authority if it is required by section 34 to change from alternative arrangements to executive arrangements.

Proposals for moving to executive arrangements

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2 (1) The local authority must draw up, and approve by resolution, proposals to change from alternative to executive arrangements.

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(2) In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

(3) The local authority must send the Welsh Ministers—

(a) a copy of the proposals that it has approved, and

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(b) (with the copy of the proposals) a statement which describes the reasons why the authority considers that its proposals would be likely, if implemented, to ensure that decisions of the authority are taken in an efficient, transparent and accountable way.

(4) The local authority must comply with sub-paragraphs (1) and (3) within the period of six months beginning with the day on which section 34 comes into force.

Contents of proposals

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3 A local authority's proposals must include all of the following—

(a) a statement of the extent to which functions specified in regulations under section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the executive under the proposed executive arrangements,

(b) a timetable with respect to the implementation of the proposals, and

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(c) details of any transitional arrangements which are necessary for the implementation of the proposals.

Referendums

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4 (1) If the proposed form of executive is a mayor and cabinet executive, the proposals must provide for the change to executive arrangements to be subject to approval in a referendum.

- (2) If the proposed form of executive is a leader and cabinet executive (Wales), the proposals may not provide for the change to executive arrangements to be subject to approval in a referendum.
- (3) Section 45 of the Local Government Act 2000 (provisions with respect to referendums) has effect as if subsection (9) included a reference to a referendum on a change from alternative arrangements to executive arrangements in accordance with section 34.

Timetable for implementation of change to leader and cabinet executive (Wales)

- (1) This paragraph applies to a local authority's proposals if the proposed form of executive is a leader and cabinet executive (Wales).
- (2) The timetable with respect to the implementation of the proposals must be such as to ensure that the local authority makes the change to executive arrangements no later than the end of the period of six months beginning with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

Timetable for implementation of change to mayor and cabinet executive

- (1) This paragraph applies to a local authority's proposals if the proposed form of executive is a mayor and cabinet executive (and accordingly is subject to approval in a referendum).
- (2) The timetable with respect to the implementation of the proposals must comply with sub-paragraphs (3) and (4).
- (3) The timetable must be such as to secure that the local authority will hold the referendum within the period that—
- (a) begins two months after, and
 - (b) ends six months after,
- the day on which the local authority sends the Welsh Ministers the copy of the proposals.
- (4) The timetable must be such as to secure that, if the result of the referendum is to approve the change to executive arrangements, the local authority will make that change within the period of six months beginning with the day on which the referendum is held.

Publicity for proposals

- (1) This paragraph applies to a local authority which has approved proposals by a resolution.
- (2) The local authority must secure that copies of a document setting out the provisions of the proposed executive arrangements are available at its principal office for inspection by members of the public at all reasonable times.
- (3) The local authority must publish a notice which—
- (a) states that the local authority has resolved to operate the proposed executive arrangements,
 - (b) if the proposed form of executive is a mayor and cabinet executive, states—

- (i) that it is subject to approval in a referendum, and
 - (ii) the date of the referendum,
- (c) states the date on which the local authority intends to begin operating those arrangements,
- 5 (d) describes the main features of those arrangements,
- (e) states that copies of a document setting out the provisions of those arrangements are available at the local authority's principal office for inspection by members of the public at such times as may be specified in the notice, and
- 10 (f) specifies the address of the local authority's principal office.
- (4) The local authority must comply with sub-paragraphs (2) and (3) as soon as practicable after it passes the resolution approving the proposals.

Implementing proposals

- 8 (1) A local authority must implement its proposals in accordance with the timetable
15 included in the proposals.
- (2) But if the proposed form of executive—
- (a) is a mayor and cabinet executive, and
 - (b) is not approved in the referendum on the change to that form of executive,
- the local authority must not implement the change.

PART 2

OTHER PROVISIONS APPLICABLE WHERE REFERENDUM REQUIRED

Outline fall-back proposals in case referendum rejects change

- 9 (1) This paragraph applies to a local authority if the proposed form of executive is a
25 mayor and cabinet executive (and accordingly is subject to approval in a referendum).
- (2) The local authority must draw up, and approve by resolution, an outline of the fall-back proposals ("outline fall-back proposals") that it intends to implement if the proposals to change to a mayor and cabinet executive are rejected in the referendum.
- (3) Fall-back proposals are proposals for making a change to executive arrangements
30 that provide for a leader and cabinet executive (Wales).
- (4) Paragraph 2(2) applies to the outline fall-back proposals as it applies to proposals under that paragraph.
- (5) The outline fall-back proposals must include a timetable with respect to the
35 implementation (in accordance with paragraph 11) of detailed fall-back proposals in the event that the change to the mayor and cabinet executive is not approved in the referendum.
- (6) The local authority must comply with sub-paragraph (2) at the time it complies with paragraph 2(1).

- (7) The local authority must send the Welsh Ministers a copy of the outline fall-back proposals that it has approved.
- (8) The local authority must comply with sub-paragraph (7) at the time it complies with paragraph 2(3).

5 *Action if referendum rejects change*

10 (1) This paragraph applies to a local authority if –

- (a) the proposed form of executive is a mayor and cabinet executive, and
- (b) is not approved in the referendum on the change to that form of executive.

(2) The local authority must publish a notice which –

- 10 (a) summarises the local authority's proposals which were the subject of the referendum,
- (b) states that a referendum on the local authority's proposals rejected those proposals,
- (c) sets out the local authority's outline fall-back proposals, and
- 15 (d) states that, under the outline fall-back proposals, the local authority intends to operate a leader and cabinet executive (Wales).

(3) The local authority must comply with sub-paragraph (2) as soon as practicable after the referendum.

20 (4) The local authority must draw up, and approve by resolution, detailed fall-back proposals which are based on the outline fall-back proposals.

(5) Paragraphs 2(2), 3 and 7(2) and (3) apply to the detailed fall-back proposals as they apply to proposals under paragraph 2.

(6) The local authority must send a copy of the detailed fall-back proposals to the Welsh Ministers.

25 (7) The local authority must comply with sub-paragraph (6) within the period of two months beginning with day of the referendum.

Timetable for implementation of detailed fall-back proposals

11 The timetable with respect to the implementation of the detailed fall-back proposals must be such as to secure that the local authority makes the change to the leader and cabinet executive (Wales) no later than the end of the period of six months beginning
30 with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

Implementing detailed fall-back proposals

12 The local authority must implement its detailed fall-back proposals in accordance
35 with the timetable included in the proposals.

PART 3
MISCELLANEOUS*Failure to cease operating alternative arrangements*

5 13 (1) This paragraph applies if it appears to the Welsh Ministers that a local authority will fail to cease operating alternative arrangements and start operating executive arrangements in accordance with section 34.

(2) The Welsh Ministers may, by order, provide for the local authority to—

(a) cease to operate alternative arrangements, and

10 (b) start to operate executive arrangements of a form specified by the Welsh Ministers (“default executive arrangements”).

(3) Default executive arrangements are to be treated as having been made by the local authority itself.

(4) Paragraphs 7(2) and (3)(c) to (e) apply to default executive arrangements as they apply to executive arrangements in proposals under paragraph 2.

15 (5) The local authority must comply with those provisions of paragraph 7 (as they apply by virtue of sub-paragraph (4)) as soon as practicable after the order providing for the default executive arrangements is made by the Welsh Ministers.

Arrangements to be treated as operated after passing of resolution

20 14 Executive arrangements which come into operation in accordance with section 34 and this Schedule are to be treated as being operated after the passing of a resolution of the local authority under section 37.

Interpretation

15 In this Schedule—

25 “change to executive arrangements” (“*newid i drefniadau gweithrediaeth*”) means the change to executive arrangements proposed in proposals or in fall-back proposals;

“detailed fall-back proposals” (“*cynigion manwl wrth gefn*”) means proposals under paragraph 10(4);

30 “fall-back proposals” (“*cynigion wrth gefn*”) has the meaning given in paragraph 9(3);

“outline fall-back proposals” (“*cynigion amlinellol wrth gefn*”) means proposals under paragraph 9(2);

“proposals” (“*cynigion*”) (except in relation to fall-back proposals) means proposals under paragraph 2;

35 “proposed form of executive” (“*ffurf arfaethedig ar weithrediaeth*”) means the form of executive which a local authority is, in proposals under paragraph 2, or in fall-back proposals, proposing to begin operating.

SCHEDULE 2
(introduced by section 144(1))

THE PANEL

Membership

- 5 1 (1) The Panel consists of five members appointed by the Welsh Ministers.
- (2) The Welsh Ministers must appoint one of the members as Chairperson.
- (3) The members of the Panel must elect one of their number as Vice-chairperson.
- (4) The following are disqualified from being a member of the Panel –
- 10 (a) a member of the National Assembly for Wales;
- (b) a member of the House of Commons;
- (c) a member of the House of Lords;
- (d) a member of the European Parliament;
- (e) a member of a local authority or a community council;
- 15 (f) a person who is disqualified from being a member of a local authority or community council.
- (5) Paragraph 1(4)(f) does not apply to a person who is disqualified merely as a result of section 80(1)(a) of the Local Government Act 1972 (employees of council, office-holders, etc.).

Tenure

- 20 2 (1) Members of the Panel hold and must vacate office in accordance with the terms of their appointment, those terms being such as the Welsh Ministers decide.
- (2) A person may not be appointed as a member of the Panel for a period exceeding four years.
- (3) But a person who ceases to be a member of the Panel is eligible for re-appointment.
- 25 (4) A person appointed to fill a casual vacancy in the membership of the Panel serves as a member until the date on which the period of membership of the person whose place has been filled would have expired.
- (5) A member of the Panel holding office as Chairperson or Vice-chairperson does so until the period of that person's membership expires.

Meetings

- 30 3 (1) The Panel must meet at least once every calendar year.
- (2) The quorum of the Panel is three and must include the Chairperson or the Vice-chairperson.
- 35 (3) The Chairperson (or, in the absence of the Chairperson, the Vice-chairperson) presides at meetings of the Panel.

- (4) The members of the Panel may (subject to provision made by or by virtue of this Part) regulate the Panel's procedures.
- (5) A question for decision by the Panel must be decided at a meeting of members of the Panel by a majority of the votes cast by those members present at the meeting.
- 5 (6) If there is an equality of votes on a question for decision, the person presiding at the meeting has a second or casting vote.

Information

- 4 The Panel may, in connection with the performance of its functions, seek information or advice.

Expenses, administrative support etc.

- 5 (1) The Welsh Ministers must pay expenses incurred by the Panel (either collectively or by members individually) in carrying out functions of the Panel (or of members of the Panel in their capacity as such).
- (2) The Welsh Ministers may pay allowances to members of the Panel.
- 15 (3) The Welsh Ministers must make administrative support available to the Panel.

SCHEDULE 3
(introduced by section 163(1))

PAYMENTS AND PENSIONS: MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government Act 1972

- 5 1 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 94(5) (local authority allowances not to count as pecuniary interest for purposes of prohibiting voting where member has pecuniary interest), after “1989” insert “or under any provision of Part 8 of the Local Government (Wales) Measure 2011”.
- 10 (3) Sections 173 to 178 (allowances for members) cease to have effect.
- (4) In section 246(16) (application of provisions about local authority allowances to charter trustees), after “above” insert “and (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.
- 15 (5) In section 249(4)(b) (allowance not payable for attendance by honorary aldermen at civic ceremonies), at the end insert “or Part 8 of the Local Government (Wales) Measure 2011”.

Local Government and Housing Act 1989

- 2 (1) Section 18 of the Local Government and Housing Act 1989 (schemes for allowances for local authority members) is amended as follows.
- 20 (2) Omit subsections (1) to (3), (3B), (3D), (3E) and (3G) to (6).
- (3) For subsection (3A) (power of Welsh Ministers to make regulations enabling local authorities to determine entitlement to gratuities), substitute—
- “(3A) Regulations may be made by the Welsh Ministers to make provision for or in connection with—
- 25 (a) enabling county councils or county borough councils to determine which members of the council are to be entitled to gratuities,
- (b) treating such payments relating to relevant matters (within the meaning of Part 8 of the Local Government (Wales) Measure 2011) as may be specified in the regulations as amounts in respect of which such gratuities are payable.”.
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Environment Act 1995

- 3 In paragraph 11 of Schedule 7 to the Environment Act 1995 (application of provisions about local authority allowances to National Park authorities), omit sub-paragraphs
- 35 (1) and (2).

School Standards and Framework Act 1998

4 (1) The School Standards and Framework Act 1998 is amended as follows.

5 (2) In section 94(5C) (power to apply provisions about local authority allowances to admission appeal panels), after “1972” insert “or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.

(3) In section 95(3B) (power to apply provisions about local authority allowances to admission appeal panels in case of pupils excluded from two or more schools), after “1972” insert “or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.

10 *Local Government Act 2000*

5 (1) The Local Government Act 2000 is amended as follows.

15 (2) In section 99(1) (power to make provision about allowances etc. in regulations about local government pensions), at the end insert “; and for the purposes of the application of this subsection to Wales, the reference to pensions and allowances is to be ignored.”

(3) Section 100 (power of Welsh Ministers to make provision about local authority allowances) ceases to have effect.

Education Act 2002

6 20 In section 52(6) of the Education Act 2002 (power to apply provisions about local authority allowances to panels dealing with exclusion of pupils), after “1972 (c. 70)” insert “or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.

Education and Skills Act 2008

7 25 In section 48(4) of the Education and Skills Act 2008 (power to apply provisions about local authority allowances to attendance panels), after “1972 (c. 70)” insert “or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011”.

SCHEDULE 4
(introduced by section 169(2))
REPEALS AND REVOCATIONS

PART A: STRENGTHENING LOCAL DEMOCRACY (PART 1 OF THE MEASURE)

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| <i>Reference</i> | <i>Extent of repeal</i> |
|---------------------------------------|-------------------------------------|
| Local Government and Housing Act 1989 | In section 2(1)(f), the word “and”. |

PART B: AVAILABLE GOVERNANCE ARRANGEMENTS (PART 3 OF THE MEASURE)

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| <i>Reference</i> | <i>Extent of repeal or revocation</i> |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Government Act 1972 | <p>In section 21(1A), the words “or a mayor and council manager executive”.</p> <p>In section 22(4A), the words “or a mayor and council manager executive”.</p> <p>In section 25A(3), the words “or a mayor and council manager executive”.</p> <p>In section 70(3), the words “or alternative arrangements”.</p> <p>In section 270(1) –</p> <ul style="list-style-type: none"> (a) the definition of “alternative arrangements; (b) in the definition ““mayor and cabinet executive” and “mayor and council manager executive””, the words “and “mayor and council manager executive””. <p>In section 245(1A) and (4A), the words “or a mayor and council manager executive”.</p> |
| Local Government and Housing Act 1989 | <p>In section 5(3)(b), the words from “and, in a case where” to the end of paragraph (b).</p> <p>In section 5A(5)(b), the words from “and, where” to the end of paragraph (b).</p> <p>In section 13 –</p> <ul style="list-style-type: none"> (a) subsection (5A); (b) in subsection (9), the words “and “mayor and council manager executive””. <p>In section 21(3), the words ““council manager”” and “and “mayor and council manager executive””.</p> |

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|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Government Finance Act 1992 | In section 106 – (a) in subsection (1), the words “or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000”; (b) in subsection (2), the words “or a council manager”. |
| Local Government Act 2000 | In section 11 – (a) subsection (4), and (b) in subsection (10), the words “or an officer” and “or (4)(b)”. Section 16. Section 26(2)(b). Sections 29 and 30. Section 33. In section 48(1), the definition of “council manager”. In Schedule 1, paragraph 3. |
| Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001 (S.I. 2001/2293) | The whole Regulations. |
| Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397) | The whole Regulations. |
| Local Government Measure (Wales) 2011 | Section 90(3). |

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PART C: CHANGES TO EXECUTIVE ARRANGEMENTS (PART 4 OF THE MEASURE)

| <i>Reference</i> | <i>Extent of repeal</i> |
|---------------------------|-------------------------|
| Local Government Act 2000 | Section 30. |

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PART D: OVERVIEW AND SCRUTINY (PART 6 OF THE MEASURE)

| <i>Reference</i> | <i>Extent of repeal</i> |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Government Act 2000 | In section 21(13)(aa), the final “and”. In section 21A(1)(c), the words “in the case of a local authority in England”. In section 21B(1), the words “in England”. |

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PART E: COMMUNITIES AND COMMUNITY COUNCILS (PART 7 OF THE MEASURE)

| <i>Reference</i> | <i>Extent of repeal</i> |
|---------------------------|-------------------------|
| Local Government Act 1972 | Sections 28 to 29B. |

PART F: MEMBERS: PAYMENTS AND PENSIONS (PART 8 OF THE MEASURE)

| | <i>Reference</i> | <i>Extent of repeal or revocation</i> |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| | Local Government Act 1972 | Sections 173 to 178. |
| 5 | Local Government and Housing Act 1989 | Section 18(1) to (3), (3B), (3D), (3E) and (3G) to (6). |
| | Environment Act 1995 | In Schedule 7, paragraph 11(1) and (2). |
| | Local Government Act 2000 | Section 100. |
| 10 | Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 (S.I. 2002/1895) | The whole Regulations. |
| | Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (S.I. 2003/895) | The whole Regulations. |
| 15 | Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (S.I. 2004/2555) | The whole Regulations. |
| 20 | Local Authorities (Allowances for Members) (Wales) Regulations 2007 (S.I. 2007/1086) | The whole Regulations. |