

**ACCOMPANYING DOCUMENTS**

**Explanatory Notes and an Explanatory Memorandum are printed separately.**

# Local Government (Wales) Bill

## DRAFT FOR CONSULTATION

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# Local Government (Wales) Bill

## DRAFT FOR CONSULTATION

An Act of the National Assembly for Wales to make provision about local government.

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

### PART 1

#### LOCAL GOVERNMENT AREAS AND COUNTY COUNCILS

##### CHAPTER 1

##### LOCAL GOVERNMENT AREAS

#### 1 The local government areas

- (1) For the administration of local government on and after 1 April 2020 the local government areas in Wales are –
- (a) the counties set out in the table in Schedule 1, and
  - (b) the communities established under section 20 of the 1972 Act as originally enacted (subject to any changes to those communities which have occurred since that section came into force or which may occur after this section comes into force).
- (2) Each of the counties has the name given to it in the first column of the table in Schedule 1.
- (3) The areas of the counties are set out in the second column of the table in Part 1 of Schedule 1, and are determined by reference to the counties and county boroughs which, immediately before 1 April 2020, were local government areas under the 1972 Act.
- (4) The counties and county boroughs established by the 1972 Act (as amended by the Local Government (Wales) Act 1994 (c.19)) as counties and county boroughs in Wales, other than the county of Powys, cease to exist on 1 April 2020.
- (5) The councils of the counties and county boroughs abolished by subsection (4) also cease to exist on 1 April 2020.
- (6) Nothing in this Act, or done under this Act, affects the establishment or continued existence of the county of Powys, or its council.

##### CHAPTER 2

##### COUNTY COUNCILS

#### 2 Constitution of county councils

- (1) Each of the counties has a council consisting of –
- (a) a chair and councillors, or

(b) where a council is operating executive arrangements which involve a mayor and cabinet executive, an elected mayor, a chair, and councillors.

- (2) In this Act, “county council” means a council for a county set out in Schedule 1.
- (3) Each county council is a body corporate and has the functions given to it by this Act, the 1972 Act, or otherwise.
- (4) Each county council has the name of the county with the addition of the words “County Council” or, if the council decides, the word “Council”.

### 3 The chair of a county council

- (1) The chair of a county council must be elected annually by the council from among the councillors.
- (2) A member of the executive of a county council, or an assistant to the executive, may not be elected as the chair of the council.
- (3) The chair, unless the chair resigns or becomes disqualified, continues in office until a successor becomes entitled to act as chair.
- (4) During the chair’s term of office the chair continues to be a member of the council, despite the provisions of this Act and the 1972 Act relating to the retirement of councillors.
- (5) The chair of a county council has precedence in the area of that council, but not so as to affect Her Majesty's prerogative prejudicially.
- (6) Subsection (5) has effect in relation to a county council which is operating executive arrangements which involve a mayor and cabinet executive as if it provided for the elected mayor of the council to have precedence in the area of that council.
- (7) Subsection (6) does not apply if the executive arrangements of the county council provide for it not to apply.

### 4 Election of the chair

- (1) The election of the chair must be the first business transacted at the annual meeting of a county council.
- (2) If, apart from section 3(4) or section 5(3), the person presiding at the meeting would have ceased to be a member of the council, that person is not entitled to vote in the election except in accordance with subsection (3).
- (3) In the case of an equality of votes the person presiding at the meeting must give a casting vote in addition to any other vote that person may have.

### 5 The vice-chair of a county council

- (1) A county council must appoint a member of the council to be vice-chair of the council.
- (2) A member of the executive of a county council, or an assistant to the executive, may not be appointed as the vice-chair of the council.
- (3) A vice-chair, unless the vice-chair resigns or becomes disqualified, holds office until immediately after the election of a chair at the first annual meeting of the council following the annual meeting at which the vice-chair was appointed; and until the vice-

chair ceases to hold office, the vice-chair continues to be a member of the council despite the provisions of this Act and the 1972 Act relating to the retirement of councillors.

- (4) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chair may be done by, to or before the vice-chair.

5 **6 Chair entitled to title of “mayor”**

- (1) A county council may determine that its chair is to have the title of “mayor”.  
(2) If a county council makes such a determination, its vice-chair has the title of “deputy mayor”.  
(3) This section does not apply where a county council is operating executive arrangements which involve a mayor and cabinet executive.

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7 **Presiding member**

- (1) A county council may determine to have a presiding member.  
(2) A presiding member is elected by the county council from among the councillors.  
(3) A member of the executive of a county council, or an assistant to the executive, may not be elected as its presiding member.  
(4) The county council may determine –  
    (a) the functions of the presiding member, and  
    (b) the term of office of the member (subject to the limits in subsection (6)).  
(5) The functions of the presiding member may, in particular, include any function of the chair of the county council in relation to its meetings and proceedings.  
(6) A presiding member continues in office until –  
    (a) the presiding member's resignation or disqualification,  
    (b) a successor becomes entitled to act as presiding member,  
    (c) the county council determines not to have an office of presiding member, or  
    (d) an ordinary council election under section 10.

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8 **Deputy presiding member**

- (1) This section applies where a county council has determined to have a presiding member.  
(2) The county council must appoint a member of the council to act as deputy to the presiding member (“the deputy presiding member”).  
(3) A member of the executive of a county council, or an assistant to the executive, may not be appointed as the deputy presiding member.  
(4) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the presiding member may be done by, to or before the deputy presiding member.  
(5) A deputy presiding member continues in office until –  
    (a) the deputy presiding member's resignation or disqualification,  
    (b) a successor becomes entitled to act as deputy presiding member,

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- (c) the council determines not to have an office of presiding member, or
- (d) an ordinary council election under section 10.

## 9 Title of chair etc. where council has determined to have a presiding member

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- (1) This section applies where a county council has determined under section 7 to have a presiding member.
  - (2) The chair of the council must have –
    - (a) the title of “mayor” (if the chair does not already have that title), or
    - (b) the title of “civic chair”.
  - (3) The vice-chair of the council must have –

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    - (a) the title of “deputy mayor” (if the vice-chair does not already have that title), or
    - (b) the title of “civic vice-chair”.
  - (4) Subsections (2)(a) and (3)(a) do not apply where the county council is operating executive arrangements which involve a mayor and cabinet executive.

## 10 Ordinary elections of councillors and term of office

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- (1) Councillors of a council of a county are to be elected by the local government electors for the county in accordance with this Act, the 1972 Act and Part 1 of the Representation of the People Act 1983 (c.2).
  - (2) The ordinary elections of councillors of county councils take place in 2023 and in every fifth year after 2023.
  - (3) The term of office of every such councillor is five years.
  - (4) On the fourth day after an ordinary election of councillors of a county council –
    - (a) the persons who were councillors immediately before the election retire, and
    - (b) the newly elected councillors assume office.
  - (5) In this section “local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.
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## 11 Electoral wards

- (1) An “electoral ward” is an area in a county for which members are elected to the county council.
  - (2) Each electoral ward returns such number of councillors as is provided for under or by virtue of Part 3 of the Local Government (Democracy) (Wales) Act 2013 (anaw 4), section 22 or 23 of the Local Government (Wales) Act 2015 or Part 4 of the 1972 Act.
  - (3) There must be a separate election for each electoral ward.
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## 12 Change of county name by county council

- (1) A county council may by passing a resolution change the name of the county for which it is the council.
  - (2) A resolution under subsection (1) must be passed by not less than two-thirds of the
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members of the council voting on the change of name at a meeting of the council specially convened for that purpose, with notice given to the members of the purpose of the meeting.

(3) Notice of any change of name made by virtue of this section –

(a) must be sent by the county council to –

- (i) the Welsh Ministers,
- (ii) the Director General of the Ordnance Survey,
- (iii) the Registrar General for England and Wales, and
- (iv) the Local Democracy and Boundary Commission for Wales, and

(b) must be published by the council in such manner as the Welsh Ministers may direct.

(4) A change of name made by virtue of this section does not affect any rights or obligations of any county council, authority or other person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

### CHAPTER 3

#### ESTABLISHING THE COUNCILS FOR THE NEW COUNTIES

##### *Interpretation*

#### **13 New counties and new councils**

In this Part –

“new council” (*“cyngor newydd”*) means the council for a new county;

“new county” (*“sir newydd”*) means a county set out in the table in Schedule 1, other than the county of Powys.

##### *First ordinary elections of councillors*

#### **14 First ordinary elections of councillors of the new councils**

- (1) The first ordinary elections of councillors of the new councils are to be held on 2 May 2019.
- (2) Schedule 2 makes further provision about the first ordinary elections of councillors of the new councils.

##### *Functions of new councils*

#### **15 New councils: shadow authorities**

- (1) After the first ordinary elections of councillors of the new councils, each new council is a shadow authority in relation to the county for which it will be the council from 1 April 2020.
- (2) A new council is a shadow authority in relation to a new county until 1 April 2020 (after which, the new council will assume all of the functions of a county council).

- (3) Shadow authorities have such functions, and are subject to such arrangements as to funding, as are specified in regulations made by the Welsh Ministers (and section 2(3) is to be read accordingly).
- (4) Subsection (3) does not limit the power of the Welsh Ministers to make regulations under section 19 (consequential, incidental, transitional etc. provision) as regards shadow authorities, or any other authority or other person.
- (5) The Welsh Ministers may issue guidance in relation to the exercise of functions by shadow authorities; and shadow authorities must have regard to guidance issued under this subsection in the exercise of their functions.
- (6) The Local Government (Wales) Act 2015 contains further provision in relation to shadow authorities (see sections 13, 25 to 30 and 38 of that Act).

## 16 New councils: finance

Schedule 3 makes provision in relation to the new councils about –

- (a) council tax and non-domestic rating,
- (b) valuation lists,
- (c) local non-domestic rating lists, and
- (d) council funds.

## 17 Transfer of functions: application of other legislation in relation to new councils

- (1) This section has effect for the purpose of modifying relevant legislative provisions; in particular for the purpose of providing for the functions conferred by relevant legislative provisions to be exercisable by, and in relation to, the new councils.
- (2) For the purposes of this section, “relevant legislative provision” means –
- (a) a provision of any primary legislation which received Royal Assent or Royal Approval on or before the day on which this Act received Royal Assent;
  - (b) an instrument which –
    - (i) was made under primary legislation on or before the day on which this Act received Royal Assent, and
    - (ii) is of a legislative character but is not in the nature of a local enactment.
- (3) This section is subject to the other provisions of this Part, and to any provision contained in regulations made under this Part.
- (4) In any relevant legislative provision –
- (a) any reference to an area which is the area of a county council or the area of a county borough council, and
  - (b) any reference which is to be construed as a reference to such an area,
- is on and after 1 April 2020 to be read as a reference to the area of a new council.
- (5) In any relevant legislative provision –
- (a) any reference to a council of a county or county borough, and
  - (b) any reference which is to be construed as a reference to such a council,



is on and after 1 April 2020 to be read as a reference to a new council.

- (6) In this section “primary legislation” means –
- (a) an Act of Parliament;
  - (b) an Act or Measure of the National Assembly for Wales.

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*Transitional provision*

**18 Transfer of staff, property and liabilities, and other transitional provision**

Schedule 4 –

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- (a) makes miscellaneous transitional etc. provision in relation to the new councils and abolished councils, and
- (b) provides for the transfer of staff, property, liabilities etc. from abolished councils.

**CHAPTER 4**

MISCELLANEOUS PROVISION

**19 Welsh Ministers’ power to make consequential, supplementary etc. provision**

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- (1) The Welsh Ministers may by regulations make supplementary, incidental, consequential, transitional or saving provision for the general purposes, or any particular purpose, of this Part or in consequence of any of its provisions or for giving full effect to it.

- (2) Regulations under subsection (1) may, in particular, make provision –

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- (a) for enabling any person to take any steps which are necessary as a preliminary to the exercise of any powers which the person will be able to exercise by virtue of any provision made by or under this Act;

- (b) for arrangements to be made before any date specified by or under this Act for securing the satisfactory operation from that date of any provision made by or under this Act;

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- (c) about which person or persons is or are to bear the cost of any arrangements (whether or not made by virtue of this section) for securing the satisfactory operation of any provision made by or under this Act;

- (d) for or in connection with the transfer of functions and property, rights and liabilities (including criminal liabilities) from an abolished council to a new council or other public body;

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- (e) for or in connection with the transfer of staff, for compensation for loss of office, and with respect to pensions and other staffing matters;

- (f) with respect to the management or custody of transferred property (whether real or personal) transferred to a new council;

- (g) in respect of charter trustees;

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- (h) in respect of port health districts and port health authorities;

- (i) in relation to preserved counties (within the meaning given by section 270(1) of the 1972 Act).

- (3) Regulations under subsection (1) may make provision with respect to—
- (a) the establishment or membership of public bodies and the election or appointment of members of the public bodies;
  - (b) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body.
- (4) Regulations under subsection (1) may also make provision—
- (a) applying (with or without modification), amending, repealing or revoking (with or without savings) any enactment;
  - (b) for making savings from the effect of any repeal or revocation made under this Act.
- (5) In subsection (4)(a) “enactment” includes a charter, whenever granted.
- (6) Provision under subsection (2)(d) may, among other things, make provision disapplying paragraph 6 or 7 of Schedule 4 in relation to a transfer specified in regulations made under this section.
- (7) Provision under subsection (2)(e) may, among other things—
- (a) disapply paragraph 5 of Schedule 4 in relation to a transfer specified in regulations made under this section;
  - (b) provide that members of staff of an abolished council are to be transferred to the employment of a new council other than the new council for the area which contains the area of the abolished council.

## 20 Amendments of dates specified in certain Acts

- (1) The Welsh Ministers may by regulations amend—
- (a) any provision of this Part or Chapter 1 of Part 6 (community council reviews) which specifies a date, and
  - (b) sections 2(8) and 39(2) of the Local Government (Wales) Act 2015,
- by substituting a later date for the date for the time being specified in that provision.
- (2) Regulations under subsection (1) may make consequential amendments to other provisions of this Part.

## 21 Application of 1972 Act to the county councils in Schedule 1

- (1) In section 270(1) of the 1972 Act (definitions)—
- (a) in the definition of “county”—
    - (i) after “means” insert “—
    - (a)”, and
    - (ii) after “non-metropolitan county only” insert “, and—
  - (b) in relation to Wales, a county set out in Schedule 1 to the Local Government (Wales) Act 2017”;
    - (b) in the definition of “local authority”, omit “, county borough council”;
    - (c) in the definition of “local government area”, in paragraph (b) omit “, county

borough”;

(d) in the definition of “new” after “the Local Government (Wales) Act 1994” insert “or the Local Government (Wales) Act 2017”;

(e) in the definition of “principal area”, omit “or county borough”.

5 (2) In Schedule 5 to this Act—

(a) Part 1 contains further amendments to the 1972 Act, and

(b) Part 2 makes transitional provision relating to the repeal of section 26 of that Act (timing of elections and terms of office), including provision for an ordinary election of councillors of the council for the county of Powys in 2020.

## 10 22 Interpretation of Part

In this Part—

“abolished council” (*“cyngor a ddiddymir”*) means a council of a county or county borough which is abolished under this Act;

15 “assistant to the executive” (*“cynorthwydd i’r weithrediaeth”*) has the same meaning as in Schedule 1 to the Local Government Act 2000 (c.22) (see paragraph 3A of that Schedule);

“local government area” (*“ardal llywodraeth leol”*) means a county or community;

“member” (*“aelod”*), in relation to a county council which is operating executive arrangements which involve a mayor and cabinet executive, means—

20 (a) the elected mayor of the council;

(b) the chair of the council;

(c) a councillor of the council;

“new council” (*“cyngor newydd”*) and “new county” (*“sir newydd”*) have the meanings given in section 13.

25

## PART 2

### GENERAL POWER OF COMPETENCE

#### CHAPTER 1

#### THE GENERAL POWER

### 23 Local authority’s general power of competence

30 (1) A qualifying local authority has power to do anything that individuals generally may do, even if that thing is, in nature or extent or otherwise—

(a) unlike anything a qualifying local authority may do apart from this section;

(b) unlike anything that other public bodies may do.

35 (2) Where subsection (1) confers power on an authority to do something, it confers power to do it in any way whatsoever, including—

- (a) power to do it anywhere in Wales or elsewhere;
- (b) power to do it for a commercial purpose or otherwise for a charge, or without charge;
- (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.

(3) The generality of the power conferred by subsection (1) on a qualifying local authority is not limited by the existence of any other power of the authority; and any other power of the authority is not limited by the existence of the general power.

(4) For the purposes of this Chapter, each of the following is a qualifying local authority –

- (a) a county council;
- (b) a community council with competence (for which see Chapter 2).

(5) In this section, “individual” means an individual with full capacity.

(6) References in this Part to the general power are to the power conferred by subsection (1).

(7) This section is subject to sections 24 to 26 and to any provision made under section 27(3) or (4).

## **24 Boundaries of the general power**

(1) The general power does not enable a qualifying local authority to do anything that the authority is unable to do by virtue of a pre-commencement limitation.

(2) Nor does the general power enable a qualifying local authority to do anything that the authority is unable to do by virtue of a post-commencement limitation that is expressed to apply –

- (a) to the general power,
- (b) to all of the authority’s powers, or
- (c) to all of the authority’s powers but with exceptions that do not include the general power.

(3) The general power does not confer power to make or alter –

- (a) arrangements of a kind that are made, or may be made, by or under Part 6 of the 1972 Act (discharge of functions by local authorities);
- (b) arrangements of a kind that are made, or may be made, by or under Part 2 of the 2000 Act (arrangements with respect to executives etc.);
- (c) contracting out arrangements, or any other arrangements that are not arrangements within paragraph (a) or (b), that authorise a person to exercise a function of a qualifying local authority.

(4) In this section –

“post-commencement limitation” means a prohibition, restriction or other limitation expressly imposed by any statutory provision coming into force after the Assembly year in which this Act was passed;

“pre-commencement limitation” means a prohibition, restriction or other limitation expressly imposed by any statutory provision coming into force before

or in the same Assembly year as the Assembly year in which this Act was passed.

- (5) For the purposes of subsection (1), section 111(3) of the 1972 Act (subsidiary powers of local authorities not to include power to raise money) is to be disregarded.

## **25 Limits on charging in exercise of general power**

- 5 (1) The general power confers power on a qualifying local authority to charge for providing a service to a person only if the following conditions are met.
- (2) The first condition is that the service is not one that a statutory provision requires the authority to provide to the person.
- (3) The second condition is that the person has agreed to the service being provided.
- 10 (4) Except in relation to a service provided for a commercial purpose, to the extent that the general power confers a power on a qualifying local authority to charge for the provision of a service, the power is subject to a duty to secure that, taking one financial year with another, the income from charges imposed under it does not exceed the costs of provision.
- 15 (5) The duty under subsection (4) applies separately in relation to each kind of service.
- (6) Subject to the duty under subsection (4), in exercising the power conferred by the general power to charge for providing a service, a qualifying local authority may set its charges as it thinks fit, and may among other things –
- (a) charge only some persons for providing a service;
- 20 (b) charge different persons, or different descriptions of persons, different amounts for the provision of a service.

## **26 Limit on doing things for commercial purpose in exercise of general power**

- 25 (1) The general power confers power on a qualifying local authority to do things for a commercial purpose only if they are things that the authority may, in exercise of the general power, do otherwise than for a commercial purpose.
- (2) Where, in exercise of the general power, an authority does things for a commercial purpose, the authority must do them through a company.
- (3) A qualifying local authority may not, in exercise of the general power, do things for a commercial purpose in relation to a person if a statutory provision requires the authority to do those things in relation to the person.
- 30 (4) In this section, “company” means –
- (a) a company within the meaning given by section 1(1) of the Companies Act 2006 (c.46), or
- (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 (c.14) or a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969 (c.24 (NI)).
- 35

## **27 Power to make supplemental provision**

- (1) If the Welsh Ministers think that a statutory provision (whenever passed or made)

prevents qualifying local authorities from exercising the general power, or obstructs them in exercising the general power, the Welsh Ministers may by regulations amend, repeal, revoke or disapply that statutory provision.

- 5 (2) If the Welsh Ministers think that any other power overlaps (to any extent) the general power, then, for the purpose of reducing or removing that overlap, the Welsh Ministers may by regulations amend, repeal, revoke or disapply any statutory provision (whenever passed or made).
- 10 (3) The Welsh Ministers may by regulations make provision preventing qualifying local authorities from doing, in exercise of the general power, anything that is specified, or is of a description specified, in the regulations.
- (4) The Welsh Ministers may by regulations provide for the exercise of the general power to be subject to conditions, either generally or in relation to doing anything that is specified, or is of a description specified, in the regulations.
- 15 (5) The power under subsection (1), (2), (3) or (4) may be exercised in relation to –
- (a) all qualifying local authorities,
  - (b) a particular authority that is a qualifying local authority, or
  - (c) particular descriptions of local authorities that are qualifying local authorities.
- (6) Except as provided for in subsection (7), before making regulations under subsection (1), (2), (3) or (4) the Welsh Ministers must consult –
- 20 (a) whatever qualifying local authorities (if any) they think appropriate,
- (b) whatever representative persons (if any) they think appropriate, and
- (c) whatever other persons (if any) they think appropriate.
- (7) The duty imposed by subsection (6) does not apply in the case of regulations made by the Welsh Ministers only for the purpose of amending earlier regulations –
- 25 (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to a particular authority or authorities of a particular description, or
- (b) so that the earlier regulations, or any provision of the earlier regulations, ceases to apply to a particular authority or to authorities of a particular description.
- 30 (8) Representative persons, for the purposes of subsection (6), are persons who appear to the Welsh Ministers to be representative of local government in Wales.
- (9) This section does not confer power to make provision –
- (a) that amends, repeals, revokes or disapplies a statutory provision contained in this Act;
  - (b) for the delegation or transfer of any function of legislating by order, rules,
- 35 regulations, or other subordinate instrument.

## 28 **General power of competence: repeal of local authority powers relating to promotion of well-being**

- (1) The 2000 Act is amended as follows.
- (2) In section 1 (meaning of “local authority”), in subsection (1), omit paragraph (b).

- (3) Omit sections 2 and 3.
- (4) Omit section 5.
- (5) In section 6 (power to modify enactments concerning plans etc.)—
- 5 (a) in subsection (1), omit “so far as that enactment has effect in relation to England”;
- (b) in subsection (2), omit “in England” in each place where those words occur.
- (6) Omit section 7.
- (7) In section 9 (procedure for orders)—
- (a) in subsection (1), omit “5 or”;
- (b) omit subsection (2);
- 10 (c) in subsection (3)—
- (i) for “the preceding provisions of this section” substitute “subsection (1)”;
- (ii) omit “5 or”;
- (iii) omit paragraph (d) (and the word “and” immediately preceding it);
- (d) in subsections (4) and (6) to (8) omit “5 or” in each place where it occurs.
- 15 (8) Omit section 9A.
- (9) In section 105 (orders and regulations)—
- (a) in subsection (6), omit “5,”;
- (b) in subsection (6A), omit “, 5”.
- 20 (10) In the Well-being of Future Generations (Wales) Act 2015 (anaw 2), in Schedule 4 (public services boards: consequential amendments and repeals), omit paragraphs 3 and 4.

## 29 General power of competence: other minor and consequential amendments

- (1) In the 1972 Act, section 137 (power of local authorities to incur expenditure for certain purposes not otherwise authorised) is amended as follows.
- (2) In subsection (9)—
- 25 (a) after “Subject” insert “(in relation to England)”;
- (b) in paragraph (b), after “council” insert “that is not a community council with competence for the purposes of Part 2 of the Local Government (Wales) Act 2017 (general power of competence)”.
- (3) In subsection (10), for the words from ““local authority”” to the end of the subsection, substitute “, in its application to England, “local authority” means a county council, a district council, a London borough council, the Common Council or a parish council.”
- 30 (4) In the Local Government Act 2003 (c.26), in section 93 (power to charge for discretionary services), in subsection (9), in paragraph (d), after “council” insert “that is not a community council with competence for the purposes of Part 2 of the Local Government (Wales) Act 2017”.
- 35 (5) In section 95 of the Local Government Act 2003 (c.26) (power to trade in function-related activities through a company)—
- (a) in subsection (4), after “section” insert “made by the Secretary of State”;

(b) after subsection (4), insert—

“(4A) Power conferred by an order under this section made by the Welsh Ministers is only exercisable through a company within the meaning given in section 26 of the Local Government (Wales) Act 2017.”;

(c) in subsection (7), in the definition of “relevant authority”, in paragraph (d), after “council” insert “that is not a community council with competence for the purposes of Part 2 of the Local Government (Wales) Act 2017”.

(6) In the Local Government and Public Involvement in Health Act 2007, in Schedule 14 (consequential amendments relating to entities controlled etc. by local authorities), in paragraph 5 (amendments to section 95 of the Local Government Act 2003), in subparagraph (4)(c), after “company” insert “, for the purposes of subsection (4),”.

### 30 Interpretation

In this Chapter—

“general power” (“*pŵer cyffredinol*”) has the meaning given by section 23;

“qualifying local authority” (“*awdurdod lleol cymwys*”) has the meaning given by section 23;

“statutory provision” (“*darpariaeth statudol*”) means a provision of—

(a) a Measure or Act of the National Assembly for Wales;

(b) an Act of Parliament;

(c) an instrument made under a Measure or Act of the National Assembly for Wales, or under an Act of Parliament.

## CHAPTER 2

### COMMUNITY COUNCILS WITH COMPETENCE

#### 31 Community councils with competence

(1) A community council becomes a community council with competence if it passes a resolution—

(a) that it meets the competency requirements, and

(b) that it is a community council with competence.

(2) The competency requirements are that—

(a) at least two-thirds of the total number of members of the council have been declared to be elected (whether at an ordinary election or at a by-election),

(b) the clerk to the council holds a relevant professional qualification, and

(c) the council satisfies the audit condition.

(3) The audit condition is satisfied if—

(a) the council has received an unqualified Auditor’s opinion on the council’s accounts for two consecutive financial years, and

(b) one of those opinions has been received by the council within the period of twelve



months ending on the day on which the resolution is passed.

(4) An Auditor's opinion is unqualified if the Auditor General for Wales has not, in the opinion, expressed in any way that he is not satisfied in relation to the matters set out in section 17 of the Public Audit (Wales) Act 2004 (c.23).

5 (5) In this Part—

“Auditor's opinion” (*“barn Archwilydd”*) means an opinion provided by the Auditor General for Wales under section 23 of the Public Audit (Wales) Act 2004, having concluded an audit of a community council's accounts for a financial year;

10 “relevant professional qualification” (*“cymhwyster proffesiynol perthnasol”*) means any qualification prescribed as such by the Welsh Ministers in regulations.

### 32 Continuing or ceasing to be a community council with competence

(1) A community council with competence must pass a resolution at each relevant annual meeting of the council—

15 (a) that it meets the competency requirements and continues to be a community council with competence,

(b) that it meets the competency requirements but ceases to be a community council with competence, or

(c) that it does not meet the competency requirements and ceases to be a community council with competence.

20 (2) A community council with competence may pass a resolution at any meeting of the council that it ceases to be a community council with competence.

(3) A community council that passes a resolution of the kind mentioned in subsection (1)(b) or (c) or (2) ceases to be a community council with competence on the day on which the resolution is passed.

25 (4) A community council that fails to pass a resolution under subsection (1) ceases to be a community council with competence on the day of the relevant annual meeting in which it fails to pass the resolution.

30 (5) For the purposes of this Part, a “relevant annual meeting” means a meeting of the community council held under paragraph 23 of Schedule 12 to the 1972 Act in a year in which ordinary elections of community councillors to the council occur.

### 33 Community councils that cease to be community councils with competence

A community council that ceases to be a community council with competence may continue to exercise the general power of competence in relation to any activity undertaken whilst it was a community council with competence.

### 35 34 Power to amend this Part

(1) The Welsh Ministers may, by regulations, amend this Part for the purposes of—

(a) adding a competency requirement,

(b) removing a competency requirement,

(c) changing any of the competency requirements, or

(d) making provision for a community council to cease to be a community council with competence in circumstances other than those specified in section 32 if any of the competency requirements stop being met.

(2) Before making regulations under paragraphs (a) to (c) of subsection (1), the Welsh Ministers must consult any bodies representing the interests of community councils they consider appropriate.

### 35 **Guidance**

A community council must have regard to any guidance issued by the Welsh Ministers about how to exercise functions under this Chapter.

## 10 **PART 3**

### PROMOTING ACCESS TO LOCAL GOVERNMENT

#### CHAPTER 1

##### OVERVIEW OF PART

### 36 **Overview**

15 In this Part—

(a) Chapter 2—

(i) requires a county council to encourage local people to participate in decision making by the council, and in decision making by other local authorities in the council's area;

(ii) provides for a council to prepare and publish a strategy setting out how it is to comply with its duty to encourage participation in decision making;

(iii) requires a county council to consult when estimating expenditure for the purpose of calculating its budget requirement for a financial year;

(b) Chapter 3 provides for the establishment of community area committees to operate within the area of a county council for the purpose of ensuring that community interests and priorities are taken into account by the council in exercising its functions;

(c) Chapter 4 requires a county council and any authority prescribed by regulations to enter into discussions, in certain circumstances, with other bodies for the purpose of improving local outcomes;

(d) Chapter 5 makes provision for—

(i) holding meetings where members of the public may scrutinise the exercise of functions by councils operating executive arrangements;

(ii) broadcasting proceedings at meetings of county councils and other local authorities which are open to the public;

(iii) giving members of the public the opportunity to speak at meetings of community councils open to the public;

- (e) Chapter 6 requires a county council –
- (i) to publish a guide to accompany its constitution and make copies of the guide available on request;
  - (ii) to publish an electronic and postal address for each of its members.

## CHAPTER 2

### PUBLIC PARTICIPATION IN LOCAL GOVERNMENT

#### *Duty to encourage participation in decision making*

#### **37 Duty to encourage local people to participate in local government**

- (1) A county council must encourage local people to participate in the making of decisions by the council (including the making of decisions in partnership or in conjunction with any other person).
- (2) A county council must also encourage local people to participate in the making of decisions by authorities connected with the council (including the making of decisions in partnership or in conjunction with any other person).
- (3) For the purposes of subsection (2) each of the following is an authority connected with a county council –
- (a) a community council for an area in the county council's area;
  - (b) a fire and rescue authority for the county council's area;
  - (c) a National Park authority for a National Park any part of which is in the county council's area.
- (4) The Welsh Ministers may by regulations amend subsection (3) for the purpose of –
- (a) adding a reference to any body or other person, or description of body or person, with functions of a public nature as an authority which is connected with a county council;
  - (b) removing a reference to any body or other person, or description of body or person, from that subsection.
- (5) In this section, a reference to the making of decisions includes a reference to the making of decisions by a person in relation to the exercise of a function delegated to that person by a county council or an authority connected with a council.

#### **38 Strategy on encouraging participation**

- (1) A county council must prepare and publish a strategy ("a public participation strategy") specifying how it proposes to comply with the duty in section 37(1) and (2).
- (2) A public participation strategy must, in particular, address –
- (a) ways of promoting awareness among local people of the county council's functions and the functions of authorities connected with the council;
  - (b) ways of promoting awareness among local people of how to become a member of the county council or of an authority connected with the council, and what membership entails;

- (c) ways of facilitating access for local people to information about decisions made, or to be made, by the county council or by authorities connected to the council;
- (d) ways of promoting and facilitating processes by which local people may make representations to the county council, or authorities connected with the council, about a decision before, and after, it is made;
- (e) arrangements made, or to be made, for the purpose of the council's duty in section 62 of the 2011 Measure (bringing views of the public to attention of overview and scrutiny committees);
- (f) ways of promoting awareness among members of the county council, and members of authorities connected with the council, of the benefits of using social media to communicate with local people.

(3) A public participation strategy may address how a county council proposes to comply with a duty imposed by another enactment, including an enactment contained in or under any other provision of this Act.

(4) In the case of a county council operating executive arrangements which involve a mayor and cabinet executive, a reference in subsection (2) to a member of a county council includes a reference to the elected mayor of the council.

### **39 Public participation strategy: consultation and review**

(1) A county council's first public participation strategy must be published as soon as is practicable after the coming into force of section 38, and when preparing that strategy the council must consult –

- (a) local people, and  
(b) such other persons as it considers appropriate.

(2) A county council –

- (a) must review its public participation strategy as soon as is practicable following each ordinary election of councillors to the council, and  
(b) may review its strategy at any other time.

(3) In conducting a review of a public participation strategy under subsection (2)(a) a county council must consult –

- (a) local people, and  
(b) such other persons as it considers appropriate.

(4) Following a review under subsection (2) a county council may revise its public participation strategy, or replace it with a new strategy.

(5) But a county council may not revise or replace its public participation strategy following a review under subsection (2)(b) without first having consulted –

- (a) local people, and  
(b) such other persons as it considers appropriate.

(6) If a county council revises or replaces a public participation strategy, it must publish the revised or new strategy as soon as is practicable.

*Budget calculations of county councils under Local Government Finance Act 1992***40 Consultation by county councils in respect of budget requirement**

- 5 (1) A county council must take reasonable steps to consult the persons listed in subsection (2) in relation to the estimate of expenditure to be made by it for a financial year under section 32(2)(a) of the 1992 Act (estimate of expenditure to be incurred in performing functions).
- (2) The persons are—
- (a) local people;
  - (b) persons carrying on a business in the council's area;
  - 10 (c) representatives of businesses in the council's area;
  - (d) persons who provide services to local people on the council's behalf;
  - (e) persons who carry out activities in the council's area for the benefit of local people, for which the council provides financial assistance;
  - (f) voluntary bodies carrying out activities in the council's area;
  - 15 (g) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) by the council;
  - (h) such other persons as the council considers appropriate.
- (3) Calculations made under section 32 of the 1992 Act are not invalid merely because of a failure to comply with subsection (1).
- 20 (4) In subsection (1) the reference to calculations does not include substitute calculations made by virtue of section 37 of the 1992 Act.
- (5) In this section "1992 Act" means the Local Government Finance Act 1992 (c.14).

*General***41 Guidance on exercise of functions under this Chapter**

- 25 (1) The Welsh Ministers may issue guidance to a county council about the exercise by the council of its functions under this Chapter.
- (2) In exercising those functions a county council must have regard to any guidance issued to it under subsection (1).

**42 Meaning of "local people"**

30 In this Chapter, "local people", in relation to a county council, means people who live, work or study in the council's area.

## CHAPTER 3

## COMMUNITY AREA COMMITTEES

*Appointment and membership*

- 5 **43 Duty of county council to appoint community area committees**
- (1) A county council must appoint a committee, to be known as a community area committee, for each community area in the council's area.
- (2) The members of a community area committee are to be appointed in accordance with sections 44 to 46.
- 10 (3) A community area committee is to exercise the functions conferred on it by or under –
- (a) this Chapter, and
- (b) Part 2 of the 2000 Act (executive arrangements).
- (4) In subsection (1), "community area" means a community area determined under section 37(5) of the Well-being of Future Generations (Wales) Act 2015 (anaw 2).
- 15 **44 County council members of committees**
- A community area committee must include every member of the county council elected for an electoral ward all or part of which is in the area of the committee (the "county council members" of the committee).
- 45 Community council members of committees**
- 20 (1) A county council must invite each relevant community council to nominate a person for appointment as a member of a community area committee.
- (2) A "relevant community council", in relation to a community area committee, means a council for a community all or part of which is in the area of the committee.
- (3) In response to an invitation, a relevant community council must either –
- 25 (a) nominate one of its members for appointment to the community area committee, or
- (b) join with another relevant community council in nominating one of that council's members for appointment.
- (4) If a community is divided into community wards, a member of the council for that community who is nominated for appointment to a community area committee must
- 30 represent a ward all or part of which is in the area of the committee.
- (5) A county council may appoint people nominated under this section to be community council members of a community area committee.
- 46 Community nominee members of committees**
- 35 (1) A county council must invite at least one body in each of the following categories to nominate a person for appointment as a member of a community area committee –

- (a) bodies other than community councils which exercise functions of a public nature in relation to the whole or any part of the area of the committee (whether or not they also exercise functions in relation to any other area);
- (b) voluntary bodies carrying on activities which directly or indirectly benefit the whole or any part of the area of the committee (whether or not they also benefit any other area).
- (2) A county council may also invite any other body with a connection to the area of a community area committee to nominate a person for appointment as a member of the committee.
- (3) A county council may appoint people nominated in response to invitations under this section to be community nominee members of a community area committee.
- (4) The community nominee members of a community area committee may not include more than one person nominated for appointment by any particular body.
- (5) A member of a county council may not be a community nominee member of a community area committee of the council.
- (6) In subsection (5), the reference to a member of a county council includes an elected mayor or an elected executive member of the council.

#### **47 Policy for appointments to community area committees**

- (1) A county council must prepare and publish a statement setting out how it proposes to exercise its functions under sections 45 and 46.
- (2) The statement must, in particular, specify the numbers of community council members and community nominee members that the council wishes to appoint to each of its community area committees.
- (3) A county council must exercise its functions under sections 45 and 46 with a view to appointing to each of its community area committees the numbers of community council members and community nominee members specified in the statement.
- (4) But a community area committee is not improperly constituted merely because it does not include the numbers of community council members and community nominee members specified in the statement.

#### **30 48 Term of office and termination of membership**

- (1) The term of office of a community council member or community nominee member of a community area committee is to be determined by the county council.
- (2) If a person who is a county council member of a community area committee ceases to be a member of the county council for an electoral ward all or part of which is in the area of the committee, the person also ceases to be a member of the committee.
- (3) But subsection (2) does not apply to a person who—
- (a) ceases to be a member of the county council by reason of retirement, and
- (b) not later than the day of retirement, is re-elected a member of the council for an electoral ward all or part of which is in the area of the committee.

*Proceedings and publicity***49 Proceedings of community area committees**

- (1) A community area committee must appoint one of its members to chair the committee.
- (2) The person appointed to chair a community area committee may not be a member of the county council's executive (unless all of the members of the committee are members of the executive).
- (3) A community area committee may appoint sub-committees.
- (4) Every member of a community area committee may vote on any question to be decided by the committee.
- (5) Every member of a sub-committee of a community area committee may vote on any question to be decided by the sub-committee.

**50 Meetings of community area committees: access and attendance**

- (1) The meetings of a community area committee, or of a sub-committee of a community area committee, must be held in the area of the committee.
- (2) A failure to comply with subsection (1) does not affect the validity of anything done by the community area committee or sub-committee.
- (3) A community area committee, or a sub-committee of a community area committee –
  - (a) may require officers of the county council to attend before it to answer questions, and
  - (b) may invite other people to attend meetings of the committee or sub-committee.
- (4) An officer of a county council must 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) A community area committee, or a sub-committee of a community area committee, is a committee or sub-committee of a principal council for the purposes of Part 5A of the 1972 Act (access to meetings and documents of certain authorities, committees and sub-committees).

**51 Arrangements for public participation**

- (1) A community area committee must make arrangements for informing local people about the committee and the exercise of its functions.
- (2) A county council must make arrangements in relation to each of its community area committees that enable local people to bring to the attention of the committee their views on any matter in respect of which the committee is exercising a function.
- (3) A community area committee must, when exercising a function, take into account any views brought to its attention in accordance with arrangements under subsection (2).



*Functions***52 Duty of community area committee to prepare statement of priorities and objectives**

- 5 (1) A community area committee must, no later than 6 months after the date of each ordinary election of members of the county council, submit a statement of priorities and objectives to the council.
- (2) The statement must set out what the community area committee considers should be the county council's priorities and objectives in exercising its functions in relation to the area of the committee.
- 10 (3) The statement may also contain recommendations as to steps which the committee considers that the council should take in respect of those priorities and objectives.
- (4) A community area committee must review its statement of priorities and objectives before the end of –
- 15 (a) the period of 12 months starting with the date on which it submitted the statement to the county council, and
- (b) each period of 12 months starting with the date on which the previous review was completed.
- (5) A community area committee may revise its statement of priorities and objectives at any time, and must submit the revised statement to the county council.
- 20 (6) A community area committee must arrange for its statement of priorities and objectives to be published.
- (7) The Welsh Ministers may by regulations make further provision about the form and content of a statement of priorities and objectives.

**53 Further provision about preparation of statement of priorities and objectives**

- 25 (1) In preparing and revising a statement of priorities and objectives, a community area committee must have regard to the most recent assessment published under section 37 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) (assessments of local well-being) for the area of the county council.
- (2) Before submitting the statement to the county council, the community area committee must consult the following on a draft of the statement –
- 30 (a) such local people, or organisations representing local people, as the committee considers appropriate;
- (b) such voluntary bodies carrying on activities which directly or indirectly benefit the whole or any part of the area of the committee, or organisations representing such bodies, as the committee considers appropriate;
- 35 (c) such other persons as the committee considers appropriate.
- (3) The statement that the committee submits to the council must include –
- (a) a description of the consultation carried out under subsection (2), and
- (b) a summary of the views expressed in response to the consultation.

**54 Power to confer additional advisory functions on community area committee**

A county council may confer on a community area committee of the council a function of making reports or recommendations to the council or its executive on any matter relating to the area of the committee.

### 55 Delegation of functions of county council to community area committee

- 5 (1) A county council may arrange for a community area committee of the council to exercise a function of the council to which this section applies.
- (2) This section applies to a function of a county council if –
- 10 (a) the function is not the responsibility of an executive of the council, and
- (b) section 101(1)(a) of the 1972 Act (power to arrange for functions to be discharged by committees, sub-committees or officers) applies to the function.
- (3) Arrangements made by a county council under this section –
- (a) may not provide for a community area committee to exercise a function otherwise than in relation to the area of the committee;
- 15 (b) do not prevent a function being exercised by the council.
- (4) In this section, a reference to exercising a function includes doing anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the function.
- (5) Sections 14 and 15 of the 2000 Act (discharge of functions under executive arrangements) make provision by virtue of which a community area committee may exercise a function which is the responsibility of an executive of the county council.

### 20 56 Request to delegate functions to community area committee

- (1) A community area committee may –
- (a) request the county council to make arrangements under section 55 for the committee to exercise a function of the council;
- 25 (b) request the county council's executive, or a member or committee of the executive, to make arrangements under section 14 or 15 of the 2000 Act for the community area committee to exercise a function.
- (2) The recipient of the request must give the community area committee notice of its decision on whether to make the requested arrangements.
- 30 (3) If the recipient decides not to make the requested arrangements, the notice must include the reasons for the decision.

### 57 Power to require or restrict delegation of functions to community area committee

- (1) The Welsh Ministers may by regulations –
- (a) require arrangements within subsection (2) to be made in relation to a function of a county council;
- 35 (b) provide that a function may not be the subject of such arrangements;
- (c) restrict a power to make such arrangements in relation to a function;
- (d) make provision about the manner in which such arrangements must be made.
- (2) The arrangements are –

- (a) arrangements under section 55;
- (b) arrangements under section 14 or 15 of the 2000 Act for a function to be exercised by a community area committee.

### 58 Delegation of functions by community area committee

- 5 (1) A community area committee may arrange for any function that is exercisable by the committee under this Chapter to be exercised by a sub-committee of the committee or by an officer of the county council.
- 10 (2) Where by virtue of subsection (1) a function is exercisable by a sub-committee of a community area committee, the sub-committee may arrange for the function to be exercised by an officer of the council.
- (3) A county council which arranges for a function to be exercised by a community area committee under section 55 may direct that subsection (1) or (2) is not to apply to the function or is not to apply to it in particular cases or circumstances.
- 15 (4) A community area committee which arranges for a function to be exercised by a sub-committee under subsection (1) may direct that subsection (2) is not to apply to the function or is not to apply to it in particular cases or circumstances.
- (5) Arrangements made under this section for the exercise of a function do not prevent its exercise by any person by whom it is exercisable in the absence of such arrangements.

#### *General*

### 20 59 Guidance

In exercising functions under this Chapter, each of the following must have regard to any guidance issued to it by the Welsh Ministers –

- (a) a county council;
- (b) an executive of a county council;
- 25 (c) a member or committee of an executive;
- (d) a community area committee;
- (e) a sub-committee of a community area committee;
- (f) a community council.

### 60 Functions of county councils under this Chapter

30 The functions conferred on a county council by this Chapter –

- (a) are not to be the responsibility of an executive of the council under executive arrangements;
- (b) are not functions to which section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) applies.

### 35 61 Power to apply enactments to community area committees

- (1) The Welsh Ministers may by regulations provide that for the purposes of an enactment specified in the regulations –

- (a) a community area committee is to be treated as if it were a committee appointed by a county council under section 102 of the 1972 Act;
- (b) a sub-committee of a community area committee is to be treated as if it were a sub-committee appointed under that section;
- 5 (c) arrangements under section 55 are to be treated as if they were arrangements under section 101(1)(a) of the 1972 Act;
- (d) arrangements under section 58 are to be treated as if they were arrangements under section 101(2) of that Act.

(2) The regulations may include provision modifying the application of an enactment.

10 (3) In this section, “enactment” means a provision contained in any of the following—

- (a) an Act of Parliament;
- (b) an Act or Measure of the National Assembly for Wales;
- (c) subordinate legislation within the meaning of the Interpretation Act 1978 (c.30) (including subordinate legislation made under an Act of Parliament or an Act or
- 15 Measure of the National Assembly for Wales).

## 62 Interpretation of this Chapter

(1) In this Chapter—

“community council member” (“*aelod cyngor cymuned*”) means a member of a community area committee appointed under section 45;

20 “community nominee member” (“*aelod enwebedig o’r gymuned*”) means a member of a community area committee appointed under section 46;

“county council member” (“*aelod cyngor sir*”) has the meaning given by section 44;

“local people” (“*pobl leol*”), in relation to a community area committee, means people who live, work or study in the area of the committee;

25 “statement of priorities and objectives” (“*datganiad o flaenoriaethau ac amcanion*”) means a statement submitted under section 52(1).

(2) In this Chapter—

(a) a reference to the county council, in relation to a community area committee, is a reference to the county council that appointed the committee;

30 (b) a reference to a function which is the responsibility of an executive of a county county is to be interpreted in accordance with section 13 of the 2000 Act.

## 63 Further amendments and repeals

Schedule 8 contains further amendments and repeals relating to this Chapter.

## CHAPTER 4

## IMPROVEMENT REQUESTS

*Requests to discuss how outcomes might be improved*

**64 Definitions**

- 5 (1) This section defines various terms used in this Chapter.
- (2) An “improvement request” is a request made by an interested body to be permitted to enter into discussions with a relevant authority with a view to improving an outcome or outcomes in the authority’s area.
- (3) “Interested body” means –
- 10 (a) a body, other than a body exercising functions of a public nature, that carries out activities primarily for the benefit of a relevant authority’s area, part of a relevant authority’s area, or any group of persons within a relevant authority’s area;
- (b) a voluntary body;
- (c) a body of persons or a trust which is established for charitable purposes only;
- 15 (d) a community council for an area in a relevant authority’s area;
- (e) any other person or body specified in regulations made by the Welsh Ministers.
- (4) An “outcome”, in relation to a relevant authority’s area, is an outcome –
- (a) that results from, or is contributed to by, the provision of a public service by or on behalf of the authority, or
- 20 (b) that could be improved by the provision of a public service by or on behalf of the authority.
- (5) “Public service”, in relation to a relevant authority, means a service that is provided, or could be provided, to the public by or on behalf of the authority.
- (6) “Relevant authority” means –
- 25 (a) a county council, or
- (b) any other person or body exercising functions of a public nature that is specified in regulations by the Welsh Ministers.
- (7) “Voluntary body” means a body, other than a body exercising functions of a public nature, the activities of which are not carried out for profit.
- 30 (8) For the purposes of subsection (7), the fact that a body’s activities generate a surplus does not prevent it from being a voluntary body so long as that surplus is used for the purposes of its activities or is invested in a relevant authority’s area.

**65 Improvement requests**

A relevant authority must consider an improvement request if –

- 35 (a) it is submitted to the authority in writing by an interested body,
- (b) it complies with the requirements specified in section 66, and

- (c) it complies with any other requirements about improvement requests specified in regulations by the Welsh Ministers.

## **66 Requirements for improvement requests**

- (1) An improvement request must –

- (a) specify the outcome that might be improved,
- (b) explain how the outcome might be improved,
- (c) provide details of any knowledge, expertise or experience the interested body making the request has in relation to the outcome, and
- (d) set out the reasons why the interested body considers that it should enter into discussions with the relevant authority with a view to improving the outcome.

- (2) An improvement request may be made jointly by two or more interested bodies.

- (3) An improvement request may include a request that one or more relevant authorities other than the authority to which the request is made participate in discussions along with the authority to which the request is made.

### *Decisions about improvement requests*

## **67 Deciding whether to agree to an improvement request**

- (1) A relevant authority must agree to an improvement request unless –

- (a) there are reasonable grounds for refusing the request, or
- (b) subsection (2) applies.

- (2) This subsection applies where –

- (a) an improvement request (a “new request”) is submitted to a relevant authority,
- (b) the new request relates to matters that are the same, or substantially the same, as matters contained in a previous improvement request (a “previous request”), and
- (c) the new request was submitted to the authority before the end of the period of two years starting with the date on which the previous request was submitted.

- (3) For the purposes of subsection (2) –

- (a) a new request only relates to matters that are the same, or substantially the same, as matters contained in a previous request if both requests relate to the improvement of the same, or substantially the same, outcome;
- (b) it is irrelevant whether the body making a new request is the same body as made the previous request.

## **68 Informing interested bodies whether an authority has agreed to an improvement request**

- (1) A relevant authority must, before the end of the period set out in subsection (2), give an interested body that has made an improvement request a notice setting out –

- (a) whether it has decided to agree to or to refuse the request, and
- (b) if it has decided to refuse the request, the reasons for the decision.

- (2) The period is—
- (a) 45 days starting with the day on which the relevant authority received the improvement request, or
  - (b) such longer period as is agreed between the authority and the interested body.

5 **69 Entering into discussions with the interested body**

- (1) A relevant authority that agrees to an improvement request must, before the end of the period of 45 days starting with the day on which the notice is given under section 68(1), enter into discussions with the interested body about the request.
- (2) A relevant authority must publish any information of a description specified in regulations by the Welsh Ministers about decisions on whether to enter into discussions with interested bodies under this Chapter.

*Complaints*

15 **70 Complaints**

- (1) A relevant authority must establish a procedure for dealing with complaints relating to improvement requests.
- (2) The Welsh Ministers may make provision by regulations about matters that must be addressed in the complaints procedure.

*Reporting*

20 **71 Reporting on the outcome of improvement requests**

- (1) This section applies where—
- (a) an interested body has submitted an improvement request,
  - (b) the relevant authority has entered into discussions with the interested body as a result of that request, and
  - (c) those discussions have concluded.
- (2) The relevant authority must, as soon as reasonably practicable after the discussions have concluded, publish a report—
- (a) summarising the subject matter of the discussions,
  - (b) recording the outcome of the discussions (including any decisions that were taken), and
  - (c) explaining how the authority intends to keep the interested body informed about any further action taken as a result of the discussions.
- (3) In preparing the report, the relevant authority must seek the views of—
- (a) any interested body that took part in the discussions, and
  - (b) any other person it thinks appropriate.
- (4) The relevant authority must publish the report mentioned in subsection (2) on its website and in any other manner it thinks appropriate.

**72 Annual reports**

- (1) A relevant authority must publish an annual improvement request report for each financial year.
- (2) An annual improvement request report is a report setting out, in respect of the financial year to which it relates –
- (a) the number of improvement requests the authority received,
  - (b) the number of such requests which the authority –
    - (i) agreed to, and
    - (ii) refused,
  - (c) the number of such requests which resulted in a change to a public service, and
  - (d) any action taken by the authority –
    - (i) to promote the use of improvement requests, or
    - (ii) to support bodies in making improvement requests.
- (3) An annual improvement request report must be published no later than 30 June following the end of the financial year to which it relates.

*General***73 Guidance**

A relevant authority must have regard to any guidance issued by the Welsh Ministers about how it should carry out its functions under this Chapter.

**74 Regulations**

- (1) The Welsh Ministers may by regulations make further provision about improvement requests.
- (2) Regulations under subsection (1) may, in particular, make provision about –
- (a) the manner in which requests must be made;
  - (b) the procedure to be followed by relevant authorities in relation to requests;
  - (c) information that must be provided to relevant authorities in connection with improvement requests (in addition to that required by section 66);
  - (d) the procedure to be followed by relevant authorities in relation to requests that include a request of the type mentioned in section 66(3);
  - (e) information that must be included in reports (in addition to that required by sections 71 and 72);
  - (f) ways in which relevant authorities are to promote the use of improvement requests;
  - (g) support that relevant authorities must make available to interested bodies to enable them to make improvement requests and to participate in discussions with relevant authorities;
  - (h) additional support that must be made available to persons or groups of persons in



order to assist them to form interested bodies, to make improvement requests and to participate in discussions with relevant authorities.

- (3) The Welsh Ministers may by regulations –
- (a) amend or repeal any of paragraphs (a) to (d) of section 64(3);
  - (b) amend or repeal section 64(7) or (8);
  - (c) make any amendments to this Chapter (including amendments to any power to make regulations) in consequence of provision made under section 64(3)(e) or (6) (b) or under paragraph (a) or (b) of this subsection.

## CHAPTER 5

### ACCESS TO MEETINGS ETC. OF LOCAL AUTHORITIES

#### 75 Duty of elected mayors and executive leaders to attend public meetings

In the 2000 Act, at the appropriate place insert the following section –

##### **“15B Public meetings in relation to discharge of functions**

- (1) The standing orders of a local authority operating executive arrangements must include provision for requiring the elected mayor, or as the case may be, executive leader of the authority to attend at least one meeting per calendar year at which local people are given an opportunity to put questions to the elected mayor or executive leader about the discharge of functions which, under executive arrangements, are the responsibility of the executive.
- (2) “Local people”, in relation to a local authority, means people who live, work or study in the authority’s area.”

#### 76 Electronic broadcasts of meetings of certain local authorities

- (1) A county council must put in place arrangements for the purpose of ensuring that –
  - (a) a broadcast of proceedings at a meeting to which subsection (2) applies is available electronically so that members of the public not in attendance at the meeting can see and hear the proceedings as they take place;
  - (b) the broadcast is available electronically for a reasonable period after the meeting.
- (2) This subsection applies to proceedings at a meeting, or any part of a meeting, of a county council or of a committee or sub-committee of a county council which is open to the public.
- (3) The reference in subsection (2) to a county council, in relation to a council with an executive (within the meaning of Part 2 of the 2000 Act), includes a reference to the executive.
- (4) The Welsh Ministers may by regulations specify proceedings to which subsection (2) does not apply.
- (5) A county council putting into place any arrangements required by subsection (1) must have regard to any guidance issued by the Welsh Ministers.

- (6) The validity of any proceedings to which subsection (2) applies is not affected by the availability of a broadcast (whether as the proceedings take place or afterwards).
- (7) The Welsh Ministers may by regulations make provision for and in connection with ensuring that proceedings at a meeting of an authority listed in subsection (8), or at a meeting of a committee or sub-committee of such an authority, are broadcast electronically.
- (8) The authorities are –
- (a) a fire and rescue authority for an area in Wales;
  - (b) a National Park authority for a National Park in Wales.
- (9) Regulations under subsection (7) may amend or repeal any provision of –
- (a) the Public Bodies (Admission to Meetings) Act 1960 (c.67);
  - (b) Part 5A of the 1972 Act (access to meetings and documents of local authorities).
- (10) A reference in this section to a committee or sub-committee includes a reference to a joint committee, or a sub-committee of a joint committee.

15 **77 Public access to meetings of certain local authorities**

- (1) The Welsh Ministers may by regulations make provision for and in connection with allowing persons –
- (a) to film, photograph or make sound recordings of proceedings at a meeting of an authority to which this section applies, or of a committee or sub-committee of such an authority;
  - (b) to use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
  - (c) to report or provide commentary on the proceedings at such a meeting, orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.
- (2) The regulations may, in particular, make provision –
- (a) for allowing persons to make available to the public or a section of the public using any medium (including the internet) things produced as a result of activities within subsection (1);
  - (b) about the facilities to be made available by authorities to which the regulations apply to enable persons to carry on such activities;
  - (c) about the steps to be taken by persons before carrying on such activities;
  - (d) about the circumstances in which persons may not carry on such activities, including for enabling a person specified in the regulations to prevent them from doing so in the circumstances specified in the regulations.
- (3) The regulations may amend or repeal any provision of –
- (a) the Public Bodies (Admission to Meetings) Act 1960 (c.67);
  - (b) Part 5A of the 1972 Act (access to meetings and documents of local authorities and committees of such authorities).

- (4) This section applies to—
- (a) a county council;
  - (b) a community council;
  - (c) a fire and rescue authority for an area in Wales;
  - (d) a National Park authority for a National Park in Wales.
- (5) In subsection (1) a reference to a committee or sub-committee includes a reference to a joint committee or sub-committee of a joint committee.
- (6) The reference in subsection (4)(a) to a “county council”, in relation to a council with an executive (within the meaning of Part 2 of the 2000 Act), includes a reference to the executive.

## 78 Participation at meetings of community councils

In Part 4 of Schedule 12 to the 1972 Act (meetings and proceedings of community councils), after paragraph 27 insert—

“27A(1) This paragraph applies in respect of a meeting or part of a meeting of a community council which is open to the public.

(2) The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be transacted at the meeting, unless that person considers that doing so is likely to prejudice the effective conduct of the meeting.

(3) In complying with sub-paragraph (2), the person presiding over the meeting must have regard to any guidance issued by the Welsh Ministers.”

## CHAPTER 6

### FURTHER DUTIES OF COUNTY COUNCILS

## 79 Duty to publish constitution guide

(1) Section 37 of the 2000 Act (local authority constitution) is amended as follows.

(2) After subsection (1) insert—

“(1A) A local authority must prepare and keep up to date a document (referred to in this section as their constitution guide) which explains, in ordinary language, the content of their constitution.”

(3) In subsection (2)—

(a) after the word “must” insert “—

(a) publish their constitution and their constitution guide on their website, and

(b) “;

(b) after “copies of their constitution” insert “and their constitution guide”.

(4) In subsection (3) –

- (a) after “constitution” insert “or, as the case may be, their constitution guide”;
- (b) for the words “who requests” to the end of the subsection, substitute “on request, either free of charge or at a charge representing no more than the cost of providing the copy”.

## 80 **Duty on county councils to publish official addresses**

A county council must publish on its website, and in any other manner it considers appropriate, an official electronic and postal address for each member of the council, to which correspondence for the member may be sent.

## PART 4

### FUNCTIONS OF COUNTY COUNCILS AND THEIR MEMBERS

#### CHAPTER 1

#### OVERVIEW OF PART

## 81 **Overview**

In this Part –

- (a) Chapters 2 to 4 impose duties upon members of a county council which relate to their performance, and make connected provision, including for the enforcement of those duties;
- (b) Chapter 5 makes provision –
  - (i) for objectives to be set relating to the performance of an executive of a council operating executive arrangements;
  - (ii) for candidates for election as executive leader of a council to produce written manifestos;
  - (iii) for the appointment of assistants to executives where a council is operating executive arrangements;
  - (iv) for issuing guidance to elected mayors and executive leaders on equality and diversity;
- (c) Chapter 6 makes provision –
  - (i) removing the requirement for a county council to designate a head of paid service and requiring instead that a chief executive be appointed for the council, whose functions will include duties imposed under that Chapter;
  - (ii) relating to the appointment of the head of democratic services of a county council, and a council’s pay policy as it relates to that post;
- (d) Chapter 7 makes provision –
  - (i) in respect of the meetings and functions of overview and scrutiny committees;

- (ii) requiring standards committees to produce annual reports on the exercise of their functions;
- (e) Chapter 8 makes minor amendments to the 2000 Act and the Local Government (Democracy) (Wales) Act 2013 (anaw 4).

## CHAPTER 2

### DUTIES ON MEMBERS OF COUNTY COUNCILS

#### *Performance duties*

#### **82 Members of county councils to attend meetings**

- (1) A member of a county council must attend all relevant meetings.
- (2) But a member is not in breach of the duty under subsection (1) if the member has a good reason for not complying with the duty.
- (3) For the purposes of subsection (1), each of the following is a relevant meeting –
  - (a) a meeting of the county council of which the person is a member;
  - (b) a meeting of a committee or sub-committee of the county council, if the person is a member of that committee or sub-committee;
  - (c) a meeting of any joint committee, joint board or other body of which the person is a member, if that committee, board or body is discharging any of the functions of the county council, or has been appointed to advise the council on any matter relating to the discharge of its functions;
  - (d) if a county council is operating executive arrangements and the person is a member of the executive, a meeting of the executive or of a committee of the executive of which the person is a member;
  - (e) any other meeting that the person would reasonably be expected to attend in the exercise of his or her functions as a member of the county council.
- (4) Subsection (1) does not apply to a member of a county council who is exercising a right to a family absence under Part 2 of the 2011 Measure.
- (5) Nothing in this section affects the operation of section 85 of the 1972 Act (vacation of office because of failure to attend meetings for six months).

#### **83 Members of county councils to hold surgeries**

- (1) A member of a county council must hold a surgery at least four times in every relevant 12 month period.
- (2) But a member is not in breach of the duty under subsection (1) if the member has a good reason for not complying with the duty.
- (3) A member holds a surgery if the member makes himself or herself available for at least one hour to meet members of the public to discuss matters in private.
- (4) In complying with subsection (1), the member must ensure that the location, date and time of the surgery is published on the council's website and in any other manner he or she thinks appropriate more than seven days before the day of the surgery.

- (5) For the purposes of this section, a relevant 12 month period is –
- (a) the period of 12 months starting with the day on which the member assumes office as member of the council, and
  - (b) each subsequent period of 12 months.
- 5 (6) For the purposes of subsection (5), any period during which a member is exercising a right to a family absence under Part 2 of the 2011 Measure is to be disregarded; accordingly, the following two periods are to be treated as consecutive –
- (a) any part of a 12 month period that falls immediately before the period of family absence, and
  - 10 (b) the period that begins immediately after the period of family absence.

#### **84 Members of county councils to answer correspondence**

- (1) A member of a county council must respond to all correspondence sent to his or her official address within 14 days of receipt.
- 15 (2) But a member is not in breach of the duty under subsection (1) if the member has a good reason for not complying with the duty.
- (3) A member's "official address" is any address (whether postal or electronic) which is published by the council under section 80.
- (4) This section does not apply to a member of a county council who is exercising a right to a family absence under Part 2 of the 2011 Measure.

#### **85 Members of county councils to complete training**

- 20 (1) A member of a county council must complete all compulsory training courses.
- (2) But a member is not in breach of the duty under subsection (1) if the member has a good reason for not complying with the duty.
- 25 (3) Training is compulsory if the county council of which a person is a member has notified the person that he or she must complete it.
- (4) This section does not apply to a member of a county council who is exercising a right to a family absence under Part 2 of the 2011 Measure.

#### *Duty to make an annual report*

#### **86 Members of county councils to make annual reports**

- 30 (1) A member of a county council must make a report –
- (a) about his or her activities as a member of the council during the period of 12 months to which the report relates;
  - (b) setting out the results of those activities, if known to the member.
- 35 (2) A member of a county council must submit his or her report made under subsection (1) (an "annual report") to the county council's head of democratic services in accordance with the council's standing orders made by virtue of subsection (3)(b).
- (3) A county council must specify in its standing orders –

- (a) the period to which annual reports must relate, and
  - (b) when annual reports must be submitted to the head of democratic services.
- (4) Standing orders made under subsection (3)(b) must not permit an annual report to be submitted after the end of the period of three months starting with the day of the annual meeting of the county council which follows the period to which the annual report relates.
- (5) A county council must publish the annual reports submitted by its members.

### CHAPTER 3

#### BREACHES OF DUTIES UNDER CHAPTER 2

10

##### *Possible breach of performance duties*

#### **87 Complaints about a member's non-compliance with duties**

- (1) A person may make a complaint about a possible breach by a member of a county council of a duty imposed by section 82, 83, 84 or 85 to the monitoring officer of that council.
- (2) A complaint under subsection (1) must be made in writing.

#### **88 Deciding whether to investigate possible breach of performance duties**

- (1) If the monitoring officer of a county council –
- (a) receives a complaint under section 87, or
  - (b) otherwise has reason to believe that a member has breached a duty under section 82, 83, 84 or 85,
- he or she must refer the matter to the chair of the standards committee of the county council.
- (2) The monitoring officer and the chair of the standards committee must together consider whether or not the matter should be investigated.
- (3) When considering whether a matter should be investigated, the monitoring officer and the chair of the standards committee must consider –
- (a) in cases where the monitoring officer has received a complaint under section 87 –
    - (i) whether the complaint is frivolous or vexatious, and
    - (ii) whether the complaint relates to the same, or substantially the same, facts as a complaint that has already been disposed of, and
  - (b) in all cases, whether it is appropriate for the matter to be investigated.
- (4) If either the monitoring officer or the chair of the standards committee consider that a matter should be investigated, the monitoring officer must investigate the matter.
- (5) If the monitoring officer and the chair of the standards committee both consider that a matter should not be investigated, no investigation may take place; and, in cases where the monitoring officer has received a complaint under section 87, the monitoring officer must as soon as practicable take reasonable steps to –
- (a) notify the person who made the complaint that the matter will not be investigated,

and

(b) give reasons for that decision.

- (6) The monitoring officer and the chair of the standards committee may, for the purpose of deciding whether to investigate a matter, make such enquiries as they think necessary.

5 *Possible breach of duty to make annual report*

### 89 Deciding whether to investigate possible breach of duty to make annual report

- (1) This section applies where the head of democratic services for a county council considers that a member of the county council may have breached the duty under section 86.

- (2) The head of democratic services may –

- 10 (a) notify the monitoring officer of the council, who may investigate the matter;  
(b) if the head of democratic services is also the monitoring officer of the council, investigate the matter (in the exercise of his or her functions as monitoring officer).

- (3) When considering whether to conduct an investigation under this section, the monitoring officer must consult the chair of the standards committee of the county council on  
15 whether it is appropriate for the matter to be investigated.

*Investigations, reports and sanctions*

### 90 Investigation by monitoring officer

- (1) This section applies if the monitoring officer of a county council investigates a matter under section 88 (possible breach of performance duties) or 89 (possible breach of duty to  
20 make annual report).

- (2) The monitoring officer must give the member who is the subject of the investigation an opportunity to respond to the matter being investigated.

- (3) The monitoring officer may –

- 25 (a) ask any person for information relating to the matter being investigated, and  
(b) ask any person to assist him or her in conducting the investigation.

### 91 Monitoring officer's report

- (1) After conducting an investigation under section 88 or 89, the monitoring officer of a county council must –

- 30 (a) provide the standards committee of the county council with a report on the investigation,  
(b) make any recommendations to the standards committee that the monitoring officer considers appropriate,  
(c) send a copy of the report, and any recommendations made, to the member of the county council who was the subject of the investigation, and  
35 (d) if the investigation results from a complaint under section 87, take reasonable steps to send a copy of the report, and any recommendations made, to the person who made the complaint.



- (2) The standards committee must allow the monitoring officer to appear before it for the purpose of presenting the report and any recommendations made.
- (3) The Welsh Ministers may by regulations make provision about the publicity to be given to reports and recommendations provided under this section.

5 **92 Consideration of matter by standards committee**

- (1) This section applies if the standards committee of a county council receives a report from a monitoring officer under section 91.
- (2) The standards committee must determine whether there is any evidence of a breach of the duty in question.
- 10 (3) If the standards committee determines that there is no evidence of a breach of the duty, it must –
  - (a) notify the member who is the subject of the report, and
  - (b) if the report results from a complaint under section 87, take reasonable steps to notify the person who made the complaint.
- 15 (4) If the standards committee determines that there is evidence of a breach of the duty, it must give the member who is the subject of the report written notice that he or she may make representations to the standards committee, either orally or in writing, in respect of the report.
- 20 (5) The standards committee may, for the purposes of exercising its functions under this section –
  - (a) ask the monitoring officer to attend before it for the purposes of assisting it, and
  - (b) ask any person for information, or invite any person to make representations to it.
- (6) The monitoring officer may not unreasonably refuse a request made under subsection (5).
- 25 (7) The standards committee must determine the period within which a member may make representations under subsection (4); but the period must not be less than 28 days starting with the day on which the member is given notice under that subsection.

**93 Standards committee's determination**

- 30 (1) After the period determined under section 92(7) for making representations has ended, the standards committee must determine whether the member who is the subject of the report under section 91 has breached the duty in question.
- (2) If the standards committee determines that the member has breached the duty, it may decide to –
  - 35 (a) censure the member,
  - (b) suspend or partially suspend the member from being a member of the county council for a period not exceeding six months, or
  - (c) take no further action.
- (3) The standards committee must –
  - (a) notify the member of its determination under this section, and of any action that will follow, and

- (b) if the report results from a complaint under section 87, take reasonable steps to notify the person who made the complaint of those matters.
- (4) The Welsh Ministers may by regulations make provision about the publicity that is to be given to any determination under this section and to any action taken against a member.
- 5 (5) The Welsh Ministers must by regulations make provision conferring rights of appeal on members of a county council against any determination of a standards committee under this section.

## CHAPTER 4

### FURTHER PROVISION ABOUT DUTIES ON MEMBERS

#### *Regulations and guidance relating to Chapters 2 and 3*

#### 94 Regulations

- (1) The Welsh Ministers may by regulations make further provision about the way in which a possible breach of a duty imposed by Chapter 2 is to be dealt with.
- (2) Regulations under subsection (1) may, in particular, make provision—
- 15 (a) about matters to be taken into account in considering whether a possible breach of a duty should be investigated;
- (b) about matters to be taken into account in determining whether a member has breached a duty;
- 20 (c) enabling a monitoring officer or a standards committee to refer a possible breach of a duty, or any other matter that comes to the monitoring officer or the standards committee's attention in the course of an investigation, to the monitoring officer or the standards committee of another relevant authority;
- (d) about procedures to be followed by a monitoring officer or a standards committee;
- (e) about the disclosure of information;
- 25 (f) enabling sums to be paid to persons by way of expenses and allowances or costs;
- (g) about how appeals are to be made, considered and determined.
- (3) For the purposes of subsection (2)(c), a "relevant authority" means—
- (a) a county council;
- (b) a fire and rescue authority;
- 30 (c) a National Park authority for a National Park.

#### 95 Guidance

A person exercising functions under Chapter 2 or 3 must have regard to any guidance issued by the Welsh Ministers.

#### *Related amendments*

#### 35 96 Standards committee to provide training

In section 54 of the 2000 Act (functions of standards committees), before subsection (3)

insert –

“(2B) A standards committee of a county council in Wales also has the specific function of advising, training or arranging to train members of the council on matters relating to the duties imposed by sections 82 to 86 of the Local Government (Wales) Act 2017 (duties to attend meetings, hold surgeries, answer correspondence, complete training and make annual reports).”

## 97 Amendments to the 2011 Measure

(1) The 2011 Measure is amended as follows.

(2) Section 5 is repealed.

(3) In section 7, after subsection (1), insert –

“(1A) A local authority must –

(a) consider whether it should be compulsory for its members to complete any training under section 85 of the Local Government (Wales) Act 2017, and

(b) in exercising its functions under subsection (1), secure the provision of any training which it is compulsory for a member to attend under section 85 of that Act.”

### *Role of leaders of political groups on county councils*

## 98 Duties of leaders of political groups in relation to standards of conduct

(1) The 2000 Act is amended as follows.

(2) After section 52 insert –

### **“52A County councils: duties of leaders of political groups in relation to standards of conduct**

(1) A leader of a political group consisting of members of a county council in Wales –

(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and

(b) must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

(2) In complying with subsection (1), a leader of a political group must have regard to any guidance issued by the Welsh Ministers.

(3) The Welsh Ministers may by regulations make provision for the purposes of this section about the circumstances in which –

(a) members of a county council in Wales are to be treated as constituting a political group;

(b) a member of a political group is to be treated as a leader of the

group.

(4) Before making regulations under subsection (3), the Welsh Ministers must consult such persons as they consider appropriate.”

(3) In section 54 (functions of standards committees), after subsection (2) insert –

“(2A) A standards committee of a county council in Wales also has the specific functions of –

(a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and

(b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.”

## CHAPTER 5

### EXECUTIVES OF COUNTY COUNCILS

#### 99 Objectives to be met by council executives

In the 2000 Act, at the appropriate place insert the following section –

##### “15A Duty to set objectives etc. in relation to discharge of functions

(1) As soon as practicable after an elected mayor or, as the case may be, executive leader of a local authority is elected, he or she must set objectives to be met by the executive in the discharge of functions which, under executive arrangements, are the responsibility of the executive.

(2) An elected mayor or executive leader must keep objectives set under this section under review, and may revise the objectives at any time.

(3) As soon as is reasonably practicable after 31 March in each year, the elected mayor or the executive leader of a local authority must prepare a report on the extent to which objectives set under this section have been achieved.

(4) An elected mayor or executive leader must arrange for the publication of –

(a) objectives set under this section, and

(b) reports prepared under subsection (3).”

#### 100 Manifestos: election of executive leader

(1) In paragraph 2 of Schedule 1 (leader and cabinet executives, Wales) to the 2000 Act –

(a) insert –

“(1A) The executive arrangements –

(a) must include provision requiring a candidate for election as the executive leader to prepare a written manifesto, and provision for ensuring that copies of the manifesto are made available before the election to the other members of the authority;

(b) may include other provision with respect to the election of the executive leader.”;

(b) in sub-paragraph (2)–

(i) after “may” insert “also”, and

(ii) in paragraph (a) omit “election and”.

(2) After paragraph 2 of Schedule 1 insert –

“2A The standing orders of a local authority operating executive arrangements which involve a leader and cabinet executive (Wales) must include provision for the purpose of ensuring that a candidate for election as the executive leader is given the opportunity to promote his or her written manifesto at a meeting of the authority held before the election.”

## 101 Appointment of assistants to executive

(1) Schedule 1 to the 2000 Act (executive arrangements in Wales: further provision) is amended as follows.

(2) Before paragraph 4 insert –

### *“Assistants to the executive*

3A (1) Executive arrangements by a local authority may make provision for councillors of the authority to be appointed to assist the executive in discharging functions which are the responsibility of the executive.

(2) Such a councillor is referred to in this Schedule as an assistant to the executive of the authority.

(3) Assistants to the executive of an authority are to be appointed –

(a) in the case of an authority operating a mayor and cabinet executive, by the elected mayor;

(b) in the case of an authority operating a leader and cabinet executive (Wales), by the executive leader or the authority.

(4) Executive arrangements which make provision for the appointment of assistants to an executive may include provision about –

(a) the number of assistants that may be appointed,

(b) their term of office, and

(c) their responsibilities.

(5) The assistants to the executive of a local authority may not include –

(a) the chairman and vice-chairman of the authority;

(b) the presiding member and deputy presiding member of the authority (if the authority has a presiding member).

(6) An assistant to the executive of an authority is not a member of the executive of the authority.

(7) Section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to a local authority's function of making appointments under sub-paragraph (3) (b)."

5 (3) In paragraph 5—

(a) at the beginning insert—

"(1) An assistant to the executive of a local authority is entitled to attend, and speak at, any meeting of the executive or of a committee of the executive.

10 (2) “;

(b) for “not a member of the authority's executive” substitute “neither a member of the authority's executive nor an assistant to the executive”.

(4) Schedule 6 contains further amendments relating to assistants to local authority executives.

## 15 102 Guidance

(1) Section 38 of the 2000 Act (guidance) is amended as follows.

(2) In subsection (1), after “local authority” insert “, an elected mayor or an executive leader”.

(3) After subsection (1) insert—

20 “(1A) The guidance may, among other things, include provision designed to encourage good practice in relation to equality and diversity (within the meaning of section 8(2) of the Equality Act 2006).”

## CHAPTER 6

### APPOINTMENT ETC. OF CERTAIN CHIEF OFFICERS

## 25 103 Appointment and reports of chief executive

(1) A county council must appoint a chief executive.

(2) The chief executive of a county council must—

(a) keep each of the matters specified in subsection (3) under review, and

30 (b) where he or she considers it appropriate to do so, prepare a report to the council setting out his or her proposals in respect of any of those matters.

(3) Those matters are—

(a) the manner in which the exercise by the council of its different functions is co-ordinated;

35 (b) the number and grades of staff required by the council for the exercise of its functions;

(c) the organisation of the council's staff;

(d) the appointment of the council's staff;

(e) the arrangements for the management of the council's staff (including arrangements for training and development).

5 (4) As soon as practicable after preparing a report under subsection (2)(b), the chief executive of a county council must arrange for a copy of the report to be sent to each member of the council.

(5) A county council must consider a report prepared under subsection (2)(b) at a meeting held not more than three months after copies of the report are first sent to members of the council; and section 101 of the 1972 Act does not apply to the duty imposed by this subsection.

10 (6) A county council must provide its chief executive with such staff, accommodation and other resources as are, in the chief executive's opinion, sufficient to allow the chief executive's duties under this section to be carried out.

(7) Schedule 7 makes amendments to other legislation in consequence of this section.

#### **104 Council leaders to set objectives for chief executives etc.**

15 (1) This section applies where a county council is operating executive arrangements.

(2) The council's senior executive member must, as soon as is practicable after a person is appointed as chief executive of the council, set objectives to be met by the chief executive.

(3) The council's senior executive member must annually –

20 (a) review the extent to which the chief executive has met objectives set under this section, and

(b) review and, if the senior executive member considers it appropriate, revise the objectives.

(4) The council's senior executive member must arrange for objectives set under this section to be published.

25 (5) The council's senior executive member must –

(a) prepare a report on each review under subsection (3)(a),

(b) arrange for the report to be published, and

(c) arrange for a copy of the report to be sent to each member of the council.

30 (6) The council must consider a report on a review under subsection (3)(a) at a meeting held not more than three months after the date on which the report is published; and section 101 of the 1972 Act does not apply to the duty imposed by this subsection.

(7) The council's senior executive member may not do anything mentioned in subsection (2), (3), (4) or (5) without consulting its chief executive.

(8) The Welsh Ministers may issue guidance to –

35 (a) a senior executive member of a county council;

(b) a county council,

on the exercise of functions under this section, and the person to whom any guidance is issued must have regard to it.

(9) In this section "senior executive member" means –

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

5 (10) In subsection (9) –

“executive leader” (“*arweinydd gweithrediaeth*”) has the same meaning as in section 11(3)(a) of the 2000 Act;

10 “leader and cabinet executive” (“*gweithrediaeth arweinydd a chabinet*”) means a leader and cabinet executive (Wales) within the meaning of section 11(3) of the 2000 Act.

## 105 Head of democratic services

(1) In section 8(4) of the 2011 Measure –

(a) omit paragraph (b), and

15 (b) in paragraph (c), for “that section” substitute “section 5 of the Local Government and Housing Act 1989”.

(2) In section 43(2) of the Localism Act 2011 (c.20) (meaning of “chief officer” for the purposes of pay policy statements), after paragraph (e) insert –

20 “(f) its head of democratic services designated under section 8(1) of the Local Government (Wales) Measure 2011 (designation by council of a county or country borough in Wales).”

## CHAPTER 7

### OVERVIEW AND SCRUTINY COMMITTEES AND STANDARDS COMMITTEES

## 106 Voting rights of co-opted members of overview and scrutiny committees

(1) The 2000 Act is amended in accordance with subsections (2) and (3).

25 (2) In Schedule 1 (further provision about executive arrangements), at the end insert –

*“Overview and scrutiny committees: voting rights of co-opted members*

15 (1) A local authority may –

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

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

(2) Permission to vote at meetings of an overview and scrutiny committee may include permission to vote at meetings of its sub-committees (including sub-committees it may appoint in the future).

35 (3) Permission under this paragraph may only be given with the



agreement of the overview and scrutiny committee.

- (4) Permission must relate to a specific co-opted member.
- (5) Permission may be given subject to limitations.
- (6) A limitation may, in particular, relate to—
  - (a) the questions on which the co-opted member is entitled to vote;
  - (b) the duration of the co-opted member's entitlement to vote.
- (7) The Welsh Ministers may by regulations make provision about the exercise of the functions of local authorities and overview and scrutiny committees under this paragraph.
- (8) Regulations under sub-paragraph (7) may, in particular, include—
  - (a) provision for a maximum or minimum number of co-opted members of an overview and scrutiny committee or sub-committee that may be permitted to vote at meetings;
  - (b) provision about the procedure for giving permission.
- (9) Section 101 of the Local Government Act 1972 (c.70) (arrangements for discharge of functions by local authorities) does not apply to the functions of a local authority under this paragraph.
- (10) In this paragraph, "co-opted member", in relation to an overview and scrutiny committee of a local authority or a sub-committee of such a committee, means a member of the committee or sub-committee who is not a member of the authority."

- (3) In section 21(10) (co-opted members of overview and scrutiny committees), after "that meeting" insert "unless permitted to do so under paragraph 15 of Schedule 1".
- (4) In section 58(3)(c)(i) of the 2011 Measure (provisions that may be applied to joint overview and scrutiny committees), after "section 21 of" insert ", or paragraphs 8 to 15 of Schedule 1 to,".
- (5) In section 185(3)(b)(i) of the National Health Service (Wales) Act 2006 (c.42) (provisions that may be applied to joint overview and scrutiny committees with functions relating to the health service), after "(6) to (17) of" insert ", and paragraph 15 of Schedule 1 to,".

### 30 **107 Making information available to overview and scrutiny committees**

In section 22(10) of the 2000 Act (power to require information to be made available about decisions), for "or members of the authority" substitute ", members of the authority, an overview and scrutiny committee of the authority or a sub-committee of such a committee".

### 35 **108 Power to require authorities to appoint joint overview and scrutiny committees**

- (1) Section 58 of the 2011 Measure (joint overview and scrutiny committees) is amended as follows.
- (2) In subsection (1), after "authorities may" insert "or must".
- (3) In subsection (3), for paragraph (a) substitute—

- “(a) provision about the circumstances in which arrangements may be made;
- (aa) provision prescribing circumstances in which arrangements must be made;
- 5 (ab) provision for arrangements to be made subject to prescribed conditions or limitations;”.

## 109 Duty of standards committee to make annual report

In Part 3 of the 2000 Act, at the end of Chapter 1 insert—

### “56B Annual reports by standards committees

- 10 (1) As soon as reasonably practicable after the end of each financial year, a standards committee of a relevant authority must make an annual report to the authority in respect of that year.
- (2) The annual report must describe how the committee’s functions have been discharged during the financial year.
- 15 (3) In particular, it must include a summary of—
- (a) what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56;
- (b) reports and recommendations made or referred to the committee under Chapter 3 of this Part;
- 20 (c) action taken by the committee following its consideration of such reports and recommendations;
- (d) notices given to the committee under Chapter 4 of this Part.
- (4) An annual report by a standards committee of a county council in Wales must include—
- 25 (a) the committee’s assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1) during the financial year;
- (b) a summary of—
- 30 (i) matters referred to the chair of the committee under section 88 (possible breach of performance duties by members) of the Local Government (Wales) Act 2017, and
- (ii) matters considered under section 92 of that Act (consideration by standards committee of possible breaches of duties), and determinations made under section 93 of that Act (standards committee’s determination in relation to possible breaches of duties).
- 35 (5) An annual report by a standards committee of a relevant authority may include recommendations to the authority about any matter in respect of which the committee has functions.
- 40

- (6) A relevant authority must consider each annual report made by its standards committee before the end of 3 months beginning with the day on which the authority receives the report.
- (7) The function of considering the report may be discharged only by the relevant authority (and is accordingly not a function to which section 101 of the Local Government Act 1972 applies).
- (8) In this section “financial year” means a period of 12 months ending with 31 March.”

## CHAPTER 8

### MINOR AMENDMENTS TO OTHER LEGISLATION

#### 110 Minor amendments to other legislation

- (1) Section 106 of the 2000 Act (orders and regulations) is amended in accordance with subsections (2) and (3).
- (2) Omit subsection (5).
- (3) In subsection (6) –
- (a) after “made under” insert “section 52A(3),”;
  - (b) after “54(5)” insert “or under paragraph 15(7) of Schedule 1”.
- (4) In the Local Government (Democracy) (Wales) Act 2013 (anaw 4), omit section 68(4)(a).

## PART 5

### COUNTY COUNCILS: IMPROVEMENT OF GOVERNANCE

#### CHAPTER 1

##### DUTY TO MAKE ARRANGEMENTS TO SECURE GOOD GOVERNANCE ETC.

#### 111 Governance arrangements

- (1) A county council must, in relation to the exercise of its functions, make, implement and comply with arrangements (“governance arrangements”) for the purpose of securing –
- (a) good governance;
  - (b) accountability;
  - (c) economy, efficiency and effectiveness in its use of resources.
- (2) In making governance arrangements, a county council must comply with the principles, processes and practices set out or otherwise prescribed by the Welsh Ministers in regulations made under subsections (3) and (4).
- (3) The Welsh Ministers must by regulations make provision about principles, processes and practices relating to good governance, and they may do so by prescribing in the regulations any code of practice or guidance (whether or not issued by the Welsh Ministers).

- (4) The Welsh Ministers may by regulations make provision about principles, processes and practices relating to accountability and the economy, efficiency and effectiveness of a county council in its use of resources, and they may do so by prescribing any code of practice or guidance (whether or not issued by the Welsh Ministers).
- 5 (5) The Welsh Ministers may by regulations make further provision about governance arrangements

## CHAPTER 2

### CORPORATE PLANS

#### *Preparation, publication and review of corporate plans*

#### 10 **112 Duty of county councils to prepare and publish a corporate plan**

- (1) A county council must prepare and publish a corporate plan in accordance with this section.
- (2) The plan must include a statement of the council's priorities in relation to the exercise of its functions (including its priorities in relation to its performance in the short-term, 15 medium-term and long-term).
- (3) The plan must include a statement identifying matters in relation to which the council anticipates making decisions of particular significance.
- (4) The plan must set out information about the council's strategies relating to—
- 20 (a) workforce and workforce planning;
- (b) financial affairs and financial planning;
- (c) complaints handling;
- (d) risk management;
- (e) overview and scrutiny of the exercise of its functions;
- 25 (f) management of assets;
- (g) public participation (as to which, see section 38).
- (5) The plan must, when it is first published, include—
- (a) the documents mentioned in subsection (6), as most recently published, or
- (b) information on how to obtain those documents (including in electronic form).
- (6) The documents are—
- 30 (a) the self assessment report published by the county council under section 117,
- (b) the well-being objectives, and the statement relating to them, published by the county council in accordance with sections 3 and 7 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2),
- 35 (c) the annual report published by the county council under section 13 of that Act, and
- (d) the assessment of local well-being published by the public services board for the county under section 37 of that Act.

- (7) The Welsh Ministers may by regulations make further provision about what must be included in a corporate plan.

### 113 When corporate plan is to be published

- (1) A county council must publish its first corporate plan no later than three months after the date of the first ordinary election of councillors of the council following the coming into force of this section.
- (2) Subsequently, a county council must publish corporate plans no later than three months after the date of each ordinary election of councillors of the council.
- (3) The Welsh Ministers may by regulations make—
- (a) provision about how a corporate plan is to be published, and
  - (b) further provision about when a corporate plan must be published, including provision amending subsection (1) or (2) for the purpose of changing the deadline by which publication must take place.

### 114 Review and revision of corporate plan

- (1) A county council must review its corporate plan from time to time (but not less frequently than at intervals of one year).
- (2) As part of each review, the council must assess its progress in relation to the priorities set out in the statement included in the plan under section 112(2).
- (3) On completing the review, the council must publish a revised corporate plan that includes a report of the assessment under subsection (2).
- (4) The council must ensure that the revised plan includes—
- (a) the documents mentioned in section 112(6), as most recently published, or
  - (b) information on how to obtain those documents (including in electronic form).
- (5) The council must also publish a revised plan if it thinks it is appropriate to do so for any other reason.

### 115 Consultation about corporate plan

Before preparing or revising its corporate plan, a county council must consult—

- (a) each Local Health Board for an area any part of which is in the council's area,
- (b) the public services board for the council's area, and
- (c) any other persons the council thinks appropriate.

## CHAPTER 3

### ASSESSMENTS OF GOVERNANCE ARRANGEMENTS

#### *Self assessment*

### 116 Duty of county council to carry out self assessment

- (1) A county council must carry out a self assessment from time to time (but not less

frequently than at intervals of one year).

- (2) A self assessment is an assessment by the council of its compliance with its duties under section 111.

### 117 Self assessment report

5 (1) A county council must prepare a report of each self assessment that it carries out (a “self assessment report”).

(2) A self assessment report must –

(a) set out the council’s assessment of its compliance with its duties under section 111, and

10 (b) identify what action (if any) the council proposes to take in the light of that assessment.

(3) The county council must make a draft of the self assessment report available to its corporate governance and audit committee.

15 (4) The corporate governance and audit committee must review the draft of the self assessment report and may make recommendations for changes to the draft.

(5) The county council must, in finalising the self assessment report –

(a) have regard to any recommendations for changes made by the corporate governance and audit committee, and

20 (b) if it does not make a change recommended by the committee, set out in the self assessment report the recommendation and the reasons why it did not make the change.

(6) The county council must publish the finalised self assessment report.

(7) The Welsh Ministers may by regulations make provision about –

(a) the form and content of a self assessment report;

25 (b) when and how it must be published.

#### *Peer assessment*

### 118 Duty of county council to arrange peer assessments

(1) A county council must arrange for peer assessments to be carried out.

30 (2) A peer assessment is an assessment, by a panel appointed by the county council, of the council’s compliance with its duties under section 111.

(3) The Welsh Ministers may by regulations make provision about the appointment of panels to carry out peer assessments.

(4) The regulations may, in particular, include provision about –

(a) the number of people who may or must be appointed to a panel;

35 (b) descriptions of people who may or must be appointed to a panel;

(c) circumstances in which a person may not be appointed to a panel.

### 119 Frequency of peer assessments

- (1) Arrangements made by a county council under section 118 must ensure that a peer assessment is carried out in relation to the council –
  - (a) no later than 31 March 2023, and
  - (b) at least once during each electoral cycle after that date.
- 5 (2) In subsection (1)(b), an “electoral cycle” means a period that –
  - (a) begins with an ordinary election of members of a county council, and
  - (b) ends with the next ordinary election of members of the council.
- (3) The Welsh Ministers may by regulations amend subsections (1) and (2) for the purpose of changing when and how often a peer assessment must be carried out.

#### 10 **120 Peer assessment report**

- (1) Arrangements made by a county council under section 118 must require a panel that carries out a peer assessment in relation to the council to –
  - (a) prepare a report of the assessment (a “peer assessment report”), and
  - (b) submit the report to the council.
- 15 (2) The peer assessment report –
  - (a) must set out the panel’s assessment of the council’s compliance with its duties under section 111, and
  - (b) may recommend action to be taken by the council in the light of that assessment.
- (3) The county council must publish the peer assessment report.

#### 20 **121 Council’s response to peer assessment report**

- (1) A county council must prepare a response to each peer assessment report submitted to it.
- (2) The response must –
  - (a) state whether the council accepts the assessment and recommendations (if any) set out in the report, and
  - 25 (b) identify what action (if any) the council proposes to take in the light of the report.
- (3) The county council must make a draft of the response to the peer assessment report available to its corporate governance and audit committee.
- (4) The corporate governance and audit committee must review the draft of the response to the peer assessment report and may make recommendations for changes to the draft.
- 30 (5) The county council must, in finalising the response to the peer assessment report –
  - (a) have regard to any recommendations for changes made by the corporate governance and audit committee, and
  - (b) if it does not make a change recommended by the committee, set out in the response the recommendation and the reasons why it did not make the change.
- 35 (6) The county council must publish the finalised response to the peer assessment report.

#### **122 Further provision about peer assessment report and response**

The Welsh Ministers may by regulations make provision about—

- (a) the form and content of a peer assessment report and response;
- (b) when and how the report and response must be published.

*Combined regulators' assessment*

5 **123 Definitions of “relevant regulator” and “relevant functions”**

(1) In this Part—

- (a) “relevant regulator” means a person listed in subsection (2);
- (b) the “relevant functions” of a relevant regulator means the functions specified in respect of the regulator in that subsection.

10 (2) The relevant regulators and their relevant functions are—

- (a) Her Majesty’s Chief Inspector of Education and Training in Wales exercising functions under section 38 of the Education Act 1997 (c.44);
- (b) the Welsh Ministers exercising functions under sections 149A and 149B of the Social Services and Well-being (Wales) Act 2014 (anaw 4);

15 (c) the Auditor General for Wales—

- (i) auditing the accounts of a county council under Chapter 1 of Part 2 of the Public Audit (Wales) Act 2004 (c.23),
- (ii) undertaking studies under Chapter 2 of Part 2 of that Act in relation to a county council, or
- (iii) carrying out examinations of a county council under section 15 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2).

(3) The Welsh Ministers may by regulations amend subsection (2) by—

- (a) adding or removing a person or function, or
- (b) varying the description of a person or function.

25 **124 Duty to carry out combined assessment of governance arrangements of county council**

(1) The relevant regulators must, at such intervals as they think fit, carry out a combined assessment in relation to each county council.

30 (2) A combined assessment is an assessment of a county council’s compliance with its duties under section 111 carried out jointly by the relevant regulators, based on a review by the relevant regulators of—

- (a) reports relating to the council made by each of the relevant regulators in the exercise of their relevant functions,
- (b) information available to the relevant regulators as a result of exercising their relevant functions in relation to the council, and
- (c) documents published in relation to the council under this Part.

35 (3) A relevant regulator may share reports and information within subsection (2)(a) and (b) with the other relevant regulators for the purposes of a combined assessment.



- (4) In carrying out a combined assessment, the relevant regulators may consult any other person who exercises functions of a public nature in relation to the council.

## 125 Report of combined assessment

- 5 (1) The relevant regulators must prepare a report of each combined assessment (a "combined assessment report").
- (2) The combined assessment report must set out the relevant regulators' assessment of the county council's compliance with its duties under section 111.
- (3) The combined assessment report may also include –
- 10 (a) recommendations to the council about action that it should take in the light of that assessment;
- (b) recommendations to the Welsh Ministers about the exercise of their functions under this Part in relation to the council.
- (4) The relevant regulators must try to reach agreement about the matters to be set out in the combined assessment report, but where they are unable to do so, the report may set out the views of each of them separately.
- 15 (5) The relevant regulators must send a copy of the combined assessment report –
- (a) to the county council to which the combined assessment relates, and
- (b) if the report includes recommendations to the Welsh Ministers, to the Welsh Ministers.
- 20 (6) The county council must publish the combined assessment report.

## 126 Council's response to combined assessment report

- (1) A county council that receives a combined assessment report must prepare a response to the report.
- (2) The response must –
- 25 (a) state whether the council accepts the assessment and recommendations (if any) set out in the report, and
- (b) identify what action (if any) the council proposes to take in the light of the report.
- (3) The county council must make a draft of the response to the combined assessment report available to its corporate governance and audit committee.
- 30 (4) The corporate governance and audit committee must review the draft of the response to the combined assessment report and may make recommendations for changes to the draft.
- (5) The county council must, in finalising the response to the combined assessment report –
- 35 (a) have regard to any recommendations for changes made by the corporate governance and audit committee, and
- (b) if it does not make a change recommended by the committee, set out in the response the recommendation and the reasons why it did not make the change.
- (6) The county council must send a copy of the finalised response to the combined assessment report –

- (a) to the relevant regulators, and
  - (b) if the combined assessment report includes recommendations to the Welsh Ministers, to the Welsh Ministers.
- (7) The county council must publish the response to the combined assessment report.

5 **127 Further provision about combined assessments**

The Welsh Ministers may by regulations make provision about –

- (a) when a combined assessment must be carried out;
- (b) the form and content of a combined assessment report and response;
- (c) when and how the report and response must be published.

10

**CHAPTER 4**

**GOVERNANCE REVIEWS AND INTERVENTION**

*Governance reviews*

**128 Welsh Ministers' power to arrange governance review**

- 15 (1) If the Welsh Ministers consider that a county council is, or may be, failing to comply with any of its duties under section 111, they may arrange for a governance review to be carried out in respect of the council.
- (2) A governance review is a review of a county council's compliance with its duties under section 111, with a view to identifying any action that should be taken to ensure its compliance with those duties.
- 20 (3) Arrangements made by the Welsh Ministers for a governance review to be carried out must –
- (a) describe the scope of the review,
  - (b) identify the person by whom the review is to be carried out (the "reviewer"), and
  - (c) specify a period within which the reviewer is to send a report to the Welsh Ministers under section 133(4).
- 25 (4) The arrangements may include any other provision that the Welsh Ministers think is appropriate.

**129 Consultation to be carried out before making arrangements for governance review**

30 Before making arrangements for a governance review to be carried out in respect of a county council, the Welsh Ministers must consult –

- (a) the council, and
- (b) whatever other persons (if any) the Welsh Ministers think appropriate.

**130 Duty to notify council of arrangements for governance review**

- 35 (1) As soon as reasonably practicable after making arrangements for a governance review, the Welsh Ministers must notify the council concerned of the arrangements, and of the

reasons for making the arrangements.

- (2) The notification must –
- (a) describe the scope of the review,
  - (b) identify the reviewer, and
  - (c) state the period specified under section 128(3)(c).

### 131 Council's duty to co-operate with governance reviewer

A county council that is the subject of a governance review must provide the reviewer with whatever facilities and assistance the reviewer may reasonably require for the purpose of carrying out the review, including among other things by providing documents, records and other information.

### 132 Provision of information by other persons

- (1) A reviewer carrying out a governance review in respect of a county council may require a person within subsection (3) to provide the reviewer with whatever facilities and assistance the reviewer may reasonably require for the purpose of carrying out the review, including among other things by providing documents, records and other information.
- (2) That person must take all reasonable steps to comply with the requirement.
- (3) The persons are –
- (a) the public services board for the county council's area;
  - (b) the Local Health Board for an area any part of which is in the county council's area;
  - (c) a community council in the county council's area;
  - (d) Her Majesty's Chief Inspector of Education and Training in Wales;
  - (e) the Auditor General for Wales.
- (4) A person is not required by this section to provide documents, records or other information if the person is prohibited from providing them by any enactment or other rule of law.
- (5) The power in subsection (1) includes power to require documents or records to be produced in a form which is legible and portable.
- (6) The Welsh Ministers may by regulations amend subsection (3) by –
- (a) adding or removing a person, or
  - (b) varying the description of a person.

### 133 Reviewer's duty to prepare report

- (1) Where a governance review has been carried out in respect of a county council, the reviewer must prepare a report on the review (a "governance review report").
- (2) The governance review report must –
- (a) set out the reviewer's assessment of the council's compliance with its duties under

section 111,

- (b) identify any action that the reviewer recommends be taken in order to ensure that the council complies with those duties,
- (c) specify the person who the reviewer considers should take the action,
- (d) specify the period within which the reviewer considers that the action should be taken, and
- (e) set out whether the reviewer considers that the action is likely to be taken within that period.

(3) The report must also contain any other information about the review, or the governance arrangements of the council, that is requested by the Welsh Ministers.

- (4) The reviewer must send a copy of the governance review report to –
- (a) the county council, and
  - (b) the Welsh Ministers.

(5) The county council must publish the report within the period of 14 days starting with the date on which a copy of it is sent to the council under subsection (4).

#### **134 Council's response to governance review report**

(1) A county council must prepare a response to any governance review report sent to it under section 133(4).

(2) The response must identify what action (if any) the council proposes to take in the light of the report.

(3) The county council must make a draft of the response to the governance review report available to its corporate governance and audit committee.

(4) The corporate governance and audit committee must review the draft of the response to the governance review report and may make recommendations for changes to the draft.

- (5) The county council must, in finalising the response to the governance review report –
- (a) have regard to any recommendations for changes made by the corporate governance and audit committee, and
  - (b) if it does not make a change recommended by the committee, set out in the response the recommendation and the reasons why it did not make the change.

- (6) The county council must –
- (a) send the finalised response to the governance review report to the Welsh Ministers before the end of the period of 31 days starting with the date on which the copy of the report is sent to the council under section 133(4), and
  - (b) publish the response.

(7) The Welsh Ministers may extend the period in subsection (6)(a) in any particular case if satisfied that the extension is reasonable to allow the council to discharge its duties under this section.

(8) A period may be extended under subsection (7) more than once.

*Intervention directions***135 Welsh Ministers' power to give intervention directions**

- (1) The Welsh Ministers may give an intervention direction to a county council if –
- (a) they have received a copy of a governance review report in respect of the council, and the council's response to the report, and
  - (b) they consider that giving an intervention direction is necessary or appropriate in order to ensure that the council complies with its duties under section 111.
- (2) An intervention direction is a direction within section 136, 137 or 138.

**136 Direction to obtain support services**

- (1) A direction within this section is a direction to a county council to enter into a contract or other arrangement with a specified person, or with a person of a specified description, for the provision to the council of specified support services.
- (2) "Support services" are services that the Welsh Ministers consider to provide information, advice, training, or other support.
- (3) A direction within this section may require the contract or other arrangement to contain specified terms and conditions.

**137 Direction to take specified steps**

A direction within this section is a direction to a county council to take specified steps, within a specified period.

**138 Direction that functions be performed by Welsh Ministers or their nominee**

- (1) A direction within this section is a direction that specified functions of a county council be exercised by the Welsh Ministers or a person nominated by them.
- (2) If a direction within this section is in force –
- (a) the council to which it relates must comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the functions, and
  - (b) the functions of the council to which it relates are to be treated for all purposes as being exercisable by the Welsh Ministers or their nominee.
- (3) The Welsh Ministers may by regulations make provision amending, repealing, revoking or applying any statutory provision (whenever passed or made, including a statutory provision contained in or made under this Act), for the purposes of its application in respect of functions exercisable by the Welsh Ministers or their nominee by virtue of a direction within this section.
- (4) In this section, "statutory provision" means a provision of –
- (a) a Measure or Act of the National Assembly for Wales;
  - (b) an Act of Parliament;
  - (c) an instrument made under a Measure or Act of the National Assembly for Wales, or under an Act of Parliament.

**139 General provision about intervention directions**

- (1) A county council must comply with an intervention direction given to it.
- (2) An intervention direction –
- (a) must be in writing;
  - (b) may be varied or revoked by a later direction.

**140 Duty to co-operate**

- (1) A county council must provide a person within subsection (2) with whatever facilities and assistance the person may reasonably require in connection with the exercise of functions by virtue of an intervention direction, including among other things by providing documents, records and other information.
- (2) The persons are –
- (a) the Welsh Ministers;
  - (b) any person authorised for the purposes of this section by the Welsh Ministers;
  - (c) any person acting under an intervention direction;
  - (d) any person assisting –
    - (i) the Welsh Ministers, or
    - (ii) a person mentioned in paragraph (b) or (c).

**141 Powers of entry and inspection**

- (1) A person within subsection (2) has at all reasonable times –
- (a) a right of entry to the premises of the county council concerned;
  - (b) a right to inspect, and take copies of, any records or other documents kept by that council, and any documents containing information relating to that council, that the person considers relevant to the exercise of the person's functions under or by virtue of this Chapter.
- (2) The following persons are within this subsection –
- (a) a person specified in a direction within section 136 given to a county council, or, where a direction within section 136 given to a county council specifies a description of persons, the person with whom the county council enters into the contract or other arrangement required by the direction;
  - (b) the Welsh Ministers, where they have given a county council a direction within section 138 that specified functions of the council be exercised by the Welsh Ministers;
  - (c) a person nominated by a direction within section 138 given to a county council.
- (3) In exercising the right under subsection (1)(b) to inspect records or other documents, a person ("P") –
- (a) is entitled to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and

(b) may require the following persons to provide any assistance P may reasonably require (including, among other things, the making of information available for inspection or copying in a legible form) –

(i) a person by whom or on whose behalf the computer is or has been so used;

(ii) a person having charge of, or being otherwise concerned with the operation of, the computer, apparatus, or material.

(4) Any reference in this section to a person falling within subsection (2) includes a reference to any person assisting that person.

## 142 Interpretation of Chapter

(1) In this Chapter, “specified”, in relation to a direction, means specified in the direction.

(2) References in this Chapter to “documents” and “records” each include information recorded in any form.

## CHAPTER 5

### CO-ORDINATION BETWEEN REGULATORS

## 143 Co-ordination of relevant functions of relevant regulators

(1) The relevant regulators must have regard to the need for co-ordination in the exercise of relevant functions.

(2) The Welsh Ministers may by regulations make further provision for and in connection with the co-ordination of the exercise by relevant regulators of relevant functions.

(3) Regulations made under subsection (2) may, among other things, make provision for –

(a) a timetable for the exercise of relevant functions to be prepared and published;

(b) relevant regulators to be required to adhere to the timetable;

(c) information to be shared between relevant regulators in connection with the exercise of relevant functions;

(d) relevant regulators to consult one another in relation to the exercise of relevant functions.

## CHAPTER 6

### MISCELLANEOUS PROVISION ABOUT CHAPTERS 1 TO 5

## 144 Guidance

A person exercising functions under this Part must have regard to any guidance issued by the Welsh Ministers.

## 145 Exercise of functions under this Part

(1) The functions conferred on a county council by this Part (other than functions expressly conferred on a committee of a council) may be exercised by the council or by its executive, as the council may determine.

- (2) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply in relation to any function of a county council under this Part (including the function in subsection (1)).
- (3) If a county council determines that any function under this Part is to be exercised by its executive, section 14 or (as the case may be) 15 of the 2000 Act (discharge of functions by executives) does not apply in relation to that function.

## 146 Interpretation of Part

In this Part –

“combined assessment” (*“asesiad cyfun”*) has the meaning given in section 124 and “combined assessment report” has the meaning given in section 125;

“corporate plan” (*“cynllun corfforaethol”*) is to be interpreted in accordance with section 112;

“governance arrangements” (*“trefniadau llywodraethu”*) has the meaning given in section 111;

“governance review” (*“adolygiad llywodraethu”*) has the meaning given in section 128 and “governance review report” (*“adroddiad ar adolygiad llywodraethu”*) has the meaning given in section 133;

“intervention direction” (*“cyfarwyddyd ymyrryd”*) has the meaning given in section 135;

“peer assessment” (*“asesiad gan gymheiriaid”*) has the meaning given in section 118 and “peer assessment report” (*“adroddiad ar asesiad gan gymheiriaid”*) has the meaning given in section 120;

“public services board” (*“bwrdd gwasanaethau cyhoeddus”*) has the same meaning as in the Well-being of Future Generations (Wales) Act 2015 (anaw 2);

“relevant regulator” (*“rheoleiddiwr perthnasol”*) and “relevant functions” (*“swyddogaethau perthnasol”*) have the meanings given in section 123;

“reviewer” (*“adolygydd”*) has the meaning given in section 128(3)(b);

“self assessment” (*“hunanasesu”*) has the meaning given in section 116 and “self assessment report” (*“adroddiad hunanasesu”*) has the meaning given in section 117.

## 147 Amendment of Local Government (Wales) Measure 2009

- (1) In the Local Government (Wales) Measure 2009 (nawm 2), in section 1 (meaning of “Welsh improvement authority”), omit paragraph (a).
- (2) In consequence of the amendment in subsection (1), in Part 1 of that Measure –
- in section 4 (aspects of improvement), omit subsection (3)(a);
  - in section 11 (meaning of “powers of collaboration”), omit subsections (1)(b) and (2);
  - in section 16 (meaning of “relevant regulators” and “relevant functions”), omit subsection (2)(a) and (b);
  - in section 22 (reports of special inspections), omit subsection (5).



## CHAPTER 7

## CORPORATE GOVERNANCE AND AUDIT COMMITTEES

**148 Renaming of audit committees**

- 5 (1) In section 81 of the 2011 Measure (local authorities to appoint audit committees), in subsection (1), for “(an “audit committee”)” substitute “(a “corporate governance and audit committee”)”.
- (2) Schedule 9 makes consequential amendments to the 2011 Measure relating to the renaming of audit committees.

**149 Functions of corporate governance and audit committee**

- 10 (1) After section 81 of the 2011 Measure insert –

**“81A Further provision about functions of committees**

- (1) In exercising its functions under section 81(1) the corporate governance and audit committee of a local authority must, in particular, assess –

- 15 (a) the authority’s ability to comply with its duties under section 111 of the Local Government (Wales) Act 2017;
- (b) the authority’s ability to make progress in relation to the priorities set out in the statement included in its corporate plan under section 112(2) of that Act;
- 20 (c) the arrangements made by the authority –
- (i) in relation to self assessments under section 116 of that Act;
- (ii) under section 118 of that Act (peer assessments), and
- (d) the local authority’s ability to handle complaints effectively.

- 25 (2) The corporate governance and audit committee must report to the local authority on an assessment under subsection (1).

- (3) A corporate governance and audit committee also has functions under –

- 30 (a) section 117 of the Local Government (Wales) Act 2017 (self assessment reports);
- (b) section 121 of that Act (responses to peer assessment reports);
- (c) section 126 of that Act (responses to combined assessment reports);
- 35 (d) section 134 of that Act (responses to governance review reports).”

**150 Membership of corporate governance and audit committee**

- (1) Section 82 of the 2011 Measure (membership) is amended as follows.

(2) In subsection (2) –

(a) in paragraph (a) omit the words “at least”;

(b) for paragraph (b) substitute –

“(b) one-third of the members of that committee are lay persons;”.

(3) After subsection (5) insert –

“(5A) A corporate governance and audit committee is to appoint –

(a) a member of the committee as its chair (“the committee chair”),  
and

(b) a member of the committee as the deputy to the committee  
chair (“the deputy chair”).

(5B) The member appointed as the committee chair must be a lay person.

(5C) The member appointed as the deputy chair must not be a member of  
the local authority’s executive.”

(4) Omit subsection (6).

## 151 Meaning of lay person

In section 87 of the 2011 Measure (interpretation), omit the definition of “lay member”  
and insert –

““lay person” (“*person lleyg*”) means a person who –

(a) is not a member or an officer of any local authority,

(b) has not at any time in the period of twelve months ending with  
the date of that person’s appointment been a member or an  
officer of any local authority, and

(c) is not the spouse or civil partner of a member or an officer of  
any local authority;”.

## 152 Proceedings etc.

(1) Section 83 of the 2011 Measure (proceedings) is amended as follows.

(2) For subsections (1) and (2) substitute –

“(1) A meeting of a corporate governance and audit committee is to be  
chaired –

(a) by the committee chair, or

(b) if the committee chair is absent, by the deputy chair.

(2) If both the committee chair and the deputy chair are absent the  
committee may appoint another member of the committee (who may  
not be a member of the local authority’s executive) to chair the  
meeting.”

(3) Omit subsection (8).

**PART 6****COMMUNITY COUNCILS****CHAPTER 1****REVIEW OF COMMUNITY COUNCIL ARRANGEMENTS**5 **153 Duty to review community council arrangements**

- (1) The Local Democracy and Boundary Commission for Wales (“the Commission”) must conduct a community council review in relation to each of the counties in Wales, as set out in Schedule 1 (but the Commission may begin to conduct the reviews at any time before 1 April 2020).
- 10 (2) In this Chapter, “community council review”, in relation to a county, means a review of the communities in the area of the county which is conducted for the purpose of recommending that the council for the county makes changes in respect of—
- (a) councils for communities and common community councils in the area of the county, and
  - 15 (b) the electoral arrangements for communities in the area of the county.
- (3) For the purposes of subsection (2)(a), the Commission may recommend that the council for a county under review should, in relation to communities in the area of the county and their councils—
- (a) establish a separate council for a community;
  - 20 (b) dissolve a separate council for a community;
  - (c) group two or more communities together under a new common community council;
  - (d) add one or more communities to a group of communities for which there is a common community council;
  - 25 (e) separate one or more communities from a group of communities;
  - (f) dissolve a group of communities and its common community council;
  - (g) give a name to a new, or change the name of an existing, council for a community or common community council.
- (4) In subsection (2)(b) “electoral arrangements”, in relation to a community, means—
- 30 (a) the number of members of a council for the community or a common community council for a group which includes the community;
  - (b) the division of the community into community wards for the purpose of the election of members to a council for the community or a common community council for a group which includes the community;
  - 35 (c) the apportionment of members of a council for the community, or of a common community council for a group which includes the community, among community wards;
  - (d) the number, type and boundaries of any community wards into which the

community is to be divided for the purpose of the election of members to a council for the community or a common community council for a group which includes the community;

(e) the number of members to be elected for a community ward;

(f) the name of a community ward.

(5) In subsection (4)(d) the reference to the type of a community ward is a reference to whether the community ward is a single member ward or a multiple member ward; and for this purpose –

“multiple member ward” (*“ward amlaelod”*) means a ward in respect of which a specified number (greater than one) of members are to be elected for the ward;

“single member ward” (*“ward un aelod”*) means a ward in respect of which only one member is to be elected.

(6) The Commission may, in consequence of recommendations it makes in respect of matters set out in subsection (2)(a) and (b), recommend that a county council should –

(a) change the boundaries of communities in the area of the county;

(b) constitute a new community within the area of the county (whether by merging existing communities in whole or in part, or otherwise);

(c) abolish an existing community in the area of the county,

and the Commission may also make recommendations as to the name of an altered or new community.

#### **154 Conduct of community council review**

(1) In conducting a community council review, the Commission must seek to ensure effective and convenient local government.

(2) In considering on a community council review whether a community should be divided into community wards, the Commission must have regard to –

(a) whether the number or distribution of the local government electors for the community makes a single election of community councillors impractical or inconvenient, and

(b) whether it is desirable that any area of the community should be separately represented on the community council.

(3) Where it is decided on a community council review that a community should be divided into community wards, or that changes should be made to any existing wards in a community, in considering the size and boundaries of the wards and in setting the number of community councillors to be elected for each ward the Commission must have regard to –

(a) any change in the number or distribution of local government electors for the community which is likely to take place within the period of five years immediately after any recommendation is made,

(b) the desirability of setting boundaries which are and will remain easily identifiable, and

(c) any local ties which will be broken by the setting of any particular boundaries.

5 (4) Where it is decided on a community council review that a community which is divided into wards should no longer be divided into wards, or that the number of councillors to be elected for a community which is not divided into wards should change, in setting the number of councillors to be elected for each community the Commission must have regard to –

(a) the number and distribution of local government electors for the community, and

10 (b) any change in the number or distribution of local government electors for the community which is likely to take place within the period of five years immediately after the number of community councillors is set.

(5) For the purposes of subsections (2) to (4) account is to be taken of any discrepancy between the number of local government electors and number of persons who are eligible to be local government electors (as indicated by relevant official statistics).

15 (6) In this section –

“relevant official statistics” (*“ystadegau swyddogol perthnasol”*) means the official statistics within the meaning of section 6 of the Statistics and Registration Service Act 2007 (c.18) which the Commission considers appropriate;

20 “local government elector” (*“etholwr llywodraeth leol”*) means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.

### 155 Pre-review notification

Before conducting a community council review, the Commission must take the steps it considers appropriate to bring the review to the attention of –

25 (a) every county council and county borough council established under section 20 of the 1972 Act whose area is in the area of the county in relation to which the review will be conducted;

(b) the councils for communities and common community councils in the area of the county;

30 (c) the local government electors for a community in the area of the county which does not have a separate council and is not grouped under a common community council;

(d) every organisation which represents a council for a community or a common community council in the area of the county and which has asked the Commission to be consulted;

35 (e) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) by a council for a community or a common community council in the area of the county;

(f) any other persons it considers likely to be interested in the review.

### 156 Consultation, investigation and report

40 (1) In conducting a community council review, the Commission –

- (a) must consult—
- (i) every county council and county borough council established under section 20 of the 1972 Act whose area is in the area of the county in relation to which the review is being conducted,
  - 5 (ii) the council for the county in relation to which the review is being conducted (after the ordinary elections of councillors for the that county held on 2 May 2019 under section 14),
  - (iii) the review consultees, and
  - (iv) any other persons it considers appropriate, and
- 10 (b) must conduct the investigations it considers appropriate.
- (2) In this Chapter “the review consultees”, in relation to a county, are—
- (a) the councils for communities and common community councils in the area of the county;
  - 15 (b) the local government electors for a community in the area of the county which does not have a separate council and is not grouped under a common community council;
  - (c) every organisation which represents a council for a community or a common community council in the area of the county and which has asked the Commission to be consulted;
  - 20 (d) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) by a council for a community or a common community council in the area of the county.
- (3) Every council for a community and common community council must provide the Commission with such information as the Commission may reasonably require in connection with a community council review.
- 25 (4) After conducting a community council review, the Commission must prepare a report containing—
- (a) any recommendations for change in respect of the matters in section 153(2) it considers appropriate or, if it does not consider any change appropriate, a recommendation to that effect, and
  - 30 (b) details of the review it conducted.
- (5) The Commission must, on or after 1 April 2020—
- (a) send the report to—
    - (i) the council for the county to which the review relates,
    - 35 (ii) the councils for communities and common community councils in the area of the county, and
    - (iii) the Welsh Ministers,
  - (b) publish the report on a website,
  - (c) secure that the report is available for inspection (without charge) during the period for representations at its offices and in the offices of the council for the
  - 40

county to which the report relates,

(d) secure that the report is available for inspection (without charge) during the period for representations at a location in each of the communities in the area of the county to which the report relates,

5 (e) inform the following persons of how to obtain a copy of the report –

(i) the review consultees (other than those mentioned in paragraph (a)(ii)),

(ii) any other person it consulted under subsection (1)(a)(iv), and

10 (iii) any other person who submitted evidence to it in the course of the review (other than a county council or county borough council which ceases to exist on 1 April 2020),

(f) invite representations on the recommendations in the report, and

(g) notify the following persons of the period for representations –

(i) the council for the county in relation to which the review is being conducted,

15 (ii) the review consultees,

(iii) any other person it consulted under subsection (1)(a)(iv),

(iv) any other person who submitted evidence to it in the course of the review (other than a county council or county borough council which ceases to exist on 1 April 2020),

20 (v) the Welsh Ministers, and

(vi) any other person it considers appropriate.

(6) For the purposes of subsection (5), “the period for representations” is a period of not less than 6, nor more than 12, weeks (as determined by the Commission) starting no earlier than one week after notice of the period is given under paragraph (g).

25 **157 Final report on review**

(1) After the period for representations under section 156(5) has ended, the Commission must consider its recommendations having regard to any representations received by it during that period.

(2) The Commission must then prepare a further report containing –

30 (a) any recommendations for change in respect of the matters in section 153(2) it considers appropriate or, if it does not consider any change appropriate, a recommendation to that effect,

(b) details of the review conducted and the consultation carried out in respect of the recommendations, and

35 (c) details of any changes to the recommendations made in the light of the representations received, and an explanation of why those changes have been made.

(3) The Commission must –

(a) submit the report to the council for the county to which the report relates no later

than the date specified by the Welsh Ministers in regulations,

- (b) publish the report on a website,
- (c) secure that the report is available for inspection (without charge) at its offices and in the offices of the council for the county to which the report relates, for a period of at least 6 weeks starting with the date on which the report is submitted to the council,
- (d) secure that the report is available for inspection (without charge) at a location in each of the communities in the area of the county to which the report relates for a period of at least 6 weeks starting with the date on which the report is submitted to the council,
- (e) send a copy of the report to—
  - (i) the councils for communities and common community councils in the area of the county, and
  - (ii) the Welsh Ministers, and
- (f) inform the following persons of how to obtain a copy of the report—
  - (i) the review consultees (other than those mentioned in paragraph (e)(i)),
  - (ii) any other person it consulted under section 156(1)(a)(iv), and
  - (iii) any other person who submitted evidence to it in the course of the review (other than a county council or county borough council which ceases to exist on 1 April 2020).

#### **158 Implementation of Commission recommendations by county council**

- (1) The council for the county to which a further report prepared by the Commission under section 157 relates must, where the report contains recommendations for change, by order—
  - (a) implement those recommendations without modification, or
  - (b) implement those recommendations with such modification as may be agreed with the Commission.
- (2) The county council may not make an order under subsection (1)—
  - (a) before the end of the period of 6 weeks starting with the date on which the Commission submitted its further report under section 157 to the council, and
  - (b) after the end of the period of 6 months starting with that date.
- (3) An order under subsection (1) must come into force before the date specified by the Welsh Ministers in regulations.
- (4) The county council must, on the day it makes the order—
  - (a) send a copy of the order to the Commission and to each council for a community and common community council affected by the order, and
  - (b) publish the order on a website.

#### **159 Community council arrangements order if Commission does not submit report**



- (1) If the Commission has not submitted a final report under section 157 to the council for the county to which the report relates before the date specified by the Welsh Ministers under section 157(3) the Welsh Ministers may make an order under subsection (2).
- (2) The Welsh Ministers may by order make provision –
- 5           (a) for any of the things set out in section 153(3), in relation to the county to which the report relates;
- (b) changing the electoral arrangements of communities in that county.
- (3) An order under subsection (2) may also make relevant consequential provision in relation to the county in question.
- 10       (4) The Commission must provide the Welsh Ministers with such information as the Welsh Ministers may reasonably require relating to any matters which have come to its attention in consequence of –
- (a) any consultation under section 156,
- (b) any investigations under that section,
- 15           (c) the preparation of a report under section 156 or 157, or
- (d) anything else done in the conduct of a community council review.
- (5) The Welsh Ministers must, on the day they make an order under subsection (2) –
- (a) send a copy of the order to the Commission, the county council and each council for a community and common community council affected by the order, and
- 20           (b) publish the order on a website.
- (6) The Welsh Ministers may by order vary or revoke an order under subsection (2) (or this subsection).
- (7) In this section –
- 25           “electoral arrangements” (*“trefniadau etholiadol”*) has the meaning given in section 153(4), and
- “relevant consequential provision” (*“darpariaeth ganlyniadol berthnasol”*) means provision doing anything that the Commission could recommend under section 153(6).

## 160       **Implementation by Welsh Ministers if county council does not implement**

- 30       (1) If a county council has not made an order under section 158 before the end of the period of 6 months starting with the date on which the Commission submitted its further report under section 157 to the council, the Welsh Ministers may by order –
- (a) implement the recommendations for change contained in the report without modification, or
- 35           (b) implement those recommendations for change with such modification as may be agreed with the Commission.
- (2) The Commission must provide the Welsh Ministers with any further information in relation to its recommendations which the Welsh Ministers may reasonably require.
- (3) The Welsh Ministers must, on the day they make an order under subsection (1) –

- (a) send a copy of the order to the Commission, the county council and each council for a community and common community council affected by the order, and
- (b) publish the order on a website.

### 161 Implementation orders: transitional, consequential etc. provision

- 5 (1) An order made under section 158, 159 or 160 may make such incidental, consequential, supplemental or transitional provision as the implementing authority considers necessary or expedient.
- (2) Such an order may in particular make provision about—
- 10 (a) the assignment of existing members of a council for a community or a common community council to new or altered community wards;
  - (b) the first election of members of a council for a community or a common community council for any new or altered community ward;
  - (c) the holding of a fresh election of members for all community wards in the community in question;
  - 15 (d) the order of retirement of members for a community ward;
  - (e) the constitution, election to and membership of any public body in any area or community ward affected by the order;
  - (f) any of the matters in section 163(2).
- (3) In this section—
- 20 “public body” (“*corff cyhoeddus*”) includes—
- (a) a county council, a council for a community and a common community council;
  - (b) any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place, for the supply of water to any place, or for providing or maintaining a cemetery or market in any place;
  - 25 (c) any other authority having powers of levying or issuing a precept for any rate for public purposes.
- “implementing authority” (“*awdurdod gweithredu*”) means—
- 30 (a) in the case of an order under section 158, the county council which made the order;
  - (b) in the case of an order under section 159 or 160, the Welsh Ministers.

### 162 Variation and revocation of implementation orders

- 35 (1) Other than as provided for by this section, orders made under this section or section 158 or 160 may not be varied or revoked.
- (2) An implementing authority may by order vary or revoke any provision which is—
- (a) contained in an order made under this section or section 158 or 160, and
  - (b) of a type described in section 161(2).

(3) Before making an order under subsection (2) the implementing authority must comply with subsections (4) and (5).

(4) The implementing authority must –

(a) send a copy of a draft of the order to any public body it considers likely to be affected by the order,

(b) publish the draft order on a website and in such other manner as it considers likely to bring the order to the attention of persons who may have an interest in it,

(c) secure that a copy of the draft order is available for inspection (without charge) by interested persons at such places as the implementing authority considers appropriate, and

(d) invite representations in relation to the draft order to be made within the period of 2 months starting on the date of publication on a website under paragraph (b).

(5) The implementing authority must consider any representations received within the 2 month period, and may modify the order in the light of such representations.

(6) Where an implementing authority is satisfied that a mistake has occurred in the preparation of an order it has made under this section or section 158 or 160, it may by order make such provision as it considers necessary or expedient to rectify the mistake.

(7) In subsection (6) “mistake”, in relation to an order, includes a provision contained in or omitted from the order in reliance on information supplied by any public body which is inaccurate or incomplete.

(8) An implementing authority must, on the day it makes an order under this section –

(a) send a copy of the order –

(i) to the Commission,

(ii) to each council for a community and common community council affected by the order,

(iii) if the implementing authority is the Welsh Ministers, to the council for the county to which the order relates, and

(iv) if the implementing authority is a county council, to the Welsh Ministers, and

(b) publish the order on a website.

(9) In this section –

“implementing authority” means –

(a) in the case of an order under section 158, and subject to subsection (10)(a), the county council that made the order;

(b) in the case of an order under section 160, the Welsh Ministers;

“public body” has the meaning given in section 161.

(10) Where an order under this section or section 158 was made by a county council which no longer exists (“the old council”) –

(a) “implementing authority” means a county council which is a successor to the old council, but an order made by a successor county council may vary or revoke

provision in the order under section 158 only in so far as it relates to the successor county council's area;

- (b) subsection (6) is to be read as enabling the successor county council to make an order rectifying a mistake in the preparation of an order made by the old council, but only in so far as the mistake relates to the successor county council's area.

### 163 General consequential, transitional etc. provision

- (1) The Welsh Ministers may by regulations make such incidental, consequential, supplemental or transitional provision as they consider necessary or expedient for the purposes of, or in connection with, giving full effect to orders made under section 158, 159 or 160.
- (2) Regulations under this section may in particular make provision –
- (a) about the functions, area or jurisdiction in or over an area (or part of an area), of any public body or office within an area (or community ward) affected by an order made under this Chapter;
  - (b) about the costs and expenses of a public body or office affected by such an order;
  - (c) for the transfer of staff of any such public body or office;
  - (d) for the transfer, management or custody of property (whether real or personal) and the transfer of rights and liabilities (including criminal liabilities);
  - (e) for the transfer of civil or criminal proceedings;
  - (f) in respect of charter trustees.
- (3) Regulations under this section may apply (with or without modifications), amend, repeal or revoke any charter, whenever made or granted, or enactment.
- (4) In this section, “public body” has the same meaning as in section 161.

### 164 Transfer of staff

- (1) This section applies to a transfer of staff which is provided for by an order or regulations made under this Chapter.
- (2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) (“the TUPE Regulations”) apply to a transfer of staff to which this section applies (whether or not the transfer is a relevant transfer for the purposes of the TUPE Regulations), subject to subsection (3).
- (3) The following regulations of the TUPE Regulations do not apply to a transfer of staff to which this section applies –
- (a) regulation 4(6) (criminal liability), and
  - (b) regulation 10 (pensions).

### 165 Directions and guidance

- (1) The Welsh Ministers may give the Commission directions relating to the exercise of its functions under this Chapter.
- (2) Before giving a direction under this section, the Welsh Ministers must consult the

Commission and such bodies representing the interests of county councils (and, before 1 April 2020, county borough councils), councils for communities and common community councils as they consider appropriate.

- 5 (3) In exercising any function under this Chapter, the Commission and every county council (and, before 1 April 2020, every county council and county borough council established under section 20 of the 1972 Act) must have regard to any guidance issued by the Welsh Ministers.

#### 166 **Modification and amendment of section 30 of the 1972 Act**

- 10 (1) In section 30 of the 1972 Act (restriction on community applications during and after reviews), subsection (1) is to be read as if after paragraph (ba) there were inserted –

“(bb) during the period of two years beginning with the coming into force of an order relating to the community made under section 158, 159 or 160 of the Local Government (Wales) Act 2017; or”.

- 15 (2) Section 30 of the 1972 Act is to be read as if for subsection (3) there were substituted –

“(3) The Welsh Ministers may direct that no community applications may be made until the Welsh Ministers further direct.”

- (3) The Welsh Ministers may by regulations repeal subsection (2).

- (4) In section 30 of the 1972 Act, in subsection (3) for “or Part 3” substitute “under Part 3”.

## 20 **CHAPTER 2**

### **MEMBERS OF COMMUNITY COUNCILS TO COMPLETE TRAINING**

#### *Training for members of community councils*

#### 25 **167 County councils to consider the training needs of community councillors and to provide training**

- (1) A county council must –

(a) consider whether it should be compulsory for members of community councils in the area of the county to complete any training (see section 168), and

(b) secure the provision of any training which it is compulsory for members of those councils to complete.

- 30 (2) In exercising its functions under this section a county council must have regard to any guidance issued by the Welsh Ministers.

#### *Duty to complete training*

#### **168 Members of community councils to complete training**

- (1) A member of a community council must complete all compulsory training .

- 35 (2) But a member is not in breach of the duty under subsection (1) if the member has a good reason for not complying with the duty.

- (3) Training is compulsory if –

(a) the community council has been notified in writing by the county council in whose area the area of the community council falls that it is compulsory for the member to complete the training, and

(b) the community council has notified the member in writing that he or she must complete the training.

(4) If a county council notifies a community council that it is compulsory for a member to complete training specified in the notice, the community council must notify the member that he or she must complete that training.

### **169 Complaints about a member's failure to complete training**

(1) A person may make a complaint about a possible breach by a member of a community council of the duty imposed by section 168 to the clerk of that council.

(2) A complaint under subsection (1) must be made in writing.

### **170 Notifying the community council that a member has failed to complete training**

(1) If the clerk of a community council –

(a) receives a complaint that a member of the community council has breached the duty under section 168, or

(b) otherwise has reason to believe that a member has breached that duty,

the clerk must give the member written notice that he or she may make representations to him or to her, either orally or in writing, in respect of the alleged failure.

(2) The clerk must determine the period within which a member may make representations under subsection (1); but the period must not be less than 28 days starting with the date on which the member is given notice under that subsection.

(3) After the period determined under subsection (2) for making representations has ended, the clerk must determine whether the member has breached the duty, having first –

(a) considered any representations made to him or to her, and

(b) in cases where the member in question is not the chair of the community council, consulted the chair of the community council.

(4) If the clerk determines that the member has breached the duty, the clerk must notify the community council of that determination at a meeting of the council.

## **CHAPTER 3**

### **COMMUNITY COUNCIL ELECTION DATES**

### **171 Change to date of community council elections and extension of term of office**

(1) Subsections (2) and (3) come into force on a date specified by the Welsh Ministers by order under section 183, which must be after the date in 2017 on which the ordinary elections of community councillors take place.

(2) In the 1972 Act, in subsection (2) of section 35 (election years) –

(a) for “2017” substitute “2023”, and

(b) for “fourth” substitute “fifth”.

- (3) In the 1972 Act, in subsection (2A) of section 35 (community councillors’ terms of office) for “four years” substitute “five years”.
- (4) During the period starting with the coming into force of subsections (2) and (3) and ending with the ordinary elections of community councillors in 2023, subsection (2A) of section 35 of the 1972 Act is to be read as if for “five years” there were substituted “six years”.

## PART 7

### WORKFORCE MATTERS

#### CHAPTER 1

##### GUIDANCE TO PUBLIC BODIES ON WORKFORCE MATTERS

#### **172 Ministerial guidance to public bodies on workforce matters**

- (1) The Welsh Ministers may issue guidance to public bodies about workforce matters.
- (2) A public body to which guidance is issued must have regard to it.
- (3) Guidance under this section may be issued to a particular public body, public bodies of a particular description or to public bodies generally.
- (4) Before issuing, revising or withdrawing guidance under this section, the Welsh Ministers must consult –
- (a) each public body to which the guidance relates,
  - (b) any trade union which is recognised (within the meaning given by the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) by a public body to which the guidance relates, and
  - (c) such other persons as the Welsh Ministers consider appropriate.
- (5) The Welsh Ministers must publish any guidance issued under this section (including revised guidance) on a website and in such other form as they think fit.

#### **173 Meaning of “workforce matters”**

In this Part “workforce matters” means –

- (a) planning by public bodies in relation to the size and composition of their workforce;
- (b) the recruitment and retention of staff of public bodies;
- (c) the management, organisation and remuneration of staff of public bodies;
- (d) training and development of staff of public bodies;
- (e) the provision of information to staff of public bodies (including trade unions representing staff) about decisions affecting their work and about opportunities to contribute to those decisions;
- (f) arrangements about any of the matters mentioned in paragraphs (a) to (e) where

two or more public bodies collaborate in exercising their functions;

- (g) sharing information for the purpose of facilitating any of the matters mentioned in paragraphs (a) to (f).

#### 174 Meaning of “public body”

- 5 (1) In this Part “public body” means –
- (a) a county council;
  - (b) a community council;
  - (c) a fire and rescue authority;
  - (d) the governing body of a maintained school or federation;
  - 10 (e) a Local Health Board;
  - (f) a National Health Service trust established under section 18 of the National Health Service (Wales) Act (c.42);
  - (g) a National Park authority for a National Park in Wales;
  - (h) the Arts Council of Wales;
  - 15 (i) the Higher Education Funding Council for Wales;
  - (j) the Local Democracy and Boundary Commission for Wales;
  - (k) the National Library of Wales;
  - (l) the National Museum of Wales;
  - (m) the Natural Resources Body for Wales;
  - 20 (n) the Royal Commission on the Ancient and Historical Monuments of Wales;
  - (o) Social Care Wales;
  - (p) the Sports Council for Wales.
- (2) The reference to a county council in subsection (1)(a) includes a reference to a shadow authority for a county set out in the table in Schedule 1 (on which, see section 15).
- 25 (3) In subsection (1)(d) –
- “maintained school” (*“ysgol a gynhelir”*) means a school in Wales that is a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
  - “federation” (*“ffederasiwn”*) means a group of maintained schools that are
  - 30 federated by virtue of section 24 of the Education Act 2002 (c.32) or Chapter 1 of Part 2 of the Education (Wales) Measure 2011 (nawm 7).

#### 175 Power to amend definition of “public body”

- (1) The Welsh Ministers may by regulations amend the definition of “public body” in section 174.
- 35 (2) Before making regulations under subsection (1) which add or remove a person from the definition the Welsh Ministers must consult –
- (a) the person who is to be added or removed;



- (b) any trade union which is recognised (within the meaning given by the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) by such a person;
- (c) any other persons they consider appropriate.
- (3) Regulations under subsection (1) may add a person to the definition only if the person exercises functions of a public nature which –
- (a) have been conferred by or under an Act or Measure of the National Assembly for Wales, or
- (b) could be conferred by an Act of the National Assembly for Wales.

## CHAPTER 2

### PUBLIC SERVICES STAFF COMMISSION

#### 176 Public services staff commission

- (1) There is to be a public services staff commission (referred to in this Part as “the Commission”).
- (2) The Commission is to consist of not more than 7 members appointed by the Welsh Ministers.
- (3) The Welsh Ministers must appoint one of the members to chair the Commission.
- (4) A person appointed to the Commission holds and vacates office subject to the terms of his or her appointment.
- (5) The Welsh Ministers may pay expenses, remuneration and allowances in respect of a member of the Commission.
- (6) The Welsh Ministers must provide the Commission with such staff, accommodation and other resources as the Welsh Ministers consider necessary for the Commission to perform the functions conferred upon it by section 177.

#### 177 Commission’s functions etc.

- (1) The Commission must provide such advice on workforce matters as the Welsh Ministers may request.
- (2) The Commission may, for the purpose of preparing any advice, request such information from a public body as the Commission considers necessary or appropriate.
- (3) A public body to which a request for information is made under subsection (2) must comply with the request unless the body considers that doing so would –
- (a) be incompatible with its own duties, or
- (b) otherwise have an adverse effect on the exercise of its functions.
- (4) A public body which decides not to comply with a request for information made under subsection (2) must notify the Commission in writing of the reasons for the decision.
- (5) Before 30 September in each financial year the Commission must send a report (an “annual report”) to the Welsh Ministers about the exercise of its functions during the previous financial year.
- (6) The Welsh Ministers must publish a copy of each annual report sent to them by the

Commission on a website and in such other form as they think fit.

### 178 Repeal of this Chapter

- (1) Subsections (1) to (4) of section 177 are repealed on 1 April 2021.
- (2) Section 176 and subsections (5) and (6) of section 177 are repealed on 1 October 2021.
- 5 (3) This section is repealed at the end of the period of one year starting with the date on which the repeals in subsection (1) take effect.
- (4) The Welsh Ministers may by regulations substitute a different date for the date for the time being specified in subsection (1), but the new date may not be a date which is later than 1 April 2023.
- 10 (5) Regulations under subsection (4) may also substitute a different date for the date for the time being specified in subsection (2).

## PART 8

### GENERAL

### 179 Interpretation

15 In this Act—

“elected mayor” (“*maer etholedig*”) has the same meaning as in section 39(1) of the 2000 Act;

“executive” (“*gweithrediaeth*”) has the same meaning as in section 11 of the 2000 Act;

20 “executive arrangements” (“*trefniadau gweithrediaeth*”) has the same meaning as in section 10 of the 2000 Act;

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

25 “fire and rescue authority” (“*awdurdod tân ac achub*”) means a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c.21), or a scheme to which section 4 of that Act applies;

“mayor and cabinet executive” (“*gweithrediaeth maer a chabinet*”) has the same meaning as in section 11(2) of the 2000 Act;

“the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972 (c.70);

30 “the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000 (c.22);

“the 2011 Measure” (“*Mesur 2011*”) means the Local Government (Wales) Measure 2011 (nawm 4);

35 “voluntary body” (“*corff gwirfoddol*”), other than in section 64, means a body, other than a body exercising functions of a public nature, whose activities are not carried out for profit.

**180 Application of Act in relation to counties and county boroughs until 1 April 2020**

- (1) Until 1 April 2020 this Act, other than Part 1 and Chapter 1 of Part 6, is to be read in accordance with this section.
- 5 (2) Any reference to a county is to be read as a reference to a county or county borough established under section 20 of the 1972 Act.
- (3) Any reference to a county council is to be read as a reference to a council for a county or county borough council established under that section.

**181 Power to make consequential and transitional provision etc.**

- 10 (1) If the Welsh Ministers consider it necessary or expedient for the purpose of giving full effect to any provision of Parts 2 to 7 (other than Chapter 1 of Part 6) of this Act, or in consequence of any such provision, they may by regulations make—
- (a) any supplemental, incidental, or consequential provision;
  - (b) any transitory, transitional or saving provision.
- 15 (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment.

**182 Regulations and orders under this Act**

- (1) A power of the Welsh Ministers to make regulations or orders under this Act—
- (a) is exercisable by statutory instrument;
  - (b) includes power to make different provision for different purposes and areas.
- 20 (2) A statutory instrument to which this subsection applies 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.
- (3) Subsection (2) applies to a statutory instrument containing regulations under any of the following provisions—
- 25 (a) section 20(1) (power to amend certain dates specified in legislation);
- (b) section 27(1) or (2), where the regulations amend, repeal or disapply a provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales, unless the regulations are made only for a purpose described in subsection (7) of that section;
- 30 (c) section 27(3) or (4), unless the regulations are made only for a purpose described in subsection (7) of that section;
- (d) section 34(1) (competent community councils: competency requirements);
- (e) section 37(4) (public participation duty: meaning of authorities connected with a county council);
- 35 (f) section 64(6)(b) (improvement requests: prescribing a “relevant authority”);
- (g) section 74(3) (improvement requests: further provision);
- (h) section 111(3) (principles etc. relating to good governance);

- (i) section 178(4) (changing date on which repeal of Chapter 2 of Part 7 takes effect).
- (4) Subsection (2) also applies to any other statutory instrument containing regulations under this Act, other than regulations made under section 175 or paragraph 2(1) of Schedule 1, which amend, modify, disapply or repeal a provision of –
- 5       (a) an Act or Measure of the National Assembly for Wales, or
- (b) an Act of Parliament.
- (5) A statutory instrument containing regulations under this Act to which subsection (2) does not apply, other than regulations made under paragraph 2(1) of Schedule 1, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

10 **183       Coming into force**

- (1) This Part comes into force on the day on which this Act receives Royal Assent.
- (2) The following provisions come into force 2 months after Royal Assent –
- 15       (a) Chapters 1, 3 and 4 of Part 1 (local government areas and county councils), other than section 21;
- (b) Part 2 (general power of competence);
- (c) Chapter 4 of Part 3 (promoting access to local government: improvement requests);
- (d) Chapter 1 of Part 6 (review of community council arrangements by the Local Democracy and Boundary Commission).
- 20       (3) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (4) An order under subsection (3) may –
- (a) make transitional, transitory or saving provision;
- (b) appoint different days for different purposes or areas.

25 **184       Short title**

The short title of this Act is the Local Government (Wales) Act 2017.

SCHEDULE 1  
(introduced by section 1)

COUNTIES IN WALES

1 Tables 1 and 2, below, set out alternative proposals for the constitution of counties in  
5 Wales on and after 1 April 2020 –

TABLE 1

Name	Area (determined by reference to the areas which were counties and county boroughs immediately before 1 April 2020)
County 1	The counties of the Isle of Anglesey and Gwynedd, and the county borough of Conwy
County 2	The counties of Denbighshire and Flintshire and the county borough of Wrexham
County 3	The counties of Ceredigion, Pembrokeshire and Carmarthenshire
County 4	The county of Swansea and the county borough of Neath Port Talbot
County 5	The county boroughs of Bridgend, Rhondda Cynon Taff and Merthyr Tydfil
County 6	The county boroughs of Cardiff and the Vale of Glamorgan
County 7	The county of Monmouthshire and the county boroughs of Blaenau Gwent, Caerphilly, Torfaen and Newport
Powys	The county of Powys

OR

TABLE 2

Name	Area (determined by reference to the areas which were counties and county boroughs immediately before 1 April 2020)
County 1	The counties of the Isle of Anglesey and Gwynedd
County 2	The county borough of Conwy and the county of Denbighshire
County 3	The county of Flintshire and the county borough of Wrexham
County 4	The counties of Ceredigion, Pembrokeshire and Carmarthenshire
County 5	The county of Swansea and the county borough of Neath Port Talbot

County 6	The county boroughs of Bridgend, Rhondda Cynon Taff and Merthyr Tydfil
County 7	The county boroughs of Cardiff and the Vale of Glamorgan
County 8	The county of Monmouthshire and the county boroughs of Blaenau Gwent, Caerphilly, Torfaen and Newport
Powys	The county of Powys

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- 2 (1) The Welsh Ministers may by regulations amend the entries in the first column (name of county) in each of the above Tables, other than the entries for the county of Powys.
- (2) Regulations under sub-paragraph (1) may make consequential amendments to other provisions of this Part.

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SCHEDULE 2  
(introduced by section 14)

NEW COUNCILS: FIRST ORDINARY ELECTIONS AND MEETINGS

*Returning officers at first ordinary elections*

- 5 1 (1) At the first ordinary elections of councillors of each new council, the returning officer is to be appointed by the county council or county borough council directed by the Welsh Ministers to make that appointment (subject to sub-paragraph (3)); and accordingly section 35(1A) of the Representation of the People Act 1983 (c.2) (requirement to appoint officer of the council) does not apply.
- 10 (2) A county council or county borough council to whom a direction has been given under sub-paragraph (1) must appoint one of its officers.
- (3) The Welsh Ministers may give a direction under sub-paragraph (1) to a council only if—
- (a) the council is to be abolished by this Act, and
- (b) it is the council for an area that will be part of the new county to which the election
- 15 relates.
- (4) Section 36(4) of the Representation of the People Act 1983 does not apply to the first ordinary elections of councillors of each new council (payment of expenditure).
- (5) All expenditure properly incurred by a returning officer or other officer in relation to the holding of the first ordinary elections of councillors of a new council must be paid by the council that appointed the returning officer; and that council may recover some or all of that expenditure from the councils in the area of the new county—
- 20 (a) in such proportions as they may agree, or
- (b) if they cannot reach agreement, in such proportions as the Welsh Ministers determine.
- 25 (6) In Parts 2 and 3 of the Representation of the People Act 1983 as they apply in relation to the first ordinary elections of councillors of a new council, references to “the appropriate officer” are to be read as references to the returning officer appointed under this paragraph (accordingly, the definition of “appropriate officer” in section 67(7) of that Act does not apply).

30 *Declarations of acceptance of office*

- 2 For the purpose of taking and receiving delivery of declarations of acceptance of the office of councillor of any new council before the first meeting of that council, the chief executive of a designated council—
- (a) is deemed to be the proper officer of the new council, and
- 35 (b) must transfer any declaration which has been delivered to him or her to the custody of the proper officer of the new council on the appointment of that proper officer.

*First meetings of new councils*

- 3 (1) The first meeting of each new council (which, under section 15, will be a shadow  
authority at the time of the meeting) must be held before the end of the period of 14 days  
5 starting with the day of the election held under section 14; this meeting is to be treated as  
the annual meeting of the new council for the year in which it takes place.
- (2) The meeting must be convened by the chief executive of a designated council (“the  
designated chief executive”), and must be held at the place appointed by that chief  
executive.
- 10 (3) The notice of the meeting required by paragraph 4(2) of Schedule 12 to the 1972 Act must  
be published at the place where the meeting is to be held, and the summons to attend the  
meeting must be signed by the designated chief executive (and paragraph 4 of Schedule  
12 to the 1972 Act is to be read accordingly).
- (4) If a member of a new council provides the designated chief executive with an e-mail  
15 address before the summons to attend the meeting is sent, the designated chief executive  
may send the summons to the member by sending it to the e-mail address provided.
- 4 (1) Until the election of a chair at the first meeting of a new council, the persons designated  
by the relevant transition committee are to exercise the functions of the chair and vice-  
chair of the council.
- 20 (2) Any person designated by the relevant transition committee under sub-paragraph (1)  
must not vote in the first instance at the election of the chair, unless that person is a  
councillor for the new county (but he or she may give a casting vote in accordance with  
section 23(3) of the 1972 Act).
- (3) At the first meeting of a new council the designated chief executive must exercise any  
functions of the proper officer of the new council relating to the meeting.
- 25 (4) At the first meeting of a new council, the standing orders of the designated council apply.

*Qualification for membership of new council*

- 5 For the purposes of section 79 of the 1972 Act (qualifications for election and holding  
office), in its application to a candidate for membership of a new council, the new  
counties are to be treated as having been established not less than 12 months before the  
30 day of the candidate’s nomination.

*Interpretation*

- 6 In this Schedule –
- “chief executive” (*“prif weithredwr”*), in relation to a county or county borough  
council, means the person appointed as chief executive under section 103;
- 35 “designated council” (*“cyngor dynodedig”*), in relation to a new council, means a  
county or county borough council which is to be abolished by this Act, and which  
is the council for an area that will be part of the new county, designated by the  
relevant transition committee (and the relevant transition committee may  
designate different county and county borough councils for different purposes  
40 under this Schedule);



“proper officer of the new council” (*“swyddog priodol y cyngor newydd”*), in relation to a purpose or function specified in this Schedule, means an officer of the new council appointed for that purpose or as the case may be to exercise that function;

“the relevant transition committee” (*“y pwyllgor pontio perthnasol”*), in relation to a new council, means the committee established by virtue of section 11 of the Local Government (Wales) Act 2015 by the councils abolished by this Act whose areas will constitute the area of the new council.

SCHEDULE 3  
(introduced by section 16)

NEW COUNCILS: FINANCE

*Council tax and non-domestic rating*

- 5 1 (1) The new councils are billing authorities in relation to the financial year starting on 1 April 2020 and in relation to subsequent financial years.
- (2) In this Schedule, “billing authority” means an authority which is a a billing authority for the purposes of –
- 10 (a) Part 1 of the Local Government Finance Act 1992 (c.14) (council tax), and
- (b) Part 3 of the Local Government Finance Act 1988 (c.41) (non-domestic rating).
- (3) From 1 April 2020 the new councils have the same functions in relation to council tax and non-domestic rating as the abolished councils had in relation to any financial year starting before 1 April 2020.

*Valuation lists*

- 15 2 After section 22B of the Local Government Finance Act 1992 (c.14) insert –

**“22C Amalgamated valuation lists for new Welsh billing authorities**

- 20 (1) Every new listing officer must, on 1 April 2020, compile a list (“the amalgamated list”) for the new billing authority for which the officer is appointed, based on the information provided to the officer under this section.
- (2) The amalgamated list must contain all relevant information which was included in the current valuation lists compiled for the old billing authorities.
- 25 (3) The amalgamated list must also include all relevant information which was included in any current valuation list by way of an alteration.
- (4) A new listing officer's amalgamated list –
- 30 (a) is to be treated for the purposes of this Act as the valuation list for the officer’s new billing authority,
- (b) is deemed to have come into force on –
- (i) 1 April 2005, or
- (ii) if an order made under section 22B(3) specified a date which is before 1 April 2020, the date specified in the order, and
- 35 (c) remains in force until a new list is compiled under section 22B.
- (5) An amalgamated list must be maintained for so long as is necessary for the purposes of this Part, and the duty to maintain the list is not affected by the list ceasing to be in force.

- (6) Section 22B(4) does not apply in relation to an amalgamated list.
- (7) Where an amalgamated list contains information which is derived from any alteration made to any valuation list or lists from which it is derived, the amalgamated list is to be treated as having been varied on the date on which the alteration was made.
- (8) Every old listing officer must –
- (a) on or before 15 November 2019, provide the appropriate new listing officer with all relevant information recorded in the old listing officer's valuation list as at 31 October 2019, and
  - (b) on the day before 1 April 2020, provide the appropriate new listing officer with all relevant information recorded in the old listing officer's valuation list as at that date.
- (9) A new listing officer receiving any information under subsection (8)(a) must send a copy of it to his or her new billing authority as soon as is reasonably practicable.
- (10) As soon as is reasonably practicable after compiling the amalgamated list, a new listing officer must send a copy of it to his or her new billing authority.
- (11) A new billing authority receiving a copy of an amalgamated list under subsection (10) must, as soon as is reasonably practicable, deposit it at its principal office.
- (12) For the purposes of this section –
- (a) references to an old listing officer's valuation list are references to the valuation list maintained by him or her under this Act,
  - (b) a new listing officer's area is the area of the new billing authority for which he or she is appointed,
  - (c) the appropriate new listing officer, in relation to any information which relates to a dwelling, is the new listing officer for the new billing authority in whose area the dwelling is situated, and
  - (d) information is relevant in relation to a new listing officer, or the officer's area, if it relates to a dwelling which is in the officer's area.
- (13) In this section –
- “current valuation list” means a valuation list that was compiled on 1 April 2005 (see section 22B(2)(b)), unless an order has been made under section 22B(3) specifying a date before 1 April 2020; in which case, it means a valuation list compiled on the date specified in the order;
- “old listing officer” means a listing officer for an old billing authority;
- “new billing authority” means a billing authority which is a

new council;

“new council” has the same meaning as in the Local Government (Wales) Act 2017 (see section 13 of that Act);

“new listing officer” means a listing officer for a new billing authority;

“old billing authority” means a billing authority which is a council for a county or county borough abolished by the Local Government (Wales) Act 2017.”

*Local non-domestic rating lists*

10 3 After section 41A of the Local Government Finance Act 1988 (c.41) insert—

**“41B Local non-domestic rating lists for new Welsh billing authorities**

- 15 (1) Every new valuation officer must, on 1 April 2020, compile a list (“the amalgamated list”) for the new billing authority for which the officer is appointed, based on the information provided to the officer under this section.
- (2) The amalgamated list must contain all relevant information which was included in the current local non-domestic rating lists.
- 20 (3) The amalgamated list must also include all relevant information which was included in any current local non-domestic rating list by way of an alteration.
- (4) A new valuation officer's amalgamated list—
- (a) is to be treated for the purposes of this Act as the local non-domestic rating list for the officer's new billing authority,
- (b) is deemed to have come into force on—
- 25 (i) 1 April 2017, or
- (ii) if another date is specified in an order made under section 54A, that date, and
- (c) remains in force until the next list is compiled under section 41.
- 30 (5) Where an amalgamated list contains information which is derived from any alteration made to any list or lists from which it is derived, the amalgamated list is to be treated as having been varied on the date on which the alteration was made.
- (6) Subsections (2) to (6B) of section 41 do not apply in relation to an amalgamated list.
- 35 (7) Every old valuation officer must—
- (a) on or before 15 October 2019, provide the appropriate new valuation officer with all relevant information recorded in the old valuation officer's local non-domestic rating list as at 30 September 2019, and

(b) on the day before 1 April 2020, provide the appropriate new valuation officer with all relevant information recorded in the old valuation officer's local non-domestic rating list as at that date.

5 (8) A new valuation officer receiving any information under subsection (7)(a) must send a copy of it to his or her new billing authority as soon as is reasonably practicable.

10 (9) As soon as is reasonably practicable after compiling an amalgamated list, a new valuation officer must send a copy of it to his or her new billing authority.

(10) A new billing authority receiving a copy of an amalgamated list under subsection (9) must deposit it at its principal office as soon as is reasonably practicable.

(11) For the purposes of this section –

15 (a) references to an old valuation officer's local non-domestic rating list are references to the local non-domestic rating list maintained by him or her under this Act,

(b) a new valuation officer's area is the area of the new billing authority for which he or she is appointed,

20 (c) the appropriate new valuation officer, in relation to any information which relates to any hereditament is the new valuation officer for the new billing authority in whose area the hereditament is situated, and

25 (d) information is relevant in relation to a new valuation officer, or the officer's area, if it relates to a hereditament which is in the officer's area.

(12) In this section –

30 "current local non-domestic rating list" means a local non-domestic rating list compiled on 1 April 2017, unless another date is specified in an order made under section 54A, in which case it means a valuation list compiled on the date specified in the order;

"old valuation officer" means a valuation officer for an old billing authority;

35 "new billing authority" means a billing authority which is a new council;

"new council" has the same meaning as in the Local Government (Wales) Act 2017 (see section 13 of that Act);

40 "new valuation officer" means a valuation officer for a new billing authority;

"old billing authority" means a billing authority which is a council for a county or county borough abolished by the Local

## Government (Wales) Act 2017.”

*Council funds*

- 4 (1) Each new council must, on 1 April 2020, establish a fund to be known as its council fund.
- (2) Each new council must maintain its council fund.
- 5 (3) Any sums received by a new council must be paid into its council fund.
- (4) All payments by a new council must be made out of its council fund.
- (5) Sub-paragraphs (3) and (4) do not apply in relation to any sums to be paid into, or payments to be made out of, a trust fund.
- 10 (6) Section 101(1)(b) of the 1972 Act (delegation) does not apply as regards the functions of a new council in relation to its council fund.
- (7) Each new council must keep accounts of sums paid into, and of payments made out of, its council fund.
- (8) Any account kept only in respect of the general expenses of a new council is to be known as the council’s general account and any account kept only in respect of any class of the council’s special expenses (see section 35 of the Local Government Finance Act 1992 (c.14)) is to be known as a special account.
- 15 (9) The Welsh Ministers may make regulations –
- (a) requiring assets of a description specified in the regulations which fall within a council fund to be held in a separate fund within the council fund;
- 20 (b) requiring any fund (other than a trust fund) of a description specified in the regulations which is established by a new council to be maintained as a separate fund within its council fund.
- (10) The Welsh Ministers may by regulations make provision with respect to the liability of new councils to make payments from their council funds in respect of precepts issued under Chapter 4 of Part 1 of the Local Government Finance Act 1992 (c.14).
- 25 (11) The Welsh Ministers may by regulations make provision for the sharing among a new council and major precepting authorities, in accordance with rules specified in the regulations, of an amount equal to all or part of any deduction that, in accordance with provision under paragraph 4(4A) of Schedule 8 to the Local Government Finance Act 1988 (c.41) (local retention of rates), falls to be made in calculating the council’s non-domestic rating contribution for a financial year.
- 30 (12) Regulations under sub-paragraph (10) or (11) may, in particular, include provision –
- (a) that anything falling to be paid must be paid –
- (i) within a period specified in the regulations, and
- 35 (ii) in instalments of such amounts, and at such times, as are determined by the billing authority in accordance with rules specified in the regulations;
- (b) that the billing authority must inform any precepting authorities when instalments will be paid and how they are to be calculated;
- 40 (c) that if an instalment is not paid to a precepting authority in accordance with the regulations, it is to be entitled to interest on the amount of the instalment;

(d) as to the circumstances in which the billing authority is to be treated as having discharged the liability mentioned in sub-paragraph (10) or any liability arising under sub-paragraph (11);

5 (e) as to the recovery (by deduction or otherwise) of any excess amount paid by the billing authority to any precepting authority in purported discharge of the liability mentioned in sub-paragraph (10) or any liability arising under sub-paragraph (11).

(13) In this paragraph—

“major precepting authority” (“*prif awdurdod praeseptio*”) has the meaning given by section 39(1) of the Local Government Finance Act 1992 (c.14);

10 “precepting authority” (“*awdurdod praeseptio*”) means a major precepting authority or a local precepting authority (which has the meaning given by section 39(2) of that Act).

SCHEDULE 4  
(introduced by section 18)

TRANSITIONAL ETC. PROVISION

PART 1

5

MISCELLANEOUS TRANSITIONAL PROVISION

*Suspension of elections of councillors to councils to be abolished by this Act*

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- 1 (1) No election of councillors of a council which is to be abolished by this Act is to be held after 31 December 2018 (“the suspension date”) except –
- (a) to fill a casual vacancy in the office of councillor of that council where before the suspension date –
- (i) the office has been declared to be vacant, or
- (ii) notice of the vacancy has been given under section 89(1) of the 1972 Act, or
- (b) where the number of casual vacancies in the office of councillor of the council occurring after the suspension date exceeds half of the total number of such offices.
- (2) Any councillor of a council which is to be abolished by this Act holding office immediately before the suspension date, or elected after that date to fill a casual vacancy, must, unless he or she resigns his or her office or it otherwise becomes vacant, continue to hold office until 1 April 2020.
- (3) There is no requirement to fill any casual vacancy in the office of councillor of a council which is to be abolished by this Act which occurs after the suspension date; section 89 of the 1972 Act is to be read accordingly.
- (4) There is no requirement to fill any casual vacancy occurring during March 2020 in the office of chair or vice-chair of a council which is to be abolished by this Act.

*Existing and new local government areas with the same name*

- 2 (1) Where a new county has the same name as a local government area in existence at any time before 1 April 2020, references in any enactment passed before this Act to the local government area by name are not to be read as references to the new county.
- (2) This section is subject to any provision to the contrary made by or under this Act.

*Fire and rescue authorities*

- 3 The Welsh Ministers are not required to cause an inquiry to be held under subsection (6) of section 4 of the Fire and Rescue Services Act 2004 (combined authorities) in respect of an order under subsection (4) of that section made in consequence of changes to local government areas made by or under this Part 1 of this Act.



## PART 2

## TRANSFER OF STAFF, PROPERTY, RIGHTS AND LIABILITIES

*“Relevant new council”*

- 4            In this Part of this Schedule “relevant new council”, in relation to an abolished council,  
5            means the new council for the area which includes the area which was the area of the  
                 abolished council.

*Transfer of staff of abolished councils*

- 5            (1) On 1 April 2020, the members of staff of an abolished council are transferred to the  
                 employment of the relevant new council.
- 10           (2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I.  
                 2006/246) (“the TUPE Regulations”) apply to a transfer under sub-paragraph (1) or  
                 regulations under section 19 (whether or not the transfer is a relevant transfer for the  
                 purposes of the TUPE Regulations), subject to sub-paragraph (3).
- 15           (3) The following regulations of the TUPE Regulations do not apply to a transfer under sub-  
                 paragraph (1) or regulations under section 19—  
                 (a) regulation 4(6) (criminal liability), and  
                 (b) regulation 10 (pensions).

*Transfer of property, rights and liabilities*

- 6            (1) On 1 April 2020, the property, rights and liabilities (including criminal liabilities) to  
20            which an abolished council was entitled or subject are transferred to and vest in the  
                 relevant new council.
- (2) Anything (including civil or criminal proceedings) which—  
                 (a) relates to any property, rights or liabilities transferred under sub-paragraph (1) or  
                 regulations under section 19, and  
25            (b) is in the process of being done by or in relation to an abolished council  
                 immediately before 1 April 2020,  
                 may be continued on and after that day by or in relation to the relevant new council.
- (3) Anything which was done by or in relation to an abolished council—  
                 (a) for the purposes of or in connection with any property, rights or liabilities  
30            transferred under sub-paragraph (1) or regulations under section 19, and  
                 (b) which is in effect immediately before 1 April 2020,  
                 has effect on and after that day as if done by or in relation to the relevant new council.
- (4) In any instruments, contracts or civil or criminal proceedings which—  
                 (a) relate to any property, rights or liabilities transferred under sub-paragraph (1) or  
35            regulations under section 19, and  
                 (b) are made or commenced before 1 April 2020,  
                 a reference to an abolished council is to be treated on and after that day as a reference to,

or as including a reference to, the relevant new council.

(5) This paragraph does not apply in relation to rights and liabilities under a contract of employment transferred to a relevant new council under paragraph 5 or regulations under section 19.

5 7 (1) A certificate issued by the Welsh Ministers that property has been transferred under paragraph 6(1) or regulations under section 19 is conclusive evidence of the transfer.

10 (2) Paragraph 6, and regulations under section 19, have effect in relation to property, rights or liabilities to which they apply in spite of any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property, rights or liabilities.

SCHEDULE 5  
(introduced by section 21)

THE 1972 ACT: AMENDMENTS AND TRANSITIONAL PROVISION

PART 1

5 MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 The 1972 Act is amended in accordance with this Part of this Schedule.
- 2 In section 2 (constitution of principal councils in England) omit subsection (2B).
- 3 (1) Section 20 (new principal local government areas in Wales) is amended as follows.
- (2) Before subsection (1) insert—
- 10 “(A1) Section 1 of the Local Government (Wales) Act 2017 makes provision about—
- (a) the local government areas in Wales (which are the counties set out in the table in Schedule 1 to that Act, and the communities originally established under this section subject to any subsequent changes to those communities), and
- 15 (b) councils for the counties set out in the table in Schedule 1 to that Act.”
- (3) Omit subsections (1) to (7).
- (4) For subsections (9) and (10) substitute—
- 20 “(9) The Welsh Ministers may by regulations change the name by which any of the preserved counties is for the time being known.
- (10) A statutory instrument containing regulations under subsection (9) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- 25 (5) Omit subsection (11).
- (6) For the title of section 20, substitute “Local government areas and preserved counties in Wales”.
- (7) Accordingly, for the cross-heading preceding section 20 substitute “Local government areas and preserved counties after 1 April 2020”.
- 30 4 (1) Schedule 4 is amended as follows.
- (2) Omit Parts 1 and 2.
- (3) For the title of that Schedule substitute “PRESERVED COUNTIES”
- 5 Sections 21 to 26 (councils and their members) are repealed (see Part 2 of this Schedule for further provision about the repeal of section 26 (elections)).
- 35 6 (1) Section 74 (change of name of county) is amended as follows.
- (2) In subsection (1), omit “, county borough” from both places it occurs.
- (3) Omit subsection (2A).
- (4) In subsection (3), for “the relevant Minister”, in both places it occurs, substitute “the

Secretary of State”.

(5) Omit subsection (3A).

(6) In subsection (4) omit “, county borough”.

(7) Omit subsections (7) and (8).

(8) In the title, for “county, district” substitute “county or district in England”.

Section 245A (petition by council of a county to Her Majesty for grant of a charter conferring county borough status) is repealed.

In section 270(1) of the 1972 Act (definitions) after the definition of “mayor and cabinet executive” insert—

““member”, in relation to a principal council which is operating executive arrangements which involve a mayor and cabinet executive, means—

(a) the elected mayor of the council;

(b) the chair of the council;

(c) a councillor of the council;”.

## PART 2

### PROVISION RELATED TO REPEAL OF SECTION 26 OF THE 1972 ACT (ELECTIONS)

#### *Ordinary elections of councillors of the council for the county of Powys in 2020*

(1) There is to be an ordinary election of councillors of the council for the county of Powys in 2020 (and the subsequent ordinary election of such councillors will take place in 2023, in accordance with section 10).

(2) Until the ordinary elections of councillors of the county councils in 2023, section 10(3) applies in relation to the councillors of the council for the county of Powys as if for “five years” there were substituted “three years”.

#### *Councillors’ terms of office*

(1) Sub-paragraph (2) applies during the period starting with the coming into force of section 10 and ending with the ordinary elections of councillors of the county councils in 2023.

(2) Section 10(3) applies in relation to the councillors of the councils of the descriptions set out in the first column of table 1 as if for “five years” there were substituted the words set out in the second column of table 3—

TABLE 3

Description of council	Period of years
new councils (to be elected on 2 May 2019)	“four years”
councils which are to be abolished by this Act	“three years”

*Consequential amendments of Local Government Act 2000 (c.22)*

11 (1) The Local Government Act 2000 (c.22) is amended as follows.

(2) In section 85 (options for elections) –

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(a) in subsection (1) after “Part” insert “as it applies in relation to a principal council for an area in England,”,

(b) in that subsection, before “a principal council” insert “such”, and

(c) in the title, after “election” insert “: England”.

(3) In section 86 (power to specify a scheme for elections), omit subsection (1).

SCHEDULE 6  
(introduced by section 101)

ASSISTANTS TO LOCAL AUTHORITY EXECUTIVES: FURTHER AMENDMENTS

*Local Government Act 1972 (c.70)*

- 5 1 (1) The 1972 Act is amended as follows.
- (2) In each of sections 22(1A), 24(1A), 24A(5) and 24B(3), after “principal council” insert “, or an assistant to the executive,”.
- (3) In section 80(1)(a), for “or member of the executive” substitute “, member of the executive or assistant to the executive”.
- 10 (4) In section 116, for “or member of the executive” substitute “, member of the executive or assistant to the executive”.
- (5) In section 270(1), after the definition of “appropriate Minister” insert –
- ““assistant to the executive”, in relation to a principal council in Wales, has the same meaning as in Schedule 1 to the Local Government Act 2000 (see paragraph 3A of that Schedule);”.
- 15 (6) In Schedule 12, in paragraph 5(4), after “principal council” insert “, or an assistant to the executive,”.

*Pilotage Act 1987 (c.21)*

- 2 In section 3 of the Pilotage Act 1987 –
- 20 (a) in subsection (9A)(a), after “local authority” insert “, or an assistant to the executive,”;
- (b) in subsection (10), after the opening words insert –
- ““assistant to the executive” has the same meaning as in Schedule 1 to the Local Government Act 2000 (see paragraph 3A of that Schedule);”.
- 25

*Local Government Finance Act 1992 (c.14)*

- 3 In section 106(2A) of the Local Government Finance Act 1992, after “to whom this section applies” insert “, and no assistant to the executive (within the meaning of paragraph 3A of Schedule 1 to the Local Government Act 2000) to whom this section applies,”.

30 *Local Government Act 2000 (c.22)*

- 4 In section 21(9) of the 2000 Act (overview and scrutiny committee not to include members of executive), after “executive” insert “or any assistant to the executive (within the meaning of paragraph 3A of Schedule 1)”.

*Local Government (Wales) Measure 2011 (nawm 4)*

- 35 5 In each of the following provisions of the 2011 Measure, after “authority’s executive”

insert “or an assistant to its executive” –

- (a) section 12(2)(b);
- (b) section 14(2);
- (c) in section 82, subsections (2)(c) and (3);
- (d) section 83(2).

5

SCHEDULE 7  
(introduced by section 103)

CONSEQUENTIAL AMENDMENTS: CHIEF EXECUTIVE

*Local Government Act 1972 (c.70)*

- 5 1 In section 112(2A) of the 1972 Act (appointment of staff), for “heads of paid service” substitute “chief executives”.

*Local Government Finance Act 1988 (c.41)*

- 2 The Local Government Finance Act 1988 is amended as follows.
- 3 In section 114(3A) (consultation by chief finance officer in preparing reports), at the end  
10 of paragraph (a) insert “or, in the case of a council of a county or county borough in Wales, its chief executive”.
- 4 In section 114A(3) (consultation by chief finance officer of authority operating executive arrangements), at the end of paragraph (a) insert “or, in the case of a council of a county or county borough in Wales, its chief executive”.

15 *Local Government and Housing Act 1989 (c.42)*

- 5 The Local Government and Housing Act 1989 is amended as follows.
- 6 In section 2 (politically restricted posts), at the end of paragraph (a) insert “or, in the case of a council of a county or county borough in Wales, the person appointed as its chief executive under section 103 of the Local Government (Wales) Act 2017”.
- 20 7 In section 4(6) (definition of “relevant authority”) –
- (a) in paragraph (a), omit “and Wales”;
  - (b) omit the “and” after paragraph (a);
  - (c) after that paragraph insert –
    - 25 “(aa) in relation to Wales, means an elected local policing body; and”.
- 8 In section 5 (designation and reports of monitoring officer) –
- (a) in subsection (1), omit the words after paragraph (b) (and substitute a full stop for the semi-colon at the end);
  - (b) after subsection (1) insert –
    - 30 “(1ZA) But a relevant authority may not designate its chief finance officer as the monitoring officer.
    - (1ZB) In the case of a relevant authority which is a council of a county or county borough in Wales, the officer designated under subsection (1) above may not be the authority’s chief executive.”;
  - (c) in subsection (1B) –
    - 35 (i) omit “and Wales”, and



(ii) omit paragraph (b);

(d) in subsection (3)(a), after “above” insert “or, in the case of a council of a county or county borough in Wales, its chief executive,”.

9 In section 5A(5)(a) (consultation by monitoring officer on reports: executive  
5 arrangements), after “above” insert “or, in the case of a council of a county or county  
borough in Wales, its chief executive,”.

*Local Government (Wales) Measure 2011 (nawm 4)*

10 The 2011 Measure is amended as follows.

11 In section 8(4) (officers who may not be designated head of democratic services), for  
10 paragraph (a) substitute –

“(a) the authority’s chief executive appointed under section 103 of  
the Local Government (Wales) Act 2017;”.

12 In section 9(4) (functions of head of democratic services), for the words from “head of  
15 paid service” to the end substitute “chief executive in section 103(2) of the Local  
Government (Wales) Act 2017”.

13 In section 143A (functions of the Independent Remuneration Panel for Wales in respect of  
salaries of chief executives) –

(a) in subsection (1)(a) and (b), for “head of paid service” substitute “chief executive”;

(b) in subsection (3), for “head of paid service” substitute “chief executive”;

20 (c) in subsection (3B), for “head of paid service” substitute “chief executive”;

(d) in subsection (5A), for “head of paid service” substitute “chief executive”;

(e) in subsection (7) –

(i) omit the definition of “head of paid service”, and

25 (ii) in the definition of “salary”, for “head of paid service”, at both places it  
occurs, substitute “chief executive”;

(f) accordingly, the heading becomes “Functions relating to salaries of chief  
executives”.

*Localism Act 2011 (c.20)*

14 In section 43(2) of the Localism Act 2011 (definition of “chief officer”: pay policy  
30 statements), at the end of paragraph (a) insert “or, in the case of a council of a county or  
county borough in Wales, its chief executive”.

*Anti-social Behaviour, Crime and Policing Act 2014 (c.12)*

15 In section 77 of the Anti-social Behaviour, Crime and Policing Act 2014 (duration of  
notices prohibiting access to certain premises), for subsection (6) substitute –

35 “(6) In this section “chief executive officer” means –

(a) in relation to a local authority in England, the authority’s head  
of paid service designated under section 4 of the Local

Government and Housing Act 1989;

- (b) in relation to a local authority in Wales, the authority's chief executive appointed under section 103 of the Local Government (Wales) Act 2017)."

5 *Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

- 16 In the second column of the table in paragraph 7 of Schedule 3 to the Well-being of  
 Future Generations (Wales) Act 2015 (representation at meetings of public services  
 boards), for "head of the authority's paid service designated under section 4 of the Local  
 Government and Housing Act 1989 (c.42)" substitute "authority's chief executive (see  
 10 section 103 of the Local Government (Wales) Act 2017)".

*Local Government (Wales) Act 2015*

- 17 The Local Government (Wales) Act 2015 is amended as follows.
- 18 In section 1(2)(a) (overview of Act), for "heads of paid service" substitute "chief  
 executives".
- 15 19 In section 29(4) (restraining appointment of chief officers by direction), for paragraph (a)  
 substitute—
- "(a) its chief executive appointed under section 103 of the Local  
 Government (Wales) Act 2017;".
- 20 In section 39 (temporary extension of functions of Independent Remuneration Panel for  
 20 Wales)—
- (a) in subsection (1)—
- (i) for "heads of paid service" substitute "chief executives", and
- (ii) for "head of paid service" at both places it occurs substitute "chief  
 executive";
- 25 (b) in subsection (2), for "'head of paid service" ("*pennaeth gwasanaeth cyflogedig*") and  
 "salary" ("*cyflog*") have the meanings" substitute "'salary" ("*cyflog*") has the  
 meaning";
- (c) in the heading, for "heads of paid service" substitute "chief executives".

SCHEDULE 8  
(introduced by section 63)

COMMUNITY AREA COMMITTEES: FURTHER AMENDMENTS AND REPEALS

*Local Government Act 1972 (c.70)*

- 5 21 (1) The 1972 Act is amended as follows.
- (2) In section 101, after subsection (6A) insert—
- “(6B) A principal council in Wales may not make arrangements under this section for a function of the council to be discharged by a community area committee appointed under section 43 of the Local Government (Wales) Act 2017 or by a sub-committee of such a committee (but see sections 55, 58 and 61 of that Act).”
- 10
- (3) In section 102(1A), omit “or under regulations made under section 18 of that Act”.

*Local Government and Housing Act 1989 (c.42)*

- 22 In section 9 of the Local Government and Housing Act 1989—
- 15 (a) in subsection (8A), for “18” substitute “17”;
- (b) for subsection (8B) substitute—
- “(8B) A community area committee appointed by a relevant authority in Wales under section 43 of the Local Government (Wales) Act 2017 shall not exercise any power under—
- 20 (a) section 58 of that Act (delegation of functions by community area committee), or
- (b) section 14 or 15 of the Local Government Act 2000 (discharge of functions under executive arrangements),
- so as to arrange for the discharge of any of the authority’s functions by any person who holds a post under the authority to which the person was appointed in pursuance of this section.”;
- 25 (c) in subsection (11), omit the definition of “community area committee”.

*Local Government (Wales) Act 1994 (c.19)*

- 23 (1) The Local Government (Wales) Act 1994 is amended as follows.
- 30 (2) Sections 27 to 31 are repealed.
- (3) In section 64(1), omit the definition of “decentralisation scheme”.

*Local Government Act 2000 (c.22)*

- 24 (1) The 2000 Act is amended as follows.
- (2) In section 14—
- 35 (a) in subsection (1), for “18, 19 or 20,” substitute “19 or 20, or under section 57 of the

Local Government (Wales) Act 2017;”;

(b) in subsection (2)(b), omit the “or” after sub-paragraph (iii) and insert –

“(iia) by a community area committee of the authority, or”;

(c) in subsection (3), omit the “or” after paragraph (a) and insert –

“(aa) by a community area committee of the authority, or”;

(d) in subsection (4), after “those functions” insert –

“ –

(a) by a community area committee of the authority, or

(b) “;

(e) in subsection (5), after “those functions” insert –

“ –

(a) by a community area committee of the authority, or

(b) “;

(f) after subsection (5) insert –

“(5A) Where by virtue of this section any functions may be discharged by a community area committee of a local authority, then, unless the elected mayor otherwise directs, the committee may arrange for the discharge of any of those functions –

(a) by a sub-committee of the community area committee, or

(b) by an officer of the authority.

(5B) Arrangements under this section may not provide for a community area committee of a local authority to discharge functions otherwise than in relation to the area of the committee.”

(3) In section 15 –

(a) in subsection (1), for “18, 19 or 20,” substitute “19 or 20, or under section 57 of the Local Government (Wales) Act 2017;”;

(b) in subsection (4)(b), omit the “or” after sub-paragraph (iii) and insert –

“(iia) by a community area committee of the authority, or”;

(c) in subsection (5), omit the “or” after paragraph (a) and insert –

“(aa) by a community area committee of the authority, or”;

(d) in subsection (6), after “those functions” insert –

“ –

(a) by a community area committee of the authority, or

(b) “;

(e) in subsection (7), after “those functions” insert –

“ –

(a) by a community area committee of the authority, or

(b) “;

(f) after subsection (7) insert –

“(7A) Where by virtue of this section any functions may be discharged by a community area committee of a local authority, the committee may arrange for the discharge of any of those functions –

- (a) by a sub-committee of the community area committee, or
- (b) by an officer of the authority.

(7B) Arrangements under this section may not provide for a community area committee of a local authority to discharge functions otherwise than in relation to the area of the committee.”;

(g) in subsection (8) –

- (i) for “or (iii)” substitute “, (iii) or (iiia)”;
- (ii) for “or (7)” substitute “, (7) or (7A)”.

(4) In section 17(4), omit “18,”.

(5) Section 18 is repealed.

(6) In section 21 –

(a) in subsection (13), after paragraph (a) insert –

“(aza) may require any member of a community area committee of the authority to attend before it to answer questions relating to any function which is exercisable by the community area committee by virtue of –

- (i) section 14 or 15, or
- (ii) section 55 of the Local Government (Wales) Act 2017,”;

(b) in subsection (14), after “(a)” insert “, (aza)”.

(7) In section 48(1), at the appropriate place insert –

““community area committee” means a committee appointed under section 43 of the Local Government (Wales) Act 2017,”.

#### *Localism Act 2011 (c.20)*

In Schedule 3 to the Localism Act 2011 –

- (a) omit paragraph 4(b);
- (b) omit paragraph 16.

#### *Local Government (Wales) Measure 2011 (nawm 4)*

Section 55 of the 2011 Measure is repealed.

#### *Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

In section 38(3) of the Well-being of Future Generations (Wales) Act 2015, after paragraph (ga) insert –

“(gb) the most recent statement of priorities and objectives submitted to the local authority by each of its community area committees under section 52 of the Local Government (Wales) Act 2017;”.

SCHEDULE 9  
(introduced by section 148)

RENAMING OF COUNTY COUNCIL AUDIT COMMITTEES

- 1 The 2011 Measure is amended as follows.
- 5 2 In the heading of Chapter 2 of Part 6, before “AUDIT COMMITTEES” insert  
“CORPORATE GOVERNANCE AND”.
- 3 In section 81 (local authorities to appoint audit committees) –
- (a) in the heading, after “appoint” insert “corporate governance and”;
  - (b) in subsection (2), after “its ”insert “corporate governance and”;
  - 10 (c) in subsection (3), for “an” substitute “a corporate governance and”.
- 4 In section 82 (membership) –
- (a) in subsection (1), after “of its” insert “ corporate governance and”;
  - (b) in subsection (2) –
    - (i) in paragraph (a) for “its audit committee” substitute “that committee”;
    - 15 (ii) in paragraph (c) for “its audit committee” substitute “that committee”;
    - (iii) in paragraph (d) for “its audit committee” substitute “that committee”;
  - (c) in subsection (3), after “local authority’s” insert “ corporate governance and”;
  - (d) in subsection (4), for “an” substitute “a corporate governance and”;
  - (e) in subsection (5), for “an” substitute “a corporate governance and”;
  - 20 (f) in subsection (7), for “an” substitute “a corporate governance and”.
- 5 In section 83 (proceedings etc.) –
- (a) in subsection (3), for “an” substitute “a corporate governance and”;
  - (b) in subsection (4), for “an” substitute “a corporate governance and”;
  - (c) in subsection (7), for “an” substitute “a corporate governance and”.
- 25 6 In section 84 (frequency of meetings) –
- (a) in subsection (1), for “an” substitute “a corporate governance and”;
  - (b) in subsection (2), after “the” insert “corporate governance and”;
  - (c) in subsection (3), for “an” substitute “a corporate governance and”;
  - (d) in subsection (4), for “an” substitute “a corporate governance and”.
- 30 7 In section 85 (guidance) –
- (a) in subsection (1) –
    - (i) in paragraph (a) after “functions of” insert “corporate governance and”;
    - (ii) in paragraph (b) for “audit” substitute “such”;
  - (b) in subsection (2), after “and its” insert “ corporate governance and”.
- 35 8 In section 86 (termination of membership) –
- (a) in subsection (1), for “an” substitute “a corporate governance and”;

(b) in subsection (2), after “member of the” in the second place insert “corporate governance and”;

(c) in subsection (4), after “or the” insert “corporate governance and”.

9 In section 87 (Interpretation etc.), in subsection (2) omit the definition of “audit  
5 committee”.