

DRAFT LOCAL GOVERNMENT (WALES) BILL

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Local Government (Wales) Draft Bill which was published for consultation on 24 November 2015. They have been prepared by the Education and Public Services Group of the Welsh Government in order to assist the reader of the Draft Bill.
2. The Explanatory Notes should be read in conjunction with the Draft Bill but they are not a part of it. They are not meant to be a comprehensive description of the Draft Bill, and where an individual section of the Draft Bill does not require any explanation or comment, none is given.
3. The following terms are used throughout these notes:
 - ‘the 2009 Measure’ for the Local Government (Wales) Measure 2009
 - ‘the 2011 Measure’ for the Local Government (Wales) Measure 2011

APPLICATION OF THE DRAFT BILL TO COUNTIES AND COUNTY BOROUGHES UNTIL 1 APRIL 2020

4. Until 1 April 2020, any reference in the Draft Bill to a county, other than in Part 1 (Local Government Areas and County Councils) or Chapter 1 of Part 6 (Review of community council arrangements), is to be read as if it means the counties and county boroughs established on 1 April 1996 (see section 20 of the Local Government Act 1972, as amended by the Local Government (Wales) Act 1994).
5. Similarly, any reference in the Draft Bill to a county council is to be read as if it means the county councils and county borough councils established on 1 April 1996.

GENERAL OVERVIEW OF THE DRAFT BILL

Part 1 – Local Government Areas and County Councils

6. Part 1 of, and Schedules 1 to 5 to, the Draft Bill contain provisions for the reorganisation of county and county borough councils in Wales, and the establishment of new counties and councils from 1 April 2020. Part 1 also makes provision about the constitution of the new councils and the election of their members.

Part 2 – General Power of Competence

7. Chapter 1 of this Part provides county councils and ‘community councils with competence’ with a general power of competence, setting out the boundaries of the power and degree to which it may be used for commercial purposes. The general power of competence gives a qualifying local authority the same power to act that an individual generally has. It is a power of first resort which means that a qualifying local authority does not need to rely on

specific powers in legislation to do something, so long as what they intend to do is not otherwise illegal.

8. The conditions which community councils must meet, together with the procedure they must follow, in order to become a 'community council with competence' are set out in Chapter 2 of this Part.

Part 3 – Promoting Access to Local Government

9. Chapter 2 of this Part contains provisions requiring county councils to promote access to, and public participation in, local government.
10. Chapter 3 requires the establishment by county councils of community area committees for the purpose of ensuring that community interests and priorities are taken into account by county councils in exercising their functions, and Chapter 4 places county councils under duties in respect of 'improvement requests', which require a county council to enter into discussions with certain community bodies for the purpose of improving local outcomes.
11. Chapter 5 makes provision about improving public access to local authority meetings, and Chapter 6 requires county councils to publish a guide in ordinary language to accompany their constitutions, together with official addresses for their members to which correspondence may be sent.

Part 4 – Functions of County Councils and their Members

12. The provisions within Chapters 2 to 4 of Part 4 of the Draft Bill impose duties upon the members of county councils relating to the performance of their functions as members, and sets out how breaches of these duties are to be dealt with (Chapter 1 contains an overview of the Part).
13. Chapter 5 requires the elected mayor or executive leader of a county council operating executive arrangements to set objectives for the executive, and requires candidates who wish to stand for elected mayor or executive leader to prepare a written manifesto. It also enables the appointment of members as assistants to the executive.
14. Chapter 6 requires county councils to have a 'chief executive' instead of a 'head of paid service', and makes further provision about their role. It also makes provision about the position of the head of democratic services.
15. Chapter 7 makes provision about overview and scrutiny committees, including the voting rights of co-opted members of those committees. It also requires standards committees to prepare annual reports on the exercise of their functions and other matters.
16. County councils are required, under the Local Government Act 2000, to establish an overview and scrutiny committee composed of councillors who are not members of the council's executive. Overview and scrutiny committee act as a counterweight to the executive's powers, reviewing policy and decisions and making recommendations to the council. The co-opted members of a committee are those members who are not members of the council.
17. Standards committees consider complaints that the conduct of a councillor has failed to comply with the code of conduct adopted by the council, under the ethical framework established by the Local Government Act 2000, and to determine whether or not those

complaints should be investigated. Part 4 provides that the responsibility of standards committees be extended to include councillors deemed not to have carried out their statutory duties.

Part 5 – County Councils: Improvement of Governance

18. Part 5 of the Draft Bill sets out arrangements for a new regime to improve the governance of county councils, that is, to ensure councils are run properly, people are accountable for decisions and resources are used well. Chapter 1 places a general duty on county councils to make, implement and comply with governance arrangements which must in turn comply with the requirements imposed by and under the Draft Bill. Under Chapter 2, county councils must prepare and publish a corporate plan, consult on it, keep it under review and report on progress made against the matters set out in the plan.
19. Chapter 3 sets out how county councils' compliance with their duties in relation to governance under Chapter 1 is to be assessed; through 'self assessment', 'peer assessment' and 'combined assessment' (that is, a joint assessment carried out by certain regulators).
20. Chapter 4 provides the Welsh Ministers with a power to arrange a review of a county council's governance arrangements and to intervene when they consider it necessary or appropriate in order to ensure that a county council complies with its duties in relation to governance under Chapter 1.
21. Chapter 5 provides for better co-ordination between certain regulators in the exercise of certain functions, whilst Chapter 7 renames the Audit Committee of county councils as the Corporate Governance and Audit Committee, and makes further provision about the committee's functions and membership. The regulators are those bodies responsible for reporting on councils' governance and financial arrangements, and the way their major services are run. They are the Auditor General for Wales, Her Majesty's Chief Inspector of Education and Training in Wales, and the Welsh Ministers exercising their regulatory powers in respect of social services.

Part 6 – Community Councils

22. The provisions in Part 6 of the Draft Bill relate to community councils.
23. Chapter 1 requires the LDBCW to undertake a review of community council arrangements; that is, a review of the communities within the new counties, to be established under the Draft Bill on 1 April 2020, for the purpose of recommending changes to the community councils and their electoral arrangements.
24. Chapter 2 places a duty on county councils to consider the training needs of community councillors, and to make arrangements to meet those needs. It also places a duty on community councillors to complete compulsory training identified by the county councils and sets out how breaches of this duty are to be dealt with.
25. Chapter 3 provides that community council elections will be fixed at every five years from 2023 (in line with changes made by the Draft Bill in relation to county council elections), and makes related changes to provision about community councillors' term of office.

Part 7 – Workforce Matters

26. Part 7 of the Draft Bill deals with 'workforce matters', which is defined in that Part. It requires certain public bodies to have regard to any guidance on workforce matters issued

These notes refer to the Draft Local Government (Wales) Bill which was published for consultation on 24 November 2015

by the Welsh Ministers, and provides for the establishment and abolition of a Public Services Staff Commission, which will advise the Welsh Ministers on workforce matters during its existence.

Part 8 – General

27. Part 8 contains general provisions regarding regulations and orders made under the Draft Bill, interpretation and commencement and provides for the short title of the Draft Bill. Part 8 also contains provision (discussed above) about the application of the Draft Bill to the counties and county boroughs in existence before the changes to be made by Part 1 come into force.

COMMENTARY ON SECTIONS

Part 1 – Local Government Areas and County Councils

Section 1 – The local government areas and Schedule 1 – Counties in Wales

28. Section 1 provides that from 1 April 2020 the counties set out in the table in Schedule 1 replace the counties and county boroughs, as specified in Parts 1 and 2 of Schedule 4 to the Local Government Act 1972, as local government areas in Wales.
29. The communities will continue to be local government areas in Wales. Existing communities, including their geography, are unaffected by Part 1 of the Draft Bill.
30. Schedule 1, which sets out the new counties, contains two alternative tables. This is to reflect the two options under consideration for the counties of Wales.
31. The proposed new counties in both tables are identified by a reference number, rather than a name. The new county councils elected in May 2019, under section 14 of this Draft Bill, will consider and determine the name for the new county, informed by the advice and recommendations received from the relevant transition committee.
32. Paragraph 2 of Schedule 1 provides the Welsh Ministers with a power to make regulations to amend the county names in Schedule 1 to reflect the decision made locally by the new county councils as shadow authorities (see section 15 for provision for shadow authorities).
33. The Draft Bill abolishes the concept of county boroughs in Wales and instead establishes counties which are set out in Schedule 1 to the Draft Bill. In consequence, the power in section 245A of the Local Government Act 1972 for a council of a county to petition Her Majesty to grant of a charter conferring county borough status is repealed (see paragraph 7 of Schedule 5).

Chapter 2 – County Councils

34. Sections 2 through to 12 restate much of sections 21 to 26 and 74 of the Local Government Act 1972, but with some changes. Sections 21 to 26 of the Local Government Act 1972 are repealed by paragraph 5 of Schedule 5. Paragraph 6 of Schedule 5 amends section 74 of the Local Government Act 1972 so that the section only applies in relation to counties and districts in England and London boroughs.
35. The notes below highlight some of the main instances where the Draft Bill has made changes to the provisions in section 21 to 26 and 74 of the Local Government Act 1972 as part of restating them in this Draft Bill).

Sections 3 to 9

36. The use of 'title' in these sections rather than 'style', as was used in the Local Government Act 1972, is simply a result of updating the language. Similarly, the omission of the references to 'maer', 'dirprwy faer', 'cadeirydd dinesig' and 'dirprwy gadeirydd dinesig' simply reflects the fact that the Draft Bill exists in both English and Welsh, which is not the case for the Local Government Act 1972. A council may still determine that the chair is to have the title of 'maer' etc.

Section 6 - Chair entitled to title of 'mayor'

37. A feature of 'county borough' status under section 25A of the Local Government Act 1972 was that a chair was entitled to the style of 'mayor'.
38. Section 6 provides that all county councils will be able to determine that the chair is to have the title of 'mayor', subsection (1) makes clear that the decision is a matter for the council rather than the chair, to be decided by simple majority of the councillors present at the meeting where the decision is voted upon by virtue of paragraph 39(1) of Schedule 12 to the Local Government Act 1972. Paragraph 39(1) provides that, unless specified otherwise in legislation, decisions of a council are to be taken by simple majority of the councillors present and voting on the matter being decided upon.

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

39. Section 9 provides that where a council determines to have a presiding member the council must choose between 'mayor' and 'civic chair' as the title for the chair of the council. Previously, the chair could be entitled to the style of 'civic chair' but could remain as 'chair'. This is also the case for the vice-chair of the council.

Section 10 - Ordinary elections of councillors and term of office

40. The next ordinary elections (that is, the elections which take place as part of the normal election cycle, as opposed to a by-election) of councils to be abolished by the Draft Bill are to take place in 2017 by virtue of section 26 of the the Local Government Act 1972. The subsequent scheduled ordinary elections would normally take place in 2021, in accordance with that section. However, due to the local government reform taking place it is necessary to amend the timing of elections and the term of office of councillors in the period between 2017 and 2023.
41. This section provides for elections from 2023 onwards (it is anticipated that this provision will not come into force until after the 2017 elections, and so will not affect them). Transitional arrangements can be found in paragraph 10 of Schedule 5 for the term of office of councillors of councils being abolished by section 1 and the term of office of councillors of the new county councils elected in 2019 under section 14. The changes also have implications for the ordinary elections of community councils; these are set out in section 171 of the Draft Bill.

Section 11 - Electoral wards

42. Members were previously elected for areas known as 'electoral divisions'. The terminology was changed in the Local Government (Democracy) Act 2013 so that the areas for which members are elected to the county council are known as 'electoral wards'. Section 11 reflects the approach taken in the Local Government (Democracy) Act 2013. 'Member' is defined in section 22.

Section 13 – New counties and new councils

43. This section defines two key terms used in this Chapter. In so doing, it also provides that the Chapter (including Schedules 2 to 4) does not apply to the council for the county of Powys.

Section 14 – First ordinary elections of councillors of the new councils

44. The elections of councillors of the new councils on 2 May 2019 will be held on the basis of electoral arrangements set out in regulations made under section 22(1) or 23(2) of the Local Government (Wales) Bill.
45. Regulations under section 22(1) of the Local Government (Wales) Bill implement recommendations about electoral arrangements contained in a report submitted to the Welsh Ministers by the LDBCW.
46. 'Electoral arrangements' is defined in section 16(4) of the Local Government (Wales) Bill and in relation to the new counties includes:
- the number of members of the council for the new county;
 - the division of the county into electoral wards;
 - the number, type and boundaries of the electoral wards into which the county is to be divided for the purpose of the election of members;
 - the number of members to be elected for any electoral ward; and
 - the name of the electoral ward.
47. The power to make regulations under section 23(2) of the Local Government (Wales) Bill only become relevant where the LDBC (W) has not submitted a report to the Welsh Ministers, under section 21 of that Bill, following a direction issued to the LDBC (W) by the Welsh Ministers under section 16 of that Bill to carry out an 'initial review' of electoral arrangements. In those circumstances, regulations under section 22(1) of that Bill could not be made. Regulations under section 23(2) of that Bill would include provision the Welsh Ministers consider appropriate for the electoral arrangements for the new counties.
48. Section 14 of this Draft Bill also introduces Schedule 2.

Schedule 2 – New councils: first ordinary elections and meetings

49. Schedule 2 addresses issues arising from the application of existing legislation to:
- the conduct of the first elections of the new councils in May 2019;
 - the first meetings of the new councils following the elections; and
 - qualification for election as member of the new councils in the first ordinary elections to the new county councils in 2019.
50. Section 35(1A)(a) of the Representation of the People Act 1983 provides that the council of every county or county borough must appoint an officer of the council to be the returning officer for elections of councillors. This provision would be ineffective for the appointment of a returning officer for the elections of new councils as there will be more than one county or county borough council contained in each new county.
51. Paragraph 1(1) of the Schedule provides that the returning officer for the elections of new councils will be appointed by a county or county borough council directed by the Welsh Ministers to make that appointment (the existing counties are not abolished until 1 April 2020). For the same reasons, paragraph 1(4) provides for the payment and recovery of the expenditure of returning officers.

52. Section 83(1) of the Local Government Act 1972 requires all elected councillors to make a declaration of acceptance of office which must be delivered to an officer of the council appointed for that purpose. In the case of the new councils, no such officer will have been appointed at the time of those elections.
53. Paragraph 2 provides that the declarations of acceptance of office be taken and delivered to the chief executive of a council designated by the relevant transition committee (as defined in paragraph 6 of Schedule 2). A transition committee will be established for each new county by virtue of regulations to be made under section 11 of the Local Government (Wales) Bill 2015. They will be established to undertake certain activities to prepare and plan for the establishment of the new councils.
54. Paragraphs 3 and 4 address the fact that the new councils will not have the following in place for the first meeting which follows the ordinary elections in May 2019:
- officers to convene the meeting;
 - officers to exercise any other functions relating to the meeting;
 - a councillor elected to chair the meeting; and
 - standing orders to govern the proceedings of the first meeting.
55. Some of the conditions of qualification for election and holding office as councillor, as contained in section 79 of the Local Government Act 1972, are dependent on the existence of the new county for twelve months prior to the election. As this will not be the case in relation to the new counties, paragraph 5 makes the necessary modifications to section 79 of the Local Government Act 1972 in relation to the first elections of the new councils.
56. Paragraph 3(4) of Schedule 2 acknowledges the need to update the requirements (currently set out in schedule 12 to the Local Government Act 1972) for conveying official communications by means other than post. So, if a member of a new council provides the designated chief executive with an e-mail address before the summons to attend the first meeting is sent, the designated chief executive may send the summons to the member by sending it to the e-mail address provided. If an e-mail address is not provided, the summons is to be sent by post or left at the member's usual place of residence (see paragraph 4 of Schedule 12 to the Local Government Act 1972).

Section 15 - New councils: shadow authorities

57. This section provides that the new councils elected on 2 May 2019 will be 'shadow authorities', operating alongside the existing councils until all local government functions are transferred to the new council on 1 April 2020.
58. During the period beginning with the elections of new councils in May 2019 and ending on 1 April 2020, the functions of the shadow authorities will be those prescribed in the Local Government (Wales) Bill, regulations made by the Welsh Ministers under that Bill and in this Draft Bill. These functions will enable the shadow authorities to make key decisions in order to enable them to function effectively from 1 April 2020. These will include the appointment of senior staff for the new council, agreeing initial service delivery plans and setting the budget and council tax level for the first financial year of the new council. Section 28 of the Local Government (Wales) Bill confers functions on shadow authorities in relation to pay policy statements.

Section 16 and Schedule 3 – New councils: finance

59. Section 16 introduces Schedule 3.
60. Paragraph 1 of Schedule 3 confers local government finance functions on the new councils. These functions include the calculation of council budgets, which follow the long standing procedures set out in section 32 of the Local Government Finance Act 1992.
61. Paragraph 1(1) will apply to the new councils from the date of their election in May 2019. This will enable the new councils to exercise any necessary functions prior to the beginning of the financial year. For example, the new councils, whilst in the form of shadow authorities between May 2019 and 1 April 2020, will set the budget and issue bills for council tax and non-domestic rates for the financial year 2020-21.
62. Valuation lists provide councils with information about the domestic properties in their area to enable them to charge council tax. Valuation lists are maintained by listing officers. Paragraph 2 inserts provision into LGFA 1992, outlining the process for combining the existing information contained in the current valuation lists (defined in the inserted section 22C(13)), to create an ‘amalgamated’ list for each new county.
63. The provision does not require changes to the information contained in the current valuation lists. The information contained in the amalgamated valuation lists will therefore be consistent with the information contained in the valuation lists compiled on 1 April 2005 (the last time a revaluation was held in Wales under section 22B(2)(b) of LGFA 1992) along with any subsequent alterations made to the list under LGFA 1992. The provision inserted by paragraph 2 also recognises the possibility that a revaluation may occur before 1 April 2020 if the Welsh Ministers exercise the power contained in section 22B(3) of LGFA 1992. If new valuation lists are compiled the amalgamated lists would include the information contained in those new lists.
64. Local non-domestic rating lists provide councils with information about non-domestic (business) properties in their area to enable them to charge non-domestic rates. Local non-domestic rating lists are maintained by valuation officers. Paragraph 3 inserts provision into the Local Government Finance Act 1988 which outlines the process of combining local non-domestic rating lists to create an amalgamated list for each new county. The amalgamated list will contain the information that will be contained in the local non-domestic rating lists compiled on 1 April 2017 (along with any subsequent alterations made to those lists under the provisions of the Local Government Finance Act 1988). As with valuation lists for council tax in paragraph 2, the provision inserted by paragraph 3 recognises the possibility that the Welsh Ministers could exercise the power in section 54A of the Local Government Finance Act 1988 to postpone the compilation of new lists from 1 April 2017 until a later year.
65. Each county and county borough council in Wales must maintain a council fund from which all general revenue expenditure must be made, and all revenue received by the council must be deposited.
66. Paragraph 4 ensures that the new councils establish a council fund from 1 April 2020 and provides the Welsh Ministers with the power to make regulations specifying the accounting requirements in respect of the fund.

67. Paragraphs 4(10) and 4(11) concern the power of the Welsh Ministers to make regulations detailing the process for precepting. The precept is the council tax requirement of a 'precepting authority', which is collected through the county council's tax bill and then passed onto the precepting authority. The precept is the amount of funding required by the precepting authority to finance their budget requirement after allowing for funding from other sources such as income from fees and charges, grant funding and funding from reserves.
68. Precepting authorities are defined as either major or local precepting authorities. In Wales currently, section 39(1) provides that the only major precepting bodies are police and crime commissioners, whilst section 39(2) provides that the only local precepting bodies are community councils.
69. Regulations under paragraph 4(10) and (11) provide the procedure by which by a new council bills and collects an amount of council tax on behalf of precepting authorities, as defined by paragraph 4(13) as major precepting authorities and local precepting authorities (see section 39(1) and (2) of LGFA 1992). The regulations currently applying to county and county borough councils in respect of precepts are the Local Authorities (Precepts) (Wales) Regulations 1995.

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

70. This section provides that from 1 April 2020 all functions of the councils abolished on that date are transferred to the new councils. From that date all references to counties and county boroughs should be read as referring to the new counties, unless expressly provided otherwise by or under the Draft Bill.

Section 18 and Schedule 4 – Transfer of staff, property and liabilities, and other transitional provision

71. This section introduces Schedule 4.
72. Sections 88 and 89 of the Local Government Act 1972 provide for the filling of casual vacancies in the office of councillors (i.e. by-elections) and the office of chairs and vice-chairs of councils. Paragraph 1 suspends the filling of casual vacancies in the office of councillors after 31 December 2018 as any councillor elected to fill a casual vacancy would be required to retire shortly afterwards on 1 April 2020. This provision therefore avoids the expense associated with such by-elections to reflect the limited time such elected councillors would be in office. Paragraph 1 does however provide an exception to this rule where over half of the councillor positions in a council are vacant during this period. This is to avoid a situation where the number of councillors is below the level which could reasonably be expected to continue running an effective council. The filling of casual vacancies in the office of chairs and vice-chairs is only suspended in the last month of the existence of abolished councils.
73. Paragraph 2 makes clear that if the name of a new county (as specified in regulations made under paragraph 2(1) of Schedule 1 or as provided for by a resolution under section 12) is the same as the name as a local government area which existed at any time before 1 April 2020, any references using that name in legislation before this Draft Bill are not to be read as a reference to the new county. This is to ensure that any existing legislation which refers to a county by name does not inadvertently apply in relation to a new county. In the event that it is considered appropriate that such existing references in legislation should apply to

a new county of the same name, this would be provided for by regulations made by the Welsh Ministers under section 19.

74. There are three combined Fire and Rescue Authorities ('FRA') in Wales made up of the 22 existing counties and county boroughs and these were created by combination orders made under the Fire Services Act 1947. Under the Fire and Rescue Act 2004 the Welsh Ministers may vary or revoke combination orders. However, if the relevant FRA or county or county borough affected by the change to the combination order, do not agree to the change, the Welsh Ministers have to cause an inquiry to be held into the proposed variation. Paragraph 3 suspends the requirement for an inquiry to be held to revoke or amend a Fire and Rescue combination order where the proposed changes are a consequence of changes to local government areas made by or under this Draft Bill.
75. The transfer of staff from abolished councils to new councils under or by virtue of the Draft Bill will be subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (the 'TUPE Regulations'), with the exception of regulations 4(6) and 10.
76. Excluding regulation 4(6) means that the liability of an abolished council to be prosecuted for, convicted of and sentenced for any offence will be transferred to the new council. Without this provision any criminal liability of an abolished council under or in connection with contracts of employment transferred to the new council would disappear on 1 April 2020 when the councils are abolished. Excluding regulation 10 preserves the occupational pension rights of staff being transferred under or by virtue of the Draft Bill. Without this provision, the new counties would not be under a legal obligation to honour pension rights, duties or liabilities under existing contracts of employment.
77. Paragraph 6 provides for the transfer of the property, rights and liabilities (including criminal liabilities) of abolished councils to new councils from 1 April 2020. This includes any property held for charitable purposes by an abolished council as trustee, or any rights or liabilities related to such property. Paragraph 6 therefore preserves existing contracts, agreements or arrangements in place in relation to councils abolished on 1 April 2020, which become binding on the new councils.
78. The transfers dealt with in paragraphs 5 to 7 move rights and liabilities etc. from the abolished councils to the new council for the area which includes the area of the abolished council in question.

Section 19 - Welsh Ministers' power to make consequential, supplementary etc. provision

79. Section 19 concerns the power of the Welsh Ministers to make regulations, as they consider appropriate, in order to abolish the existing counties, county boroughs and their councils, and to establish the new councils and facilitate the smooth and effective transfer of functions to those councils. This may include the disapplication of provisions relating to the transfer of staff or property, rights and liabilities where applying the default provisions in paragraphs 5 and 6 of Schedule 4 would be inappropriate. An example is in respect of an employee working in relation to a joint committee established between a number of abolished councils (under section 101(5)(a) of the Local Government Act 1972). Such an employee would be employed by one abolished council, but arrangements may be in place for the sharing of the remuneration of the employee. The abolished councils may agree that the employee in question should be transferred to a new council different from that provided for under paragraph 5 of Schedule 4 to this Draft Bill. Section 19(7) would enable

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the Welsh Ministers to make regulations reflecting such a local arrangement. Regulations could also make provision for charter trustees, in order to facilitate the preservation of city and historic borough status along with the associated provision with regards to the functioning of charter trustees.

Section 20 – Amendments of dates specified in certain Acts

80. Both this Draft Bill and the Local Government (Wales) Bill include provisions which are expressly linked to 1 April 2020, the date that all local government functions are transferred to the new councils and the abolished councils cease to exist.
81. Section 20 provides that in the event it is decided that this date should be postponed, the Welsh Ministers may make regulations amending all relevant provisions to set out a new date.

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

82. Section 21(1) makes provision for some of the main amendments to the Local Government Act 1972 arising in consequence of the establishment of new councils.
83. Part 1 of Schedule 5 makes amendments to provisions of the Local Government Act 1972 arising from the provision made in this Part.
84. As a consequence of the reform of local government under Part 1 of the Draft Bill it is necessary to make transitional arrangements in respect of the timing of local government elections and the term of office of councillors between 2017 and 2023.
85. As set out above, in accordance with section 26 of the Local Government Act 1972 there will be local government elections in every county and county borough council in Wales in 2017. The establishment and continued existence of the county of Powys and its council are unaffected by the Draft Bill (see section 1(6)).
86. Section 14 of the Draft Bill has the effect that the provisions about the first ordinary elections of the ‘new councils’ do not apply to Powys. Section 10(2) of the Draft Bill will apply to Powys and therefore the next elections of councillors of Powys would be in 2023. However, paragraph 9 of Schedule 5 provides for elections of county councillors in Powys in 2020. It also provides that the term of office of councillors elected in Powys in 2017 and 2020 would be 3 years to reflect the timing of elections in that county.
87. Paragraph 10 makes changes to the term of office of councillors elected to the abolished councils in 2017 and new councils in 2023. Those elected in the 2017 elections to abolished councils will hold office for a term of 3 years whilst those elected to new councils in the 2023 office will hold office for a term of 4 years. This is to reflect the timing of elections and the date on which the abolished councils will cease to exist.
88. The amendments to sections 85 and 86 of the Local Government Act 2000 contained in paragraph 11 dis-apply these sections in relation to Wales and so remove the power of the Welsh Ministers to specify by order schemes of partial ordinary elections of councillors (i.e. by halves or thirds).

Part 2 – General Power of Competence

Section 23 - Local authority's general power of competence

89. Section 23 provides a general power of competence to qualifying local authorities in Wales. The term 'general power' is used throughout these notes to refer to the general power of competence.
90. Local authorities have long argued that they are prevented from doing certain things because the existing legislation that applies to them is too restrictive. For example, prior to the introduction of a general power in England, some London boroughs formed a mutual insurance company as a way of reducing their insurance costs. Amongst other powers, they sought to rely on the well-being power within the Local Government Act 2000 to form the mutual insurance company, arguing that their actions were for the benefit of local people because if they could save money on insurance, they would have more money available to spend on front-line services. However, the courts ruled that the powers that they sought to rely on did not provide them with the necessary legal authority to act in this way. The actions of the authorities would however, have been within the remit of a general power.
91. The general power gives qualifying local authorities the same power to act that an individual generally has, thus enabling them to act in innovative ways, i.e. to do things that are unlike anything they, or any other public body, have done before. 'Individual' is defined in subsection (5) so as to avoid referencing an individual with reduced powers, for example, a child.
92. Subsections (2) and (3) further define the extent of the general power. It is not necessary for activities undertaken using the general power to benefit the qualifying local authority itself, its area or residents, however, there is no restriction on the activities doing so. As such the general power can be used by the qualifying local authorities to, for example:
- act in their own financial interests;
 - undertake commercial activities with or without charging;
 - undertake activities anywhere, i.e., both in and outside of Wales.
93. For example, a qualifying local authority on the border with England might decide that all schoolchildren in its area should be given a fresh apple every day. There are not enough orchards in its own area to provide each child with an apple so the qualifying local authority decides to buy an orchard in the neighbouring English county using the general power. The orchard is large enough to provide apples for all the children in its area, and to sell some to make a profit, which the qualifying local authority can then plough back into services.
94. Subsection (4) defines a qualifying local authority as a county council in Wales or a community council with competence (see section 31 for details on how a community council may become a community council with competence).
95. The general power is intended to be a broader power than the power of well-being provided in the Local Government Act 2000. As such section 28 of this Draft Bill repeals all sections of the Local Government Act 2000 which relate to the power of well-being.
96. Section 183 brings Part 2 (general power of competence) into force two months after Royal Assent. The effect of section 180 is that, before 1 April 2020, any reference to 'county council' will be read as the county and county borough councils set up from 1 April 1996

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(see section 20 of the Local Government Act 1972, as amended by the Local Government (Wales) Act 1994). But from 1 April 2020, any reference to 'county council' will mean those county councils set out in Schedule 1 of this Draft Bill.

97. The exercise of the general power is subject to the restrictions provided for in sections 24 to 26 and any regulations made by the Welsh Ministers under section 27(3) or (4).

Section 24 - Boundaries of the general power

98. Section 24 outlines the boundaries of the general power.
99. The general power does not provide qualifying local authorities with the ability to bypass existing prohibitions, limitations or restrictions in legislation (i.e. legislative provisions in force before the year in which this Draft Bill is passed, or which come into force in that year).
100. Nor will the general power provide qualifying local authorities with the ability to bypass prohibitions, limitations or restrictions in any legislation which comes into force following the year in which this Draft Bill is passed, if that legislation states that it applies to:
- the general power;
 - all of the qualifying local authority's powers; or
 - all of the qualifying local authority's powers except for certain powers, and the general power is not listed as one of the excepted powers.
101. Subsection (3) prevents a qualifying local authority from using the general power to delegate or contract out any of its functions or to alter its governance arrangements. These matters remain subject to separate statutory provision.

Section 25 - Limits on charging in exercise of general power

102. Section 25 restricts the ability of a qualifying local authority to charge for providing a service to a person using the general power. It provides that where a qualifying local authority is using the general power to provide a service, it may only charge for that service if:
- that service is discretionary, i.e., not a service it is under a statutory duty to provide; and
 - the recipient has agreed to the provision of the service.
103. For example, county councils are under a statutory duty to collect household refuse. As part of the collection service they can require that refuse is sorted into different types and put in different coloured bins etc., but they may not charge for the service of collecting the refuse. However, if a council wished to offer an additional service, for example, where it sorted the waste on behalf of a household, this service could be offered as a discretionary service, for which a fee could be charged.
104. Other than in respect of services provided for a commercial purpose, subsection (4) prevents a qualifying local authority from making a profit in any financial year when using the general power to charge for a service. However, within the limitation of not making a profit, subsection (6) enables a qualifying local authority to set charges as it sees fit, including only charging some people for the service or charging different people, or groups of people, different amounts.

Section 26 – Limit on doing things for commercial purpose in exercise of general power

105. This section prohibits a qualifying local authority from using the general power to carry out an activity for a commercial purpose, unless the activity is one the authority could also carry out for a non-commercial purpose.
106. For example, a qualifying local authority might run a recycling centre, on a non-commercial basis, to deal with the waste collected by its refuse service. However, if there was spare capacity at the recycling centre, the local authority could use the general power to sell recycling services to neighbouring authorities or other organisations, including private companies. In this case, it could make a profit (but it would have to establish a company to do this, as discussed below).
107. The effect of subsection (3) is that a qualifying local authority cannot carry out an activity in respect of someone for a commercial purpose, if the authority is required by legislation to carry out that activity. For example, county and county borough councils are required to provide schools so that the children in their areas can receive free education, and they could not use the general power to seek to charge school fees in respect of children who were entitled to a free education.
108. Also, if a qualifying local authority wishes to use the general power to do something for a commercial purpose, it must do so through a company, as defined in section 1(1) of the Companies Act 2006, or a registered society as defined in the Co-operative and Community Benefit Societies Act 2014, or registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969.

Section 27 – Power to make supplemental provision

109. Section 27 provides the Welsh Ministers with power (at subsection (1)) to make regulations removing or changing statutory provisions that they think prevent or restrict the ability of qualifying local authorities to use the general power.
110. Subsection (2) enables the Welsh Ministers to make regulations removing overlaps between the general power and other powers (although the effect of subsection (9)(a) is that they cannot achieve this by revising or cutting back the general power itself).
111. Subsections (3) and (4) allow the Welsh Ministers to make regulations restricting what a qualifying local authority may do under the general power, or making its use subject to conditions.
112. The Welsh Ministers may make regulations under section 27 in respect of all qualifying local authorities, specific qualifying local authorities, or a type of qualifying local authorities.
113. The effect of subsections (6) and (7) is that before exercising any of these powers, the Welsh Ministers must consult with whichever qualifying local authorities they consider appropriate, any representatives of local government in Wales they consider appropriate and any other persons they consider appropriate.
114. The duty to consult does not apply in respect of any regulations which merely amend earlier regulations so as to:
- extend their application to a certain qualifying local authority or group of qualifying local authorities;

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- reduce their application so they stop applying to a certain qualifying local authority or group of qualifying local authorities.

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

115. This section repeals the provisions of the Local Government Act 2000 which relate to the power of well-being as it applies in relation to Wales, and amends the Well-being of Future Generations (Wales) Act 2015 to remove references in that Act to those provisions of the Local Government Act 2000.

Section 29 – General power of competence: other minor and consequential amendments

116. Under section 29, the Local Government Act 1972 is amended so as to dis-apply the provisions of section 137 (power of local authorities to incur expenditure for certain purposes not otherwise authorised) to community councils with competence. Community councils with competence will no longer be able to utilise section 137 to incur expenditure; instead they will use the general power.

117. Subsections (4), (5) and (6) make consequential amendments to the Local Government Act 2003 and the Local Government and Public Involvement in Health Act 2007.

Section 31 – Community councils with competence

118. Section 31 sets out the requirements a community council must meet, and the procedure it must follow, in order to become a ‘community council with competence’. Becoming a community council with competence enables a council to exercise the general power of competence provided for in Chapter 1 of this Part.

119. Subsection (1) provides that in order to become a community council with competence a council must pass a resolution that it meets all of the competency requirements and that it is a community council with competence.

120. The three competency requirements are set out in subsection (2).

121. The first requirement is that at least two-thirds of the members of the community council must have been declared elected. This means that they must have stood for election at an ordinary election or by-election, even if they stood unopposed, rather than having been co-opted.

122. The second requirement is that the council’s clerk must hold one of the professional qualifications specified by the Welsh Ministers in regulations made under subsection (5). An example of such qualification likely to be specified is CiLCA (Certificate in Local Council Administration), a Level 3 qualification in the National Qualifications Framework.

123. The final competency requirement is the audit condition which relates to the annual audit of the accounts of a community council.

124. A community council’s accounts are audited annually by, or on behalf of, the Auditor General for Wales who must satisfy himself under section 17 of the Public Audit (Wales) Act 2004 (‘the 2004 Act’) of a number of matters, including that:

- the accounts have been prepared in accordance with regulations under section 39 of the 2004 Act;

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- that they comply with the relevant statutory requirements (such as the date by which the accounts must be submitted and the information the accounts must contain); and
- that proper practices have been observed.

125. Following the conclusion of that audit, the auditor is required, under section 23 of the 2004 Act, to give his or her opinion.
126. To meet the audit condition the council must have received two unqualified auditor's opinions for two consecutive financial years, the latest of which must have been received during the 12 months ending on the day on which the council's resolution is passed.
127. Subsection (5) defines an unqualified auditor's opinion. In order for the auditor's opinion to be unqualified, the auditor cannot have expressed in the opinion in any way that the auditor is unsatisfied in relation to any of the matters set out in section 17 of the 2004 Act.

Section 32 – Continuing or ceasing to be a community council with competence

128. Once a community council has resolved that it is a community council with competence, as long as it remains a community council with competence it must pass a resolution at every subsequent 'relevant annual meeting'. This is the annual meeting held in the year of an ordinary election of community council members.
129. At the relevant annual meeting, the council may resolve that it meets the competency requirements and continues to be a community council with competence; or that it no longer meets the competency requirements and therefore ceases to be a community council with competence.
130. A council may also resolve at the relevant annual meeting that it continues to meet the competency criteria but is ceasing to be a community council with competence. This would be of relevance where, despite meeting each of the competency requirements, a community council no longer wished to be a community council with competence.
131. If a community council with competence fails to pass a resolution at the relevant annual meeting, it will cease to be a community council with competence on the day of the meeting at which it should have passed the resolution.
132. In addition, a community council with competence may resolve at any time that that it is no longer a community council with competence.
133. The effect of section 33 is that if a community council with competence has started an activity using the general power of competence and then ceases to be a community council with competence, it may nevertheless continue to exercise the general power of competence in relation to that activity.

Section 34 – Power to amend this Part

134. This section gives power to the Welsh Ministers to make regulations (following consultation with any bodies representing community councils they think appropriate) to amend subsection (2) of section 31. Section 31(2) may be amended in order to add a new competency requirement, remove a competency requirement or change any of the competency requirements.

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135. The Welsh Ministers may also make regulations to specify circumstances, other than those specified in section 32, in which a community council will stop being a community council with competence if any of the competency requirements are not met.

Section 35 – Guidance

136. Community councils, whether or not ‘with competence’, must have regard to any guidance issued by the Welsh Ministers, under this section, about how to exercise functions under this Part.
137. For example, the Welsh Ministers might issue guidance about the actions a council might consider taking if it found it no longer met one of the competency conditions or matters a community council should consider if it continued to exercise the general power under section 33 after having ceased to be a community council with competence.

Part 3 – Promoting Access to Local Government

Section 37 – Duty to encourage local people to participate in local government

138. This section places a duty on county councils to encourage local people to participate in the council’s decision-making and in any connected authority’s decision making. In both cases, ‘decision-making’ includes the making of decisions in partnership or in conjunction with any other person.
139. Subsection (3) lists the authorities which are ‘connected’ to a county council for the purposes of this section. The authorities are any community councils within the county council’s area, fire and rescue authorities for that area and National Park authorities any part of which falls within that area. The Welsh Ministers may make regulations to amend the list specified in subsection (3).
140. In this section, a reference to the making of a decision includes a reference to the making of decisions by a person or body who is carrying out a function which has been delegated to them by a county council or a connected authority. Therefore, county councils must encourage local people to participate in the making of such delegated decisions.
141. Whether or not the exercise of a function of a county council or a connected authority has been delegated depends on the particular function (there are some functions which cannot be delegated, and in those cases the legislation creating the function will generally say so), and the arrangements a council or connected authority has made for delegation of it. In particular, committees and officers of councils and connected authorities may have functions delegated to them.

Section 38 – Strategy on encouraging participation

142. Section 38 requires county councils to prepare and publish a public participation strategy which sets out how it proposes to comply with the duties in section 37(1) and (2).
143. Subsection (2) provides that each county council’s public participation strategy must address:
- ways of promoting awareness among local people of the county council’s functions and the functions of authorities connected with the county council;
 - ways of promoting awareness among local people of how to become a member of the county council or of a connected authority, and of what is involved in being a member;

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- ways of facilitating access for local people to decisions made, or to be made, by the county council or connected authorities;
- ways of facilitating and promoting processes by which local people may make representations to the county council or connected authorities about a decision before and after it is made;
- arrangements made, or to be made, for the purpose of the council's duty under section 62 of the Local Government (Wales) Measure 2011 to make arrangements that enable all persons who live or work in the council's area to bring to the attention of the overview and scrutiny committee, for the council for the area, their views on any matter being considered by that committee; and,
- ways of promoting awareness among members of the county council, and members of connected authorities, of the benefits of using social media to communicate with local people.

144. County councils must consider how they are going to engage with local people, which should include all people who live, work, or study in the area. This therefore includes people who are under 18 as well as adults. The county council may also choose to include information on how it proposes to comply with a duty placed on it by another Act or a provision contained within this Draft Bill.

145. Subsection (4) specifies that where a council operates executive arrangements involving a mayor and cabinet executive, any reference to a member of a county council in the list at subsection (2) includes reference to an elected mayor of the council.

Section 39 - Public participation strategy: consultation and review

146. A county council will be required to publish its first public participation strategy as soon as practicable after the coming into force of this section. In preparing the strategy, county councils must consult 'local people' (as defined in section 42) and other persons it considers appropriate.

147. Subsections (2) and (3) set out when a county council must review its public participation strategy (that is as soon as possible following each ordinary election of councillors under section 26 of the Local Government Act 1972), and who must be consulted during such a review. Following this mandatory review a county council may revise its strategy or replace it with a new one.

148. However, a county council may carry out additional reviews of its public participation strategy at any time. A county council may then revise its public participation strategy or replace it with a new one providing the relevant persons at subsection (5) have been consulted.

149. County councils are required to publish any revised or new public participation strategy as soon as practicable.

Section 40 - Consultation by county councils in respect of budget requirement

150. Under this section county councils are placed under a duty to take reasonable steps to consult with the persons listed at subsection (2) in relation to the estimate of expenditure the council is required to make under section 32(2)(a) of the Local Government Finance Act 1992.

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151. Under section 32 of the Local Government Finance Act 1992, a county council must calculate its budget requirement in order to set its council tax. Calculations of the council's budget requirement made under that section are not invalid if the council fails to comply with the duty to consult under this section.
152. The reference to calculations in subsection (1) does not include substitute calculations made under section 37 of the Local Government Finance Act 1992. Substitute calculations are where a council, either under its own volition or in response to capping by the Welsh Ministers (under Part IVA of the Local Government Finance Act 1992), re-calculate their budget requirement, as required under section 32 of the Local Government Finance Act 1992. The council may only make a substitute calculation under its own volition if the revised budget requirement is lower than the original budget requirement.

Section 41 - Guidance on exercise of functions under this Chapter

153. Section 41 concerns the power of the Welsh Ministers to issue guidance to county councils about how to exercise their functions under this Chapter (public participation in local government). County councils are required to have regard to any such guidance issued by the Welsh Ministers.

Section 43 - Duty of county council to appoint community area committees

154. Under this section, a county council must appoint a committee, to be known as a community area committee, for each 'community area' within the county.
155. The community areas for a county will, under section 37(5) of the Well-being of Future Generations (Wales) Act 2015, be defined by either the Public Services Board for the county or in regulations made by the Welsh Ministers. Under section 37(3) of that Act, the Public Services Board for an area (which will comprise one or more counties) is obliged to include in its assessment of well-being for its area an analysis of the state of well-being in each community area in its area.
156. A community area committee will carry out the functions given or placed on it by or under this Part of the Draft Bill and Part 2 of the Local Government Act 2000.

Section 44 - County council members of committees

157. This section requires the committee membership to include every member of the county council elected to an electoral ward within the area of the committee; this includes members for any electoral wards which fall partly within the area of the committee.

Section 45 - Community council members of committees

158. Section 45 requires county councils to invite each 'relevant community council' to nominate one of their members to be appointed to the community area committee.
159. A 'relevant community council' is defined as any community council all or part of which is within the area of the committee.
160. Each relevant community council must either to nominate one of its members for appointment to the committee or join with another relevant community council to jointly nominate one of that other community council's members for appointment. Where a member of a community council represents a ward within a community, that ward must be entirely, or partly, within the area of the committee.

161. Subsection (5) enables a county council to appoint anyone nominated in response to an invitation issued under this section to be a 'community council member'.

Section 46 - Community nominee members of committees

162. Under this section a county council must invite nominations for membership of the committee from at least one body whose functions are of a public nature in relation to the whole or any part of the community area (but which cannot be a community council). The county council must also invite nominations for membership of the committee from at least one voluntary body whose activities benefit the committee's area, or any part of that area.
163. The council may also invite nominations from any other body with a connection to the area of the committee.
164. Subsection (3) enables a county council to appoint anyone nominated in response to an invitation issued under this section, to be a 'community nominee member', but, under subsection (4), only one member of each body may serve on the committee at any one time.
165. Any person who is a member of a county council, an elected mayor or a member of a local authority executive is prohibited from being a community nominee member of the committee.

Section 47 - Policy for appointments to community area committees

166. This section requires a county council to set out, in a statement, its proposed approach to the selection and appointment of community council members and community nominee members to its community area committees. The county council is to determine its approach to those matters for itself.
167. The statement, which must be published, must specify the number of community council members and community nominee members it intends to appoint to each of its community area committees. Each community area committee may have a different number of community council and community nominee members specified.
168. When inviting nominations under section 45 or 46, the council must do so with a view to appointing the number of community council members and community nominee members it proposed in its statement.
169. Subsection (4) provides that a community area committee will still be classed as properly constituted even if it does not include the number of community council members and of community nominee members it proposed in its statement.

Section 48 - Term of office and termination of membership

170. It is the responsibility of the council to decide how long a community council or community nominee member will serve on a community area committee.
171. A member of the county council will stop being a member of the community area committee, if they are no longer an elected member for an electoral ward within the area of the committee.
172. This would not apply if they cease to be an elected member through retirement and are re-elected to any electoral ward within the area of the committee before, or on, the day of their retirement, which would be four days after the holding of an ordinary election. This is the

day on which those individuals who were members of the council immediately before the election 'retire' and the newly elected councillors take office.

Section 49 – Proceedings of community area committees

173. This section makes provision regarding the appointment of a chair and the establishment of sub-committees. It does not enable a community area committee to appoint people who are not members of the community area committee to sub-committees of the committee.
174. Every member of a community area committee or any of its sub-committees has the right vote on any question to be decided by that committee or sub-committee.

Section 50 – Meetings of community area committees: access and attendance

175. Section 50 requires meetings of a community area committee, or any of its sub-committees, to be held within the area of the committee. Subsection (2) provides that a failure to hold a meeting of the committee (or sub-committee) within the area of the committee does not affect the validity of anything done by the committee (or sub-committee), at that meeting.
176. A community area committee, or sub-committee, may require any officer of the county council to attend a meeting of the committee to answer the committee's questions. A community area committee, or sub-committee, may invite other people to attend meeting of the committee or sub-committee. Subsection (5) provides that the officer is not obliged to answer a question, if they would be entitled to refuse to answer that question in, or for the purposes of, court proceedings in England or Wales.
177. Subsection (6) provides that a community area committee or sub-committee is a committee, or sub-committee, of the county council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and minutes or documents). This ensures that certain provisions and requirements, relating to the access of the public to meetings, and the minutes or documents produced for those meetings, also apply to meetings of community area committees.

Section 51 – Arrangement for public participation

178. This section places a duty on the community area committee to make arrangements for informing local people about it and the exercise of its functions.
179. The county council must make arrangements to allow local people to make their views known to the committee for their area, on any matter relating to its functions. The committee must take those views into account when exercising those functions.

Section 52 – Duty of community area committee to prepare statement of priorities and objectives

180. Under this section a community area committee must prepare, submit to the council and publish a statement of priorities and objectives. This must be done within the 6 months following an ordinary election of the county council.
181. In the statement, the committee must set out what it thinks should be the council's priorities and objectives in respect of the area the committee serves. The committee may also use the statement to recommend actions it thinks the council should take in respect of those priorities and objectives.

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182. Subsection (4) requires the committee to review its statement within 12 months of its submission to the council and then every 12 months thereafter. The committee may revise its statement at any time and must submit the statement to the council following any revisions.

Section 53 – Further provision about preparation of statement of priorities and objectives

183. Section 53 makes further provision about the preparation of the statement.
184. Each community area committee must have regard to the most recent assessment of local well-being published by the public services board for the county under section 37 of the Well-being of Future Generations (Wales) Act 2015.
185. The community area committee must consult with the persons and organisations listed in subsection (2) prior to submitting their statement to the council. The statement must include details of the consultation the committee undertook in order to comply with subsection (2) together with a summary of the views expressed in response to the consultation.

Section 54 – Power to confer additional advisory functions on community area committee

186. This section allows a county council to permit any of its community area committees to submit a report, or make recommendations, to the council or its executive, as regards any matter relating to the area of the committee.

Section 55 – Delegation of functions of county council to community area committee

187. Under this section, a county council may delegate to the community area committee any function which:
- is not the responsibility of the council's executive;
 - is subject to section 101(1)(a) of the Local Government Act 1972.
188. Consequential amendments (referred to below) are made to sections 14 and 15 of the Local Government 2000 which enable functions of county councils' executives to be delegated to community area committees.
189. Subsection (3) provides that exercise of a function may not be delegated to a community area committee otherwise than in relation to the area of the committee. This means that exercise of a function cannot be delegated to a community area committee for any purposes other than those which relate to the area of that committee. The delegation of a function, or functions, to the committee does not prevent the council from also exercising that function.
190. Subsection (5) cross-refers to sections 14 and 15 of the Local Government Act 2000, which make provision through which a community area committee can exercise a function which is the responsibility of the county council's executive. Schedule 8, introduced by section 163, makes consequential amendments to section 14 and 15 of the Local Government Act 2000.

Section 56 – Request to delegate functions to community area committee

191. This section enables a community area committee to make a request to the council for a function, or functions, to be delegated to the committee under section 55 of this Draft Bill. The committee may also make a request to the council's executive, or a member or

committee of that executive, to delegate a function, or functions, to the committee under section 14 or 15 of the Local Government Act 2000.

192. The recipient of the request must respond to the committee's request, setting out their decision. Where the decision is to reject the request the committee must be told the reasons for the rejection.

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

193. Section 57 concerns the power of the Welsh Ministers to make regulations to:
- require arrangements to be made in relation to functions of the county council or of the executive of the council for those functions to be exercised by community area committees;
 - stop the council delegating a function, or functions, to their community area committees;
 - impose restrictions on the delegation of a function, or functions, to community area committees;
 - make provisions about the way in which arrangements about delegation of functions community area committees must be made.
194. These regulations apply to functions delegated under section 55 of this Draft Bill or section 14 or 15 of the Local Government Act 2000.

Section 58 – Delegation of functions by community area committee

195. The purpose of this section is to make provision for the delegation by community area committees of functions they may exercise and to enable county councils and community area committee to limit the extent to which, and the cases and circumstances in which, functions may be delegated.
196. A community area committee may arrange for any of its functions to be exercised by a sub-committee of that committee or by an officer of the county council. Where a function that is exercisable by a community area committee is exercisable by a sub-committee, the sub-committee can arrange for the function to be exercised by an officer of the council.
197. However, a county council which arranges for a function to be exercised by a community area committee under section 55 (delegation of functions of county council to community area committee) may direct that the community area committee may not delegate exercise of that function to a sub-committee or an officer of the authority, or may not do so in particular cases or circumstances.
198. A county council may also direct that a sub-committee to whom exercise of the function has been delegated may not delegate it to an officer of the council or may not do so in particular cases or circumstances.
199. A community area committee which arranges for a function to be exercised by a sub-committee, under subsection (1), may direct that the sub-committee may not arrange for the function to be exercised by an officer of the council or may not do so in particular cases or circumstances.
200. Arrangements made under this section for the exercise of a function do not prevent its exercise by any person who may exercise it in the absence of such arrangements.

Section 59 – Guidance

201. This section lists the bodies which must have regard to guidance issued by the Welsh Ministers in respect of this Chapter.

Section 60 – Functions of county councils under this Chapter

202. Section 60 provides that the functions conferred on the full council of a county council, under this Chapter, may not be undertaken by the executive of a council nor may they be delegated under section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities).

Section 61 – Power to apply enactments to community area committees

203. Under this section the Welsh Ministers may make regulations to provide that, for the purposes of the legislation specified in those regulations, community area committees, and their sub-committees, are to be treated as if they were committees and sub-committees of county councils appointed under section 102 of the Local Government Act 1972.
204. This section also enables the Welsh Ministers to make regulations to provide that, for the purposes of legislation specified in those regulations, arrangements made under sections 55 (delegation of functions of county councils to community area committees) and 58 (delegation of functions by community area committees) are treated as if they were arrangements for delegation of functions under section 101(1)(a) of the Local Government Act 1972 in the case of community area committees and section 101(2) of that Act in the case of sub-committees of community area committees.
205. Regulations made under this power may include provisions modifying the application of the enactment.

Section 63 and Schedule 8 – Further amendments and repeals

206. Section 63 introduces the amendments and repeals to existing legislation at Schedule 8 which are a consequence of this Chapter.
207. Schedule 8 sets out textual amendments and repeals consequential to the provisions in Chapter 3 of Part 3 of this Draft Bill.
208. This Schedule includes consequential amendments to sections 14 and 16 of the Local Government Act 2000 to allow the exercise of functions of the council's executive to be delegated to community area committees. The approach taken in those amendments takes follows the approach taken in the existing sections 14 and 15 of the Local Government Act 2000 to arrangements made for discharge of functions of the executive.

Section 64 – Definitions

209. This Chapter makes provision in respect of improvement requests; this section defines the various terms used in this Chapter.
210. An improvement request is a request which is made by an 'interested body' and submitted to a 'relevant authority', asking that authority to enter into discussions with the body, with a view to improving an outcome, or outcomes, in the authority's area.
211. To allow an improvement request to be made in respect of it, the outcome needs to result from, or be contributed to by, a public service provided by, or on behalf of, the authority.

A request can also be made in respect of an outcome which could be improved by the provision of a public service by, or on behalf of, the authority.

212. A public service in this context means a service that is provided, or could be provided, to the public by or on behalf of the authority. This means an improvement request could relate to a public service that an authority is not currently providing but which would be within its power to provide. For example, a community council might be concerned about rough sleepers in a local park. As county councils have a number of functions in respect of housing and homelessness, the community council might make an improvement request with a view to discussing with the county council whether there was an opportunity to secure more hostel space for homeless people in its area.
213. The bodies subject to the duties within this Chapter, referred to as a 'relevant authority', are county councils. The Welsh Ministers may, under subsection (6), make regulations subjecting other bodies to the duties; however these bodies must carry out functions of a public nature. Any regulations made under this provision are subject to the affirmative procedure in the National Assembly of Wales.
214. The 'interested bodies', i.e. those which may make an improvement request are:
- bodies which do not exercise functions of a public nature and carry out activities primarily for the benefit of the authority's area, part of that area or any group of people within that area;
 - voluntary bodies, i.e. a body which carries out activities on a not for profit basis and does not exercise functions of a public nature (see also subsection (8));
 - charitable bodies or trusts;
 - community councils within the relevant authority's area.
215. The Welsh Ministers may make regulations specifying other bodies which may make improvement requests.

Section 65 – Improvement requests

216. Under this section, a relevant authority must consider any improvement requests, submitted to it in writing from an interested body, which:
- meet the requirements set out in section 66; and
 - which comply with any other requirements the Welsh Ministers set out in regulations made under this section.

Section 66 – Requirements for improvement requests

217. Under section 66 an improvement request must:
- specify the outcome that might be improved;
 - explain how the outcome might be improved;
 - provide details of any knowledge, expertise or experience the interested body making the request has in relation to the outcome;
 - 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.
218. Subsection (2) enables two or more interested bodies to come together to make a joint improvement request.
219. When making an improvement request to a relevant authority, an interested body may request that one or more other relevant authorities also participate in the discussions.

Section 67 – Deciding whether to agree to an improvement request

220. A relevant authority must agree to an improvement request (i.e., agree to enter into discussions with the interested body making the request) which meets each of the requirements set out in this Chapter, unless there are reasonable grounds for refusing it or unless:
- the request relates to matters that are the same, or substantially the same, as matters contained in a previous improvement request; and
 - the request is submitted to the authority before the end of the period of two years starting with the date on which the previous request was submitted.
221. Subsection (3) makes further provision about the circumstances in which a new request is regarded as the same, or substantially the same as a previous request (both requests must be about the improvement of the same, or substantially the same, outcome). It is irrelevant whether the body making the new request is the same body as made the previous request.

Section 68 – Informing interested bodies whether an authority has agreed to an improvement request

222. Within 45 days of receiving the request, a relevant authority must inform the interested body whether it has decided to accept or refuse the request. Where the request is being refused the authority must inform the body of the reasons for that refusal in the notice refusing the request.
223. The council and the interested body may agree a longer period than 45 days for the issuing of the councils decision.

Section 69 – Entering into discussions with the interested body

224. Section 69 provides that where an authority has accepted an improvement request it has 45 days, from the day on which the authority gives its notice under section 68, to commence discussions with the body about improving the outcome to which the request relates.
225. The Welsh Ministers may make regulations specifying what information relevant authorities must publish regarding their decisions in respect of improvement requests.

Section 70 – Complaints

226. Under this section, a relevant authority must establish a complaints process for dealing with any complaints relating to improvement requests. The Welsh Ministers may make regulations setting out matters which must be addressed as part of this complaints procedure.

Section 71 – Reporting on the outcome of improvement requests

227. Section 71 requires that once the discussions, entered into in response to an improvement request, have concluded the relevant authority must publish a report. This report must be published on their website and in any other way it thinks appropriate.
228. The report must summarise the subject matter and outcome of the discussions (including any decisions that were taken), together with an explanation of how they intend to keep the interested body, or bodies, informed about any further action resulting from those discussions.

229. When preparing the report the relevant authority must seek the views of the interested body, or bodies, which took part in the discussions, together with any other people it thinks appropriate.

Section 72 – Annual Reports

230. Section 72 requires relevant authorities to publish an annual report providing information about the matters listed in subsection (2). This includes, among other things, details of the actions the authority has taken to promote the use of improvement requests and to support bodies in making those requests.
231. Each annual report will relate to the period 1 April to 31 March and must be published no later than 30 June.

Section 73 – Guidance

232. This section requires relevant authorities to have regard to any guidance issued by the Welsh Ministers about improvement requests.

Section 74 – Regulations

233. Section 74 provides the Welsh Ministers with a power to make regulations in respect of a number of matters relating to improvement requests.
234. Under subsection (3) the Welsh Ministers may make regulations amending the definitions of 'interested bodies' or 'voluntary bodies', as set out in section 64, or making consequential amendments to this Chapter.

Section 75 – Duty of elected mayors and executive leader to attend public meetings

235. Under this section a new section 15B is inserted into the Local Government Act 2000.
236. Section 15B requires the standing orders of a county council operating executive arrangements to include provision for the elected mayor or executive leader to attend at least one meeting each calendar year at which local people may ask questions about how the executive of the council has carried out its functions. For the purposes of this section 'local people' means people who live, work or study in the area.

Section 76 – Electronic broadcasts of meetings of certain local authorities

237. This section requires county councils to make arrangements which ensure the proceedings of any meeting open to the public are broadcast electronically. Members of the public, who are not present at the meeting, should be able to see and hear proceedings as they take place. County councils are also required to ensure that any relevant broadcast is available electronically for a reasonable period of time after the meeting.
238. The proceedings which must be broadcast electronically are any meeting, or any part of a meeting, of a county council or any meeting of a committee, or sub-committee, of a council, subject to that meeting being open to the public.
239. The Welsh Ministers may make regulations specifying proceedings which are not subject to the broadcasting requirement in subsection (1).
240. When making arrangements in respect of the electronic broadcast of proceedings, county councils must have regard to guidance issued by the Welsh Ministers.

241. The validity of the proceedings at any meeting which is required to be broadcast electronically is not affected by the availability of a broadcast (whether the broadcast is during the meeting or afterwards). Therefore, if a meeting was not broadcast for any reason, or there was no recorded version of the broadcast which could be viewed afterwards, any decisions taken at the meeting would still stand.
242. The Welsh Ministers may make regulations requiring that meetings of fire and rescues authorities and national parks authorities, including their committees and sub-committees, are broadcast electronically.
243. Any reference to a committee or sub-committee in this section includes joint committees or a sub-committee of a joint committee. Therefore, for example, if two county councils had a joint committee for a particular purpose which was open to the public, they would both be under a duty to make arrangements for the meeting to be broadcast.

Section 77 – Public access to meetings of certain local authorities

244. Section 77 applies in relation to the meetings of county councils, community councils, fire and rescue authorities and national park authorities, including their committees, sub-committees, joint committees, joint sub-committees and the executives of county councils.
245. The Welsh Ministers may make regulations allowing:
- the filming, photography or sound recording of the above meetings;
 - the use of other means which enable persons not present at such meetings to see or hear the meeting, as it takes place or later;
 - the reporting of, or provision of commentary on, such meetings, 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.
246. These regulations may prescribe how public access to meetings is facilitated and managed. For example, by imposing requirements on the specified authorities to facilitate people blogging or using social media like Twitter to report on proceedings at meetings, both during and after the meeting.
247. Such regulations may also make, among other things, provision about steps to be taken by persons before carrying out filming and other activities which have been permitted in the regulations, together with the circumstances in which persons may not carry on such activities.

Section 78 – Participation at meetings of community councils

248. Part 4 of Schedule 12 of the Local Government Act 1972 makes provision about the conduct of community council meetings.
249. This section inserts a new paragraph 27A in Schedule 12 of the Local Government Act 1972 providing that members of the public attending a community council meeting must be given a reasonable opportunity to make representations about any item of business due to be discussed at that meeting, unless the person chairing the meeting considers that doing so would prejudice the effective conduct of the meeting.

Section 79 – Duty to publish constitution guide

250. Section 37 of the Local Government Act 2000 requires councils to maintain an up to date constitution document, and to make it available in hard copy for public inspection, and in hard copies which the public can take away on payment of a reasonable fee.
251. This section amends section 37 so as to require county councils to publish a plain language guide to their constitution.
252. The constitution guide should be a version of the constitution designed to be read alongside the constitution, explaining the structure and operation of the council in every day language. Its main objective is supporting the public in gaining a greater knowledge, and understanding, of the council’s values and procedures.
253. The constitution guide, as well as the constitution itself, must be published on the county council’s website. Hard copies of both must be made available in the council’s principal office for public inspection, and to take away (a fee can be charged for copies to take away but it must be no more than the cost of providing the copy).
254. Under section 38 of the Local Government Act 2000 county councils must have regard to any guidance issued by the Welsh Ministers for the purpose of Part 2 of the Local Government Act 2000. The guidance may cover how the constitution, and therefore the constitution guide could refer to the council’s values, principles by which it operates and how it engages with the public.

Section 80 – Duty on county councils to publish official addresses

255. Under this section a county council is required to publish, on its website and in any other manner it considers appropriate, an official email and postal address for each member of the county council to which correspondence for the member may be sent (see section 84 for the duty on members of county councils to respond to correspondence sent to their official address).

Part 4 – Functions of county councils and their members

Chapter 2 – Duties on Members of County Councils

256. Elected members to county councils should know what their role will entail, what is expected of them and what consequences they face if they do not meet those expectations.
257. This Chapter sets out the functions of elected members, that is, the responsibilities all members assume on becoming elected. These are basic duties to attend meetings, hold surgeries, answer correspondence, complete training and make an annual report. The procedures for dealing with non-compliance by elected members with their duties are set out in Chapter 3 of this Part.

Section 82 – Members of county councils to attend meetings

258. Section 82 provides a duty on members of county councils to attend meetings of:
- the county council of which they are members;
 - a committee or sub-committee of that county council, if they are members of the committee or sub-committee;
 - any joint committee, joint board or other body of which they are 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;

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- the executive or of a committee of the executive of which they are members, where the council is operating executive arrangements (see section 10 of the Local Government Act 2000) and the person is a member of the executive;
- any body that they would reasonably be expected to attend in the exercise of their functions as members of the county council. For example, as local education authorities, councils regularly nominate local councillors to sit on the boards of governors of schools. A councillor nominated as a governor would be expected to attend meetings of the board of governors.

259. Members will not be in breach of this duty if they have a good reason for not attending, and the duty does not apply if they are taking family absence under Part 2 of the 2011 Measure. Under Part 2 of the 2011 Measure members of a county council may be absent from meetings of the council under certain circumstances, for example, for maternity absence or in the case of a new adoption.
260. The duty under this section does not affect the operation of section 85 of the Local Government Act 1972, under which a person ceases to be a member of the county council if he or she fails to attend any meeting of that council for six consecutive months.

Section 83 - Members of county councils to hold surgeries

261. Section 83 requires members of county councils to hold surgeries at least four times in every relevant 12 month period, at which members of the public can meet the member to discuss matters in private.
262. Subsection (5) defines a relevant twelve month period for this purpose. Normally, the first period will begin on the day the member takes office as a councillor and the subsequent twelve month periods will begin on the anniversary of that date. However, under subsection (6), any period during which a member is taking family absence, under Part 2 of the 2011 Measure, is ignored when calculating the twelve month period.
263. Each surgery must last for at least one hour in total, , with the member being required to ensure the surgery is advertised on the council's website, and in any other place they think appropriate, at least a week in advance.
264. Members will not be in breach of this duty if they have good reason for not complying with it.

Section 84 - Members of county councils to answer correspondence

265. Section 84 requires members of a county council to respond to any correspondence sent to their official address within 14 days of receipt. This duty does not apply in respect of correspondence received whilst the member is taking family absence under Part 2 of the 2011 Measure.
266. The official address of a member is any postal or electronic address which is published by the county council, under section 80 of this Draft Bill, as an address to which correspondence for the member may be sent.
267. Members will not be in breach of this duty if they have good reason for not complying with it.

Section 85 – Members of county councils to complete training

268. Under this section, a member of a county council must complete any training course which the council has decided is compulsory for the member concerned and in respect of which they have notified the member that they must complete.
269. The duty does not apply to members who are taking family absence under Part 2 of the 2011 Measure.
270. Members will not be in breach of this duty if they have good reason for not complying with it.

Section 86 – Members of county councils to make annual reports

271. This section places a duty on each member of a county council to prepare an annual report, which must be submitted to the council's head of democratic services.
272. The head of democratic services was a role created by the 2011 Measure whose functions are to support elected members in their role and to support overview and scrutiny committees. By submitting their annual reports to the head of democratic services, the head of democratic services will be better informed about the work of elected members and what further support they might require.
273. The annual report must be about the member's activities as a member of that council during the 12 month period to which the report relates and it must set out the results of those activities, if those results are known to the member.
274. Each county council is required to specify in its standing orders the period to which the annual report must relate (for example, the financial year, or 1 January to 31 December).
275. The council's standing orders must also specify the deadline for submitting the report to the head of democratic services. The standing orders may, for example, specify a particular date or specify that the deadline is a certain period of time after a particular event, such as the annual meeting of the council.
276. Paragraph 1 of Schedule 12 to the Local Government Act 1972 provides that the council must hold an annual meeting, which would generally be no later than the end of May each year. The council's standing orders must not specify a deadline for submitting the annual report which is after the end of the period of three months beginning with the date of the annual meeting which follows the twelve month period to which the annual report relates.
277. For example, if a council's standing orders were to specify that members' annual reports must relate to the financial year, and the council held its 2022 annual meeting on Thursday 26 May 2022, the council would have to ensure that the deadline specified in its standing orders which applied to reports for the financial year 2021-22, was no later than 25 August 2022.
278. Subsection (5) places a duty on the county council to publish the annual reports of its members.
279. Sections 89 to 93 set out the action which may be taken if a member fails to comply with the duty to make an annual report.

Section 87 – Complaints about a member’s non-compliance with duties

280. Section 87 enables anyone to make a written complaint to the monitoring officer of a county council concerning a possible failure of a member to attend meetings (section 82), hold surgeries (section 83), answer correspondence (section 84) or complete training courses (section 85).

Section 88 – Deciding whether to investigate possible breach of performance duties

281. This section provides that when a monitoring officer receives a complaint under section 87, or otherwise has reason to think a member has breached their duties, he or she must refer the matter to the chair of the council’s standards committee, for them both to consider whether or not the matter should be investigated.

282. Monitoring officers report on matters that are, or are likely to be, illegal or amount to maladministration, they are responsible for matters relating to the conduct of members and officers, and for the operation of the council's constitution. The monitoring officers' legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended.

283. This section differentiates, for some purposes, between the situation where a monitoring officer receives a complaint under section 87 (complaints about a member’s non-compliance with duties) and the situation where a monitoring officer does not receive a complaint but has other reason to believe that a member has failed to comply with their duties.

284. When considering whether the matter should be investigated, the chair of the standards committee and the monitoring officer must consider whether the complaint is frivolous or vexatious and whether it relates to the same, or substantially the same, facts as a complaint that has already been disposed of. They must also consider whether it is appropriate for the matter to be investigated.

285. Where the monitoring officer has not received a complaint but has reason to believe that a member has failed to comply with their duties, they must, with the chair of the council’s standards committee, consider whether it is appropriate for the matter to be investigated.

286. 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.

287. If either the monitoring officer or the chair of the standards committee considers that a matter should be investigated, the monitoring officer must investigate that matter.

288. If the monitoring officer and the chair of the standards committee both consider that a matter should not be investigated, no investigation is to take place. In that situation, if the consideration of the matter arises from a complaint received under section 87, the monitoring officer must, as soon as practicable, take reasonable steps to notify the complainant that the matter will not be investigated, and give reasons for that decision.

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

289. Under this section, if the head of democratic services for a county council considers that a member of that council may have breached the duty under section 86 (members of county councils to make annual reports), the head of democratic services may notify the monitoring officer, who may investigate the matter.

290. The 2011 Measure prohibits county councils from designating the same officer as both their head of democratic services and their monitoring officer. However, section 105 of this Draft Bill will remove this prohibition. Therefore, under this section, where the head of democratic services and the monitoring officer is the same person, that person may investigate the matter in their role as monitoring officer.
291. When considering whether to conduct an investigation the monitoring officer must consult the chair of the county council's standards committee on whether it is appropriate for the matter to be investigated.

Section 90 – Investigation by monitoring officer

292. Section 90 provides that when investigating a matter under section 88 or 89, a monitoring officer must give the member under investigation an opportunity to respond. The monitoring officer may ask any person for information relating to the matter being investigated and ask any person to assist him or her in conducting the investigation.

Section 91 – Monitoring officer's report

293. This section requires the monitoring officer, on the conclusion of an investigation, to provide a report to the standards committee, including any recommendations for their consideration. The standards committee must allow the monitoring officer to appear before it to present the report and any recommendations made.
294. The monitoring officer must also send a copy to the member concerned and, where the investigation arose from a complaint under section 87, take reasonable steps to send the report to the complainant.
295. The Welsh Ministers may make regulations concerning the publicity to be given to reports and recommendations made under this section.

Section 92 – Consideration of matter by standards committee

296. Section 92 provides that where a standards committee receives a report under section 91, they must decide whether there is any evidence of a breach of the duty in question.
297. If the standards committee decides there is no evidence of such a breach, they must notify the member concerned and, where the report resulted from a complaint under section 87, take reasonable steps to notify the complainant.
298. If the standards committee decides there is, or may be, evidence of a breach of duty, they must give the member in question written notice that he or she may make representations to the committee, orally or in writing, in respect of the report. The standards committee must set a deadline for the member to make representations; this deadline cannot be later than 28 days from the day on which they notified the member of their right to make representations.
299. The committee may ask the monitoring officer to attend for the purposes of assisting it, ask any person for information, or invite any person to make representations to it. The monitoring officer may not unreasonably refuse to attend before the committee.

Section 93 – Standards committee's determination

300. This section requires a standards committee, following its consideration of the matter to decide whether a member has breached a duty. They must not make their decision until

after the expiry of the deadline for the member to make representations as set under section 92.

301. If they decide that the member has breached a duty, they may:
- censure the member;
 - suspend or partially suspend him or her from the council for up to six months; or
 - take no action.
302. The standards committee must inform the member and take reasonable steps to inform the complainant (if the matter arose from a complaint under section 87) of their decision, and of any action that is to follow.
303. The Welsh Ministers must make regulations conferring rights of appeal on members of a county council against any determination of a standards committee under this section. The Welsh Ministers may make regulations concerning the publicity that is to be given to a determination (including a determination that there has been no breach of duty by a member) and to any action taken against a member.

Section 94 – Regulations

304. This section gives the Welsh Ministers power to make regulations regarding the way in which a possible breach of a duty imposed by Chapter 2 (duties of members of county councils) is to be dealt with. These regulations may include:
- matters to be taken into account in an investigation;
 - the procedures to be followed;
 - provision about the disclosure of information;
 - what expenses might be payable; and
 - how appeals are to be conducted.
305. Regulations made under this section may also enable a matter to be referred to the monitoring officer or standards committee of ‘other authorities’. In this context ‘other authorities’ means other county councils, fire and rescue authorities or national park authorities in Wales.

Section 95 – Guidance

306. Section 95 requires any person exercising functions under Chapter 2 or 3 of this Part to have regard to any guidance issued by the Welsh Ministers. Those under a duty to have regard to the guidance would include members of county councils, heads of democratic services, monitoring officers, chairs of standards committees and standards committees.

Section 96 – Standards committee to provide training

307. This section amends the Local Government Act 2000 (functions of standards committees), to provide that standards committees have the role of advising, training, or arranging the provision of training for members, in relation to the duties imposed under sections 82 to 86.

Section 97 – Amendments to the 2011 Measure

308. This section repeals section 5 of the 2011 Measure, which placed a duty on county and county borough councils to have arrangements for their members to produce annual reports. Instead, members themselves will be under the duty in section 86 of this Draft Bill to produce annual reports.

309. Subsection (3) amends the 2011 Measure by placing county councils under a duty to decide whether it should be compulsory for its members to complete any training course under section 85 of this Draft Bill and to secure the provision of that training. Section 7 of the 2011 Measure requires county councils to secure reasonable training and development opportunities for its members.

Section 98 – Duties of leaders of political groups in relation to standards of conduct

310. Section 98 inserts a new section 52A into the Local Government Act 2000.
311. Section 52A places a duty on the leader of a political group, which consists of county council members, to take reasonable steps to promote and maintain high standards of conduct by the members of that group. Leaders must also co-operate with the council's standards committee and any sub-committee of that committee, in the exercise of the standards committee's functions. When complying with these duties leaders of political groups must have regard to any guidance issued by the Welsh Ministers
312. The Welsh Ministers are given the power to make regulations about the circumstances in which, for the purposes of section 52A, county council members are considered to be in a political group and when a member of a political group is considered to be a leader of that group. Before making any regulations under this section, the Welsh Ministers must consult any persons they consider appropriate.
313. Subsection (3) inserts a new subsection into section 54 of the Local Government Act 2000, adding to the functions of standards committees of county councils. These new functions are to:
- monitor the compliance by leaders of political groups with their duties under section 52A of the Local Government Act 2000; and
 - to advise and train, or arrange training for, leaders of political groups on their duties under that section.

Section 99 – Objectives to be met by council executives

314. Section 99 inserts a new section 15A into the Local Government Act 2000.
315. Section 15A requires the elected mayor or executive leader of a county council, as soon as practicable after their election to that post, to set objectives for the council's executive.
316. The objectives for the council's executive must relate to the discharge of functions which are the responsibility of the executive. An elected mayor or executive leader must keep the objectives under review and may revise them at any time.
317. Objectives set for the executive could relate to specific portfolio areas as well as to the responsibilities of the executive generally.
318. The elected mayor or executive leader must prepare a report as soon as reasonably practicable after 31 March each year on the extent to which those objectives have been met. This provision also requires the elected mayor or executive leader to arrange publication of the objectives and of reports prepared under this section.

Section 100 – Manifestos: election of executive leader

319. Section 100 amends paragraph 2 of Schedule 1 to the Local Government Act 2000, inserting a new sub-paragraph (1A).
320. Paragraph 2(1A) provides that the executive arrangements of a county council must require any candidate standing for election as executive leader to prepare a written manifesto. The executive arrangements of county councils must include provision ensuring copies of the manifesto are made available to other members of the council before the election.
321. A new paragraph 2A is also inserted into Schedule 1 to the Local Government Act 2000 to provide that the standing orders of a county council, which is operating a leader and cabinet executive model, must ensure that candidates standing for election as executive leader are given the opportunity to promote their written manifesto at a council meeting in advance of the election. Promotion of a manifesto could include the candidate for leader speaking in support of it at the relevant council meeting, but could take other forms.

Section 101 – Appointment of assistants to the executive

322. This section inserts a new paragraph 3A into Schedule 1 to the Local Government Act 2000
323. Paragraph 3A provides that the executive arrangements of a county council may provide for members of the council to assist the executive in the discharge of its functions by serving as assistants to the executive.
324. If the council is operating a mayor and cabinet system, assistants to the executive must be appointed by the elected mayor, whilst under leader and cabinet executive arrangements, assistants must be appointed by the executive leader or the full council.
325. Appointment by the full council would be required where the council's constitution determined that the full council, rather than the executive leader, appointed the executive. The function of appointing assistants cannot be delegated under section 101 of the the Local Government Act 1972.
326. In their executive arrangements, a county council may also specify the number of assistants which may be appointed, their term of office and their responsibilities.
327. The chair and vice-chair of the council, and the presiding member and deputy presiding member where relevant, may not be appointed as assistants to the executive. An assistant to the executive is not a member of the executive.
328. Paragraph 5 of Schedule 1 to the Local Government Act 2000 is amended to enable assistants to the executive to attend and speak at, but not vote in, any meeting of the executive or committee of the executive.
329. Schedule 6, which contains various consequential amendments to existing legislation needed to take account of the role of assistants to executives, is introduced by sub-section (4).

Section 102 – Guidance

330. Section 38 of the Local Government Act 2000 requires a 'local authority', meaning a county or county borough council, to have regard to any guidance issued by the Welsh Ministers in respect of Part 2 of that Act.

331. This section amends section 38 in order to also require elected mayors and executive leaders to have regard to any guidance issued by the Welsh Ministers under that section.
332. Under this section a new subsection (1A) is also inserted into section 38, so as to provide that any guidance may 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). In that Act, 'equality' is defined as 'equality between individuals', and 'diversity' is defined as 'the fact that individuals are different'.

Section 103 - Appointment and reports of chief executive

333. County councils are required to designate one of their officers as head of paid service, under section 4 of the Local Government and Housing Act 1989.
334. Section 103 requires each county council to appoint a chief executive, a role which replaces the role of head of paid service. The functions of the chief executive remain substantially the same as those of the head of paid service, although the function relating to the management of the council's staff has been expanded somewhat to encompass matters such as training and development.
335. Under section 103 the chief executive of a county council must keep certain matters under review and, 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. The matters are the:
- manner in which the exercise by the council of its different functions is co-ordinated;
 - number and grades of staff required by the council for the exercise of its functions;
 - organisation and appointment of the council's staff; and
 - arrangements for the management of the council's staff (including arrangements for training and development).
336. The chief executive must arrange for reports under this section to be circulated to all council members. The full council must consider the report at a meeting held within three months of its circulation.
337. The county council is subject to a duty to provide the chief executive with the staff, accommodation and other resources the chief executive considers to be sufficient to fulfil their responsibilities under this section.
338. Subsection (7) introduces Schedule 7 which makes consequential amendments to other pieces of legislation to reflect the replacement of the role of head of paid service with the role of chief executive.

Section 104 - Council leaders to set objectives for chief executives etc.

339. This section applies to county councils which operate executive arrangements in accordance with Part 2 of the Local Government Act 2000.
340. Subsection (2) requires that the senior executive member of a county council, i.e. the executive leader or the elected mayor, must set objectives for the council's chief executive. These objectives must be set as soon as practicable after the chief executive is appointed and the senior executive member must arrange for their publication.

341. On an annual basis, the senior executive member is required to review the extent to which the chief executive has met their objectives and, if the senior executive member considers it necessary, revise those objectives. The senior executive member must prepare a report on each review, and arrange for that report to be published and sent to all members of the council.
342. The senior executive member must consult with the chief executive at every stage of the process described above.
343. Subsection (6) requires the full council to consider the report at a meeting within three months of its publication (this duty cannot be delegated under section 101 of the Local Government Act 1972). The full council, as the employer of the chief executive, will therefore be informed of the chief executive's performance against the objectives and councillors will have an opportunity to scrutinise, comment on or recommend action is taken in relation to that performance.

Section 105 - Head of democratic services

344. This section amends section 8(4) of the 2011 Measure and section 43(2) of the Localism Act 2011.
345. The amendment to the 2011 Measure removes the prohibition on a monitoring officer also being designated as a council's head of democratic services. The removal of this prohibition recognises the close link which exists between legal services and democratic services within some county councils and that the two posts do not compromise each other.
346. The Localism Act 2011 is amended so as to include the post of head of democratic services within the definition of chief officer for the purposes of the pay accountability provisions of that Act. This recognises the status of the head of democratic services and requires, amongst other things, county councils to publish the remuneration of heads of democratic services in their annual statement of accounts.

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

347. The co-opted members of a committee are those members who are not members of the county council. Section 21 of the Local Government Act 2000 precludes, in general, voting by co-opted members of an overview and scrutiny committee.
348. This section amends section 21(10) of the Local Government Act 2000 to provide that co-opted members of an overview and scrutiny committee, or its sub-committees, are entitled to vote in certain circumstances. These circumstances are set out in the new paragraph 15 of Schedule 1 to that Act, which is also inserted by this section of the Draft Bill.
349. A co-opted member may be allowed to vote at meetings of the committee, or its sub-committees, if permission is given by the full county council. The council can only give this permission with the agreement of the overview and scrutiny committee.
350. The permission, which must specify the name of the co-opted member, may limit the issues on which they may vote and prescribe the period of time for which the co-opted member may vote.

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351. The Welsh Ministers may, by regulations, make provision about the exercise of functions of county councils and overview and scrutiny committees in relation to the voting rights of co-opted members of those committees or their sub-committees.

Section 107 – Making information available to overview and scrutiny committees

352. Regulations made under subsection 22(10) of the Local Government Act 2000 may require a county council to provide information to specified persons about decisions which are the responsibility of the council's executive.
353. Section 107 amends subsection 22(10) to add the members of a council's overview and scrutiny committee, and any of its sub-committee, to the list of specified persons.

Section 108 – Power to require authorities to appoint joint overview and scrutiny committees

354. This section amends section 58 of the 2011 Measure to give the Welsh Ministers the power to make regulations under which two or more local authorities, for example county councils, must appoint a joint overview and scrutiny committee.

Section 109 – Duty of standards committee to make annual report

355. Section 109 inserts a new section 56B into the Local Government Act 2000.
356. Section 56B requires standards committees, as soon as possible after the end of each financial year, to make an annual report for that year. The annual report must describe how the committee has carried out its functions during that year.
357. The reporting requirement applies to the standards committees of county councils, community councils, fire and rescue authorities and national park authorities in Wales. The role of the standards committee of a community council is carried out by the standards committee of the relevant county council.
358. Section 56B(3) sets out matters which must be summarised in a standards committee's annual report but does not provide an exhaustive list of what those reports must contain. The annual report must include an assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1) of the Local Government Act 2000 (promoting and maintaining high standards of conduct by members of political groups) during the financial year.
359. The annual report must also include a summary of matters referred to the chair of the standards committee, and investigations carried out and action taken, under Chapter 3 of this Part in respect of breaches by members of their duties under Chapter 2.
360. The standards committee's report may include recommendations to the council or authority about anything in respect of which the committee has functions. Within three months of receiving the report, the council or authority must consider the report at a meeting of the council or authority.

Part 5 – County Councils: Improvement of Governance

Section 111 – Governance arrangements

361. At present, local authorities are subject to a 'general duty in relation to improvement' and the associated improvement assessment and intervention regime provided for in Part 1 of the 2009 Measure ('the 2009 regime'). The 2009 regime will be repealed in relation to

county councils by section 147. The provision in this section replaces the 'general duty in relation to improvement' and the provisions in Part 5, as a whole, replace the 2009 regime with one focused on the quality of governance in county councils with much greater local determination and accountability.

362. Section 111 makes provision for governance arrangements in county councils. It requires a county council to make, implement and comply with arrangements in order to ensure good governance, accountability, and economy, efficiency and effectiveness in the use of the council's resources. A council's governance arrangements must comply with the principles, processes and practices set out in the regulations Welsh Ministers are required to make under subsection (3).
363. In making regulations under this section, the Welsh Ministers may prescribe any code of practice or guidance (whether or not issued by them). An example of such code of practice as might be prescribed is the *Delivering Good Governance in Local Government: Framework* published jointly by the Chartered Institute of Public Finance and Accountancy and the Society of Local Authority Chief Executives.
364. The Welsh Ministers may also make regulations making further provisions about governance arrangements.

Section 112 - Duty of county council to prepare and publish a corporate plan

365. Under this section, a county council must prepare and publish a corporate plan. A corporate plan which sets out the county council's objectives and relates them to the allocation of resources is considered essential to supporting good governance. Subsections (2) and (3) specify that the plan must include:
- a statement setting out the council's short, medium and long-term priorities in relation to the exercise of its functions; and,
 - a statement identifying issues on which the council anticipates making decisions which are particularly significant.
366. Subsections (4) to (6) prescribe the information and documents which must be included in the corporate plan. This includes information on a range of the council's strategies, the council's self-assessment report (see section 117) and documents published under the Well-being of Future Generations (Wales) Act 2015 ('the 2015 Act'). The 2015 Act sets out 7 well-being goals. County councils will be subject to the well-being duty in the 2015 Act. A county council will be required to carry out sustainable development by setting and publishing objectives ('well-being objectives') that are designed to maximise its contribution to achieving each of the well-being goals, and taking all reasonable steps (in exercising its functions) to meet those objectives. The council's well-being objectives are likely to be the same as the long term priorities which the council must set out under subsection (2) (and possibly also the short and medium term priorities, in some cases).
367. The Welsh Ministers are also given the power, in subsection (7), to make regulations setting out further matters which must be included in a county council's corporate plan.

Section 113 - When corporate plan is to be published

368. This section requires a county council to publish its first corporate plan within three calendar months of the first full election of members of the council following the coming into force of this section. Subsequently, a county council is required to publish its corporate plan no later than three months after the date of each election.

369. Subsection (3) gives the Welsh Ministers the power to make regulations about how and when a corporate plan must be published, including changing the deadlines for publication outlined in subsections (1) and (2).

Section 114 – Review and revision of corporate plan

370. Section 114 sets out the frequency with which a county council must review its corporate plan, which it must do at least once a year. As part of the review process, a county council is required to assess its progress against the priorities set out in the statement required by section 112(2).
371. Subsection (3) provides that, following completion of the review, the revised corporate plan (including the report of the assessment it carries out under subsection (2)) must be published by the council. The report must include the most recently published versions of the documents in section 112(6) or information on how to obtain those documents.
372. In all other circumstances, the council is required to publish a revised plan if it feels it is appropriate to do so.

Section 115 – Consultation about corporate plan

373. This section places a duty on county councils to consult the following prior to preparing or revising a corporate plan:
- Local Health Boards operating within the council’s area;
 - the public services board for that council’s area; and
 - any other persons considered appropriate by the council.
374. The public services board is a board established in the area of the county council under the 2015 Act. The board comprises statutory members who are the county council, the Local Health Board, the Natural Resources Body for Wales and the relevant fire and rescue authority. The members are under a joint duty to prepare a local well-being plan for the area, which sets out the actions the public services board will take to improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the well-being goals. Public bodies which are members of the public services board may include their well-being objectives in the local well-being plan. Where the members do this, there will be a clear relationship between the local well-being plan and the county council’s corporate plan.

Section 116 – Duty of county council to carry out self assessment

375. The 2009 regime gave a specific role to the Auditor General for Wales to assess a local authority’s improvement and capacity to improve.
376. Section 116 replaces the role of the Auditor General for Wales with a more flexible regime by which a county council can assess whether it is complying with its duty to make arrangements to secure good governance. There are three types of assessment, a self assessment, a peer assessment and a combined assessment by the relevant regulators. The council must seek the views of the corporate governance and audit committee on its draft response to an assessment report.
377. A county council is subject to a duty to carry out a self assessment at least once a year. Subsection (2) provides that a self assessment is an assessment by a county council of its compliance with the duties set out in section 111 (governance arrangements).

Section 117 – Self assessment report

378. Section 117 sets out the process to be followed by a county council in the preparation of a report on each self assessment it carries out. The purpose of the self assessment is to provide a council with an opportunity to reflect on its governance arrangements and, if appropriate, take any action. The self assessment report must:
- include the council's assessment of its compliance with the duties set out at section 111 (governance arrangements); and
 - identify what action the council plans to take in light of the assessment.
379. The council's corporate governance and audit committee (see Chapter 7 of this Part, which makes provision about these committees) must review a draft of the response and may recommend changes to the report. The council must have regard to these recommendations and, where it decides against making those changes, give its reasons in the final version of the report.
380. The Welsh Ministers are given the power, in subsection (7), to make regulations about the form and content of the self assessment report and how and when it must be published.

Section 118 – Duty of county council to arrange peer assessments

381. This section places a duty on a county council to arrange for peer assessments to be carried out. The purpose of peer assessments is for independent persons with appropriate expertise to assess the council's compliance with its duties under section 111 of this Draft Bill and by so doing, to make an assessment of the objectivity of the council's own self assessment. The peer assessment must be carried out by a panel appointed by the county council. The panel would comprise experienced elected members and local government officers from elsewhere in Wales and from England, and persons with senior level expertise, for example, in the private or voluntary sector.
382. Subsection (3) enables the Welsh Ministers to make provision, through regulations, about the appointment of panels for peer assessments. Subsection (4) sets out some of the particular matters that regulations may cover.

Section 119 – Frequency of peer assessments

383. Provision is made in this section about the frequency of peer assessments. County councils are required to carry out a first peer assessment no later than 31 March 2023 and at least once during each cycle of elections to that county council.
384. Subsection (3) gives the Welsh Ministers power to amend subsections (1) and (2) by regulations in order to change when and how frequently a peer assessment must be carried out.

Section 120 – Peer assessment report

385. Under this section the panel must prepare a report of the peer assessment it carried out and submit the report to the county council.
386. The report must detail the panel's assessment of the council's compliance with the duties placed on it by section 111(governance arrangements) and recommend any action to be taken by the council. Subsection (3) requires the council to publish the peer assessment report.

Section 121 – Council’s response to peer assessment report

387. This section places a duty on a county council to respond to each peer assessment report which it receives. In its response, the council is required to state whether it accepts the assessment and any recommendations contained in the report; and identify any action it proposes to take in light of the assessment.
388. The council’s corporate governance and audit committee must review the draft response and may recommend changes. The council must have regard to these recommendations and, where it decides against making those changes, give its reasons in its response.
389. Subsection (6) requires the council to publish its finalised response to the peer assessment report.

Section 122 – Further provision about peer assessment report and response

390. Under this section the Welsh Ministers may make regulations in respect of the form and content of the peer assessment report and response and also about the timing and manner of publication.

Section 123 – Definitions of ‘relevant regulator’ and ‘relevant functions’

391. Section 123 specifies the regulators who must carry out a combined assessment of a county council’s governance arrangements under section 124. Subsection (2) sets out who the relevant regulators are and their relevant functions. The regulators are:
- Estyn (HM Chief Inspector of Education and Training in Wales) exercising its function under section 38 of the Education Act 1997 to review the way in which a local education authority (a county council in this context) is performing any function which relates to the provision of education. Education services account for 33% of county councils’ gross revenue expenditure;
 - the Welsh Ministers, exercising their functions under sections 149A and 149B of the Social Services and Well-being (Wales) Act 2014 to inspect the social services functions of county councils, including (amongst other matters) the availability, accessibility, quality and effectiveness of the services provided by or on behalf of the county council. Social services account for 21% of county councils gross revenue expenditure. In practice, this function is generally exercised through the Care and Social Services Inspectorate for Wales. Sections 149A and 149B are to be inserted in the 2014 Act by the Regulation and Inspection of Social Care (Wales) Bill when it is enacted, which is expected to have happened before this Draft Bill is introduced before the Assembly; and
 - the Auditor General for Wales exercising functions under the Public Audit (Wales) Act 2004 to audit the accounts of a county council and to undertake studies in relation to improving the economy, efficiency and effectiveness of a county council in the discharge of its functions, or for improving the financial or other management of a county council; and carrying out examinations of a county council’s compliance with its well-being duty under the Well-being of Future Generations (Wales) Act 2015.
392. Taken together, the regulators exercising these functions have a significant professional insight into the governance and financial arrangements of a county council, and the provision of its major services. They can provide this insight to the county council by means of a combined assessment of a county council compliance with its duty to make governance arrangements

393. Subsection (3) enables the Welsh Ministers to amend the list in subsection (2) to add, remove or vary the description of a person who must carry out such an assessment, or a description of a function of such a person to which a combined assessment relates.

Section 124 – Duty to carry out combined assessment of governance arrangements of county council

394. Section 124 places a requirement on the ‘relevant regulators’, defined in section 123 above, to conduct jointly a combined assessment of a county council’s compliance with the duties placed on it by section 111 (governance arrangements).
395. Subsection (2) provides a list of reports, information and documents on which the relevant regulators are to base their combined assessment. A relevant regulator is able to share reports and information detailed in subsection (2) with other relevant regulators for the purposes of conducting the combined assessment.

Section 125 – Report of combined assessment

396. This section provides that when the relevant regulators have completed their combined assessment of a county council, they must prepare a report; a ‘combined assessment report’. The report sets out their assessment of the council’s compliance with its duties under section 111 (governance arrangements) and may also include recommendations to the council and to the Welsh Ministers.
397. The relevant regulators are required to try to reach agreement on matters included in the combined assessment report; however, this section provides that where agreement has not been reached the report may set out the views of each of the relevant regulators separately.
398. When finalised, the combined assessment report must be sent to the relevant council and also, where the report contains recommendations to the Welsh Ministers, to the Welsh Ministers. This will assist the Welsh Ministers in considering whether to exercise their review and intervention powers under Chapter 4. The council is required to publish the combined assessment report.

Section 126 – Council’s response to combined assessment report

399. Section 126 places a duty on county councils to respond to the combined assessment report when it has been received. In responding, subsection (2) requires the council to state whether it accepts the report and any recommendations contained within it and identify any action it proposes to take.
400. A copy of the draft response must be made available to the council’s corporate governance and audit committee who are then required, under subsection (4), to review the draft. The committee may make recommendations for change.
401. Subsection (5) makes provision for finalising the council’s response to the combined assessment report prior to its publication. The council must have regard to the recommendations of the corporate governance and audit committee and, where it decides against making those changes, give its reasons in its response.
402. A copy of the council’s response must be sent to the relevant regulators and, if the report contained recommendations to the Welsh Ministers, to the Welsh Ministers. This will assist the Welsh Ministers in considering whether to exercise their review and intervention

powers under Chapter 4. The council is required to publish its response to the combined assessment report under subsection (7).

Section 127 – Further provision about combined assessments

403. This section enables the Welsh Ministers to make certain further provision, by regulations, about combined assessments and the related reports.

Section 128 – Welsh Ministers’ power to arrange governance review

404. Section 128 concerns the power of the Welsh Ministers to arrange for a governance review to be undertaken in respect of a county council which they consider is, or may be, failing to comply with any of its duties in respect of its governance arrangements. A governance review is a review of a council's compliance with its duties under section 111 in respect of its governance arrangements. The review is undertaken in order to identify action that can be taken in order to ensure compliance with those duties. This can include the giving of intervention directions by the Welsh Ministers, under sections 135 to 142.

405. The arrangements for a governance review must detail:

- the scope of the review;
- the reviewer who will carry out the review;
- the period within which the reviewer must send their report to the Welsh Ministers (section 133 gives more details regarding the requirement to prepare a report).

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

406. Under section 129 the Welsh Ministers must consult with the council and any other persons they consider appropriate before making arrangements for a governance review of a county council.

Section 130 – Duty to notify council of arrangements of governance review

407. Section 130 requires the Welsh Ministers to notify the council of the arrangements for the governance review. The notification must detail:

- the scope of the review;
- the reviewer who will carry you the review;
- the period within which the reviewer must send their report to the Welsh Ministers.

Section 131 – Council’s duty to co-operate with governance reviewer

408. Under this section a council subject to a governance review must provide the reviewer with whatever facilities and assistance the reviewer may need in order to carry out the review, including providing documents, records and information.

Section 132 – Provision of information by other persons

409. Section 132 provides that when undertaking a governance review, a reviewer may require the persons specified in subsection (3) to provide them with whatever facilities and assistance they may need in order to carry out the review, including providing documents, records and information. The reviewer may require any documents or records provided to be legible and portable.

410. Subsection (2) requires these persons to take all reasonable steps to comply with the reviewer’s requirements; however they are not required to provide any information which they are prohibited from providing by law.

411. The Welsh Ministers may make regulations adding or removing a person or altering the description of a person in subsection (3).

Section 133 – Reviewer’s duty to prepare report

412. Section 133 provides that once they have completed a governance review, a reviewer must prepare a report detailing their assessment of the council’s compliance with its section 111 duties, together with:
- any recommendations for action to secure compliance;
 - details of the person they consider should take the action;
 - the period of time within which the reviewer considers the action should be completed;
 - the reviewer’s opinion as to whether such action is likely to be taken within the specified period of time.
413. The report must be sent to the council and the Welsh Ministers, with the council being required to publish the report within 14 days of it being sent.

Section 134 – Council’s response to governance review report

414. Under this section a council must prepare a response to any governance review report it receives, setting out what action, if any, it proposes to take.
415. The council’s corporate governance and audit committee must review the draft response and may recommend changes. The council must have regard to these recommendations and, where it decides against making those changes, give its reasons in its response.
416. The council must send its finalised response to the Welsh Ministers within 31 days of the report having been sent to the council by the reviewer. The Welsh Ministers may extend this deadline, more than once, if satisfied the extension is reasonable.

Section 135 – Welsh Ministers’ power to give intervention directions

417. This section sets out the circumstance in which the Welsh Ministers may give an intervention direction to a county council; sections 136, 137 and 138 set out the different kinds of intervention direction. These provisions replace powers of the Welsh Ministers to provide support to or direct county councils in sections 28 to 30 of the 2009 Measure.
418. The Welsh Ministers may give an intervention direction if, having received the report of a governance review made under section 133 and the council’s response to that report, they consider it necessary or appropriate to do so in order to ensure that the council complies with its governance arrangement duties.

Section 136 – Direction to obtain support services

419. Section 136 enables the Welsh Ministers may direct a county council to enter into a contract or arrangement with the person, or description of person, specified in the direction for the purpose of securing the support (that is the information, advice, training or other support) specified in the direction.

Section 137 – Direction to take specified steps

420. Under the section the Welsh Minister may direct a county council to undertake specific action or activities within the time period specified in the direction.

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

421. Section 138 provides that the Welsh Ministers may give a direction requiring that the functions specified in the direction be exercised by the Welsh Ministers or a person nominated by the Welsh Ministers.
422. Where a direction within this section is in force, the council must comply with the instructions of the Welsh Minister or their nominee in respect of the exercise of the specified function. For example, the Welsh Ministers might appoint a panel of persons to improve a council's governance arrangements by revising the arrangements made for delegation to the council's officers or the arrangements made for overview and scrutiny.
423. Subsection (3) provides the Welsh Ministers with a power to make regulations amending, repealing, revoking or applying any statutory provisions, for the purpose of applying those provisions to the exercise of any functions by the Welsh Ministers or their nominee under an intervention direction.

Section 139 – General provision about intervention directions

424. This section requires a council to comply with an intervention direction given to it. It also provides that any intervention direction must be in writing and may be altered or revoked by a later direction.

Section 140 – Duty to co-operate

425. Section 140 requires a county council to provide the persons specified in subsection (2) with whatever facilities and assistance they may need in order to exercise any functions related to an intervention direction.

Section 141 – Powers of entry and inspection

426. Section 141 concerns the rights of the persons listed in subsection (2) to enter the premises of a county council and to inspect, and take copies of, any records or documents kept by the council which that person considers relevant to the exercise of their functions in respect of governance reviews or intervention directions.
427. Subsection (2) lists the following persons:
- a person specified by the Welsh Ministers in an intervention direction (under section 136) in respect of support services, or a person with whom the county council has entered into a contract or other arrangement required by the direction ;
 - the Welsh Ministers in respect of an intervention direction requiring functions of a council to be exercised by the Welsh Ministers;
 - a person nominated by the Welsh Ministers in an intervention direction requiring functions of a council to be exercised by the nominee.
428. This right to inspect, and take copies of, documents or records entitles the specified person to have access to, inspect and check the operation of any computer (and any associated apparatus or material) used in connection with those documents or records.
429. Anybody who has used the computer, or on whose behalf the computer has been used, is required to provide any assistance which the specified person may reasonably require, including making information available or copying that information in legible form. Any persons in charge of the computer (or concerned with the operation of, the computer, apparatus or material) are also subject to this requirement.

Section 143 – Co-ordination of relevant functions of relevant regulators

430. This section requires the regulators specified in section 123(2) to have regard to the need for co-ordination when exercising the functions specified in section 123(2).
431. The Welsh Minister may make regulations regarding the co-ordination of functions between regulators. These regulations may, among other things, relate to a timetable for the exercise of regulators' functions, sharing of information and consultation.

Section 144 – Guidance

432. If the Welsh Ministers issue guidance in respect of this Part, this section requires persons exercising functions under this Part to have regard to such guidance.

Section 145 – Exercise of function under this Part

433. Other than where a function is conferred on a specific committee, the functions provided for in this Part may be undertaken by the full council or its executive, as decided by the council.
434. The functions provided for in this Part are not subject to the provisions of section 101 of the Local Government Act 1972, which means they may not be delegated to a committee or sub-committee of the county council, or to another county council; nor are they subject to section 14 or 15 of the Local Government Act 2000, which means that if the functions are being exercised by a council's executive, they may not be delegated to a committee of the executive or an officer of the council.

Section 147 – Amendment of Local Government (Wales) Measure 2009

435. As set out under section 111 and 116 above, the provisions in this Part amend the 2009 Measure so as to replace the improvement regime in relation to county councils provided for in the Measure. The general duty in relation to improvement, the duty on the Auditor General for Wales to prepare audits and assessments of improvement, the intervention powers of the Welsh Ministers and all the other powers and duties in the 2009 Measure will no longer apply. Section 1 of the 2009 Measure is amended so as to remove county councils (and county borough councils), from the list of Welsh improvement authorities in the 2009 Measure. This amendment has the effect of dis-applying the duties and provisions of Part 1 of the 2009 Measure to county councils in Wales.
436. Consequential amendments are also made to a number of sections within Part 1 of the 2009 Measure to reflect the change to the definition of a Welsh improvement authority.

Section 148 – Renaming of audit committees

437. This section amends section 81 of the 2011 Measure to rename audit committees as 'corporate governance and audit committees'. It also introduces Schedule 9, which makes consequential amendments throughout the 2011 Measure.

Section 149 – Functions of corporate governance and audit committee

438. The 2011 Measure is amended to insert a new section, section 81A, which makes provision about the functions of corporate governance and audit committees.
439. The amendment has the effect of requiring a committee to assess, and report on, the council's ability to:
- comply with its duties in respect of its governance arrangements (see section 111 of this Draft Bill);
 - make progress in respect of the priorities as set out in its corporate plan (see section 112); and,

- handle complaints effectively.

440. As set out previously in the relevant sections in this Part, a corporate governance and audit committee must also assess, and report on, the arrangements made by the council in respect of self assessments (see section 116) and peer assessments (see section 118).
441. The committee must also review the council's draft self assessment report (see section 117) and its draft response to:
- peer assessment reports and combined assessment reports (see sections 121 and 126);
 - governance review reports (see section 134).

Section 150 – Membership of corporate governance and audit committee

442. Section 150 amends section 82 of the 2011 Measure so as to require one-third of a corporate governance and audit committee to be lay persons (as to which, see section 151) with the remaining two-thirds being members of the council.
443. A corporate governance and audit committee is required to appoint a chair who must be a lay person. A deputy chair must also be appointed; the deputy chair may be a member of the council but cannot be a member of the council's executive.
444. The amendment made by subsection (4) removes the provision in the 2011 Measure which provides that an act of the committee is invalid if there is a failure to comply with section 82(2) of the 2011 Measure (composition of the committee).

Section 151 – Meaning of lay person

445. The definition of a 'lay person' in section 87 of the 2011 Measure is a person who is not a member of a local authority.
446. This section amends the 2011 Measure to provide for a new definition of a 'lay person' which excludes more categories of person from being a lay person. A lay person is someone who is not a member or officer of any local authority, at the time of appointment or within the 12 month preceding the appointment, nor are they a spouse or civil partner of a member or officer of any local authority.

Section 152 – Proceedings etc.

447. This section amends section 83 of the 2011 Measure so that a corporate governance and audit committee must be chaired by the committee chair or, if he or she is absent, by the deputy chair. If both the chair and deputy chair are absent another member of the committee may chair the meeting; however this member may not be a member of the council's executive.

Part 6 – Community Councils

Section 153 – Duty to review community council arrangements

448. Community councils are the lowest tier of local government in Wales. There are 870 community areas covering the whole of Wales, of which 735 have community councils. A community council (which may also call itself a 'town council') is a local council established under Part 2 of the Local Government Act 1972. The Local Government Act 1972 enables two or more community areas to be served by a single community council, called a common council.

449. This section of the Draft Bill places a duty on the Local Democracy and Boundary Commission for Wales ('LDBCW') to conduct a review of the constitutional arrangements of community councils in each of the new counties in Wales.
450. The general purpose of the LDBCW is set out in the Local Government (Democracy) (Wales) Act 2013. Section 21 of this Act puts the LDBCW under a duty to monitor the existing (geographic) areas and electoral arrangements relevant to local government, in order to consider whether to make or recommend changes. This is to ensure the boundaries of counties and communities and their electoral arrangements remain relevant following changes in population and settlement patterns.
451. A direction made by the Welsh Ministers under section 16 of the Local Government (Wales) Bill would require the LDBCW to review the electoral arrangements of the new county areas set out in Schedule 1 of the Draft Bill. As a consequence of such a review, the LDBCW would also be able to make relevant changes to the boundaries, constitution and electoral arrangements of community councils.
452. Whereas any changes to the constitution of community councils made under such a direction could only be consequential on the electoral review of the new counties, this section requires the LDBCW to undertake a purposeful review of community council arrangements in all parts of Wales in order to secure effective and convenient local government.
453. Subsection (1) provides that the counties are those set out in Schedule 1 of the Draft Bill, namely the county of Powys and those which will be fully established from 1 April 2020, as provided for in Part 1 of and Schedule 1 to the Draft Bill. The intention is for any changes recommended by the LDBCW to be implemented by the 2023 local government elections; therefore the LDBCW is enabled to commence the reviews before 1 April 2020.
454. A 'community council review' is defined as a review of the communities within a county, in order to recommend changes in respect of community councils and the electoral arrangements for those communities.
455. Subsections (3) and (4) list the types of changes that the LDBCW may recommend in respect of community councils and a community's electoral arrangements, as a result of the review.
456. The LDBCW may also propose consequential changes to a community's boundaries; the creation of a new community, by merging existing communities in whole or part or by other means; or the abolishing of an existing community. The Commission may also recommend the name for a new or changed community.

Section 154 - Conduct of community council review

457. This section sets out the matters the LDBCW must consider when undertaking the review, including the requirement that the LDBCW seek to ensure that local government is effective and convenient
458. A community area may be divided into wards for the purpose of elections. When considering whether to split a community into community wards, the LDBCW must consider the matters set out in subsection (2), whilst subsection (3) sets out what the Commission must consider when deciding the number and arrangement of wards for a community where they consider it necessary to split a community into community wards.

459. If the LDBCW recommends that a community no longer be split into wards, or the number of community councillors be changed, they must have regard, when setting the number of councillors, to the number and distribution of electors and any change in the number or distribution likely to occur in the five years following a change to the number of councillors.

Section 155 - Pre-review notification

460. Before starting a review, the LDBCW must make the people and organisations listed in this section aware that the review is going to take place.

Section 156 - Consultation, investigation and report

461. Section 156 requires the LDBCW, when undertaking the review, to consult:
- county or county borough councils in Wales (before they cease to exist on 1 April 2020);
 - the council for the county in relation to which the review is being undertaken (once they come into being after the elections of 2 May 2019 (see section 14));
 - the 'review consultees', as defined in subsection (2); and
 - any other persons it considers appropriate.
462. Community councils are required to provide the LDBCW with any information it may reasonably require to inform the review.
463. After completing the review the LDBCW must prepare a report setting out its recommendations and providing details of the review.
464. The LDBCW must consult on the report for between 6 and 12 weeks (the 'period for representations'). During this time the report must be made available for inspection at a location in each of the communities within the county to which the report relates.

Section 157 - Final report on review

465. After the 'period for representations' has ended, the LDBCW must consider whether to alter its recommendations in light of any of the representations received. The LDBCW must then prepare its final report containing:
- its recommendations on changes in respect of community councils and the electoral arrangements for communities; details of the review and the consultation;
 - details of the changes the LDBCW made to their recommendations in light of the representations it received.
466. The LDBCW must submit its final report to the council of the county to which the report relates. It must publish that report and make it available for inspection. The LDBCW must also send a copy of the final report to the Welsh Ministers.
467. Subsection (3) enables the Welsh Ministers to specify, in regulations, a date by which the LDBCW must submit its final reports to the county councils.

Section 158 - Implementation of Commission recommendations by county council

468. Section 158 provides that, where the final report submitted to a county council by the LDBCW contains recommendations for change, the council must make an order implementing those recommendations. The order must either implement the recommendations as they stand or with modifications agreed with the LDBCW.

469. An implementation order cannot be made until at least 6 weeks after the council receives the report, and cannot be made more than 6 months after the council receives the report. The Welsh Ministers may, in regulations, specify the date by which an implementation order made by a county council must come into force.
470. The county council must, on the day it makes an order, send a copy to the LDBCW and each community council affected by the order, and publish the order on a website.

Section 159 – Community council arrangements order if Commission does not submit report

471. This section applies if the LDBCW fails, before the date set by the Welsh Ministers in regulations under section 157(3), to submit a final report to a county council. The Welsh Ministers may, in the absence of a final report from the LDBCW, make an order setting out community council changes and changes to community electoral arrangements, together with any relevant consequential changes.
472. Where such circumstances arise, the LDBCW must provide the Welsh Ministers with any information which came to their attention whilst undertaking the review or preparing the report under section 156 or section 157.
473. Subsection (5) requires the Welsh Ministers to send a copy of any order they make to the LDBCW and publish that order on a website.
474. The Welsh Ministers may, by subsequent order, vary or revoke any order made under this section.

Section 160 – Implementation of Welsh Ministers if county council does not implement

475. If a county council has not made an order under section 159(1) within 6 months of the date on which the LDBCW submitted its final report, the Welsh Ministers may make an order implementing the LDBCW's recommendations. The order may either implement the changes as recommended by the LDBCW or modified by the Welsh Ministers as agreed with the LDBCW.
476. The LDBCW must provide any information in support of their recommendations as requested by the Welsh Ministers.
477. The Welsh Ministers must, on the day they make an order, send a copy to the LDBCW, the county council for the county affected by the order and each community council affected by the order. The order must also be published on a website.

Section 161 – Implementation orders: transitional, consequential etc. provision

478. This section provides that an order made under this Chapter by a county council or the Welsh Ministers may contain consequential provision.

Section 162 – Variation and revocation of implementation orders

479. Section 162 provides a procedure for the Welsh Ministers or a county council to vary or revoke an implementation order they had previously made, or to correct mistakes.

Section 163 – General consequential, transitional etc. provision

480. The Welsh Ministers may, under this section, make regulations (of general application) providing for incidental, consequential etc. matters so as to give full effect to implementation orders: for example, transfer of staff, property and liabilities.

Section 164 – Transfer of staff

481. The Transfer of Undertakings (Protection of Employment) Regulations 2006 apply to any transfer of staff resulting from any implementation order or regulations made under this Chapter, other than in respect of the matters listed in subsection (3), namely criminal liability (regulation 4(6)) and pensions (regulation 10).

Section 165 – Directions and guidance

482. This section enables the Welsh Ministers to give directions to the LDBCW in relation to the conduct of community council reviews. Before issuing any directions that Welsh Ministers must consult with the bodies listed in sub-section (2).

483. The LDBCW and every county council (and, prior to 1 April 2020, every county borough council) must have regard to any guidance issued by the Welsh Ministers

Section 166 – Modification and amendment of section 30 of the 1972 Act

484. Part 2 of the Local Government Act 1972 makes provision about communities, including community applications (for example to establish, dissolve, group, etc. community councils) and section 30 of the Local Government Act 1972 Act makes provision for restriction on community applications during and after reviews. Subsections (1) and (2) of this section modify section 30 in order to prevent a community application being made during a two year period following the coming into force of an implementation order under this Chapter, and to enable the Welsh Ministers to direct that no community application may be made until they issue further directions.

485. Subsection (4) amends section 30(3) of the Local Government Act 1972 in order to correct a minor error.

Section 167 – County councils to consider the training needs of community councillors and to provide training

486. Under this section County councils are required to:

- consider whether it should be compulsory for members of the community councils in their county to complete any training courses and,
- where they consider a training course should be compulsory, ensure that training is provided.

487. County councils must have regard to any guidance issued by the Welsh Ministers in relation to the councils' obligations to consider what training courses should be compulsory for members of community councils in their areas and to secure the provision of those training courses.

Section 168 – Members of community councils to complete training

488. Section 168 places a duty on all members of community councils to complete all training courses which the county council for the area in which their community lies has decided are compulsory. However, under subsection (2) a member of a community council who has a good reason for not completing a compulsory training course is not in breach of the duty placed upon him or her in subsection (1).

489. In order for a training course to be compulsory for a member of a community council:
- the county council must have written to the community council informing it that the training course is compulsory for the member; and
 - the community council must have notified the member in writing that he or she must complete the training course.
490. Under these provisions, it would be possible for a county council to make it compulsory for particular members of community councils or members of particular community councils to complete particular training courses.

Section 169 - Complaints about a member's failure to complete training

491. Under this section any person may make a complaint to the clerk of a community council, if they believe any member of that council has failed to complete compulsory training. Any complaint must be made in writing. The clerk of a community council is an officer appointed by the Community Council under section 112(1) of the Local Government Act 1972. The clerk is employed by the Council to provide administrative support for the Council's activities. They advise the Council on the law and implement the decisions that the Council takes. However, unlike county councils, a community council may appoint one or more of their elected members as officers but if an officer of a community council is also an elected member, they are not entitled to remuneration.

Section 170 - Notifying the community council that a member has failed to complete training

492. This section sets out the process to be followed by the clerk of a community council if they receive a complaint, or have reason to believe, that a member of the community council has failed to complete a compulsory training course.
493. Under subsection (1), the clerk is required to give written notice to the member of the community council that the member may make representations to the clerk about the alleged failure to complete compulsory training, either orally or in writing.
494. The clerk must determine the period within which the member may make representations under this section, but that period must not be less than 28 days from the date on which the member was given notice by the clerk that the member could make representations in respect of the alleged failure to complete compulsory training.
495. Subsection (3) provides that, after the period for making representations has passed, the clerk must determine whether the duty has been breached but before doing so must:
- consider the representations made by the member of the community council; and
 - consult the chair of the community council (unless the member who is alleged to have breached the duty is the chair).
496. If the clerk determines that the member has breached the duty to complete compulsory training, the clerk must notify the community council of the determination at a meeting of the council.

Section 171 - Change to date of community council elections and extensions of term of office

497. This section amends section 35 of the Local Government Act 1972 regarding the election of community councillors.

498. Section 35(2) is amended so that the next ordinary elections (that is, the elections which take place as part of the normal election cycle, as opposed to a by-election), after the elections scheduled for 2017, will take place in 2023. To reflect that elections will take place in 2017, subsection (1) provides that the section cannot be commenced until after the ordinary elections of community councillors in 2017.
499. Subsection (4) ensures that the term of office of community councillors elected in 2017 reflects the timing of elections.
500. The cycle of ordinary elections of community councils is also amended so that they occur every five years following the 2017 elections, rather than every four years. This is to reflect the cycle of elections of county councils (see section 10 of the Draft Bill).

Part 7 – Workforce Matters

Section 172 – Ministerial guidance to public bodies on workforce matters

501. This section concerns the power of the Welsh Ministers to issue guidance to public bodies (defined in section 174) about workforce matters (defined in section 173). Public bodies are required under this section to have regard to any such guidance. Guidance may be issued to a particular public body, public bodies of a particular description or to public bodies generally.
502. If the Welsh Ministers wish to issue, revise or withdraw guidance under this section, they are required to consult:
- each public body to whom the guidance relates;
 - any trade union which is recognised by a public body to whom the guidance relates;
 - and any other persons they consider appropriate.
503. Subsection (5) provides that any guidance issued or revised by the Welsh Ministers must be published electronically, and in any other form they think fit.

Section 173 – Meaning of ‘workforce matters’

504. Section 173 defines the term ‘workforce matters’ for the purposes of this Part.

Section 174 – Meaning of ‘public body’

505. This section defines ‘public body’ for the purposes of this Part. The effect of subsection (2) is that a ‘shadow authority’ is a public body for the purposes of this Part (see section 15 for provision for shadow authorities).

Section 175 – Power to amend definition of ‘public body’

506. Under this section, the Welsh Ministers may amend, by regulations, the definition of ‘public body’ in section 174 by adding or removing a person from the list. Before making such regulations, the Welsh Ministers must consult the persons listed under subsection (2).
507. Only persons, who exercise functions of a public nature which are conferred by or under an Act or Measure of the National Assembly for Wales, or could be conferred by an Act of the National Assembly for Wales, may be added to the list of ‘public bodies’.

Section 176 – Public services staff commission

508. This section establishes a public services staff commission ('the Commission'). This statutory Public Services Staff Commission will replace the non-Staff Commission established in September 2015.
509. The Staff Commission will work with public service employers and trade unions in Wales to develop advice and guidance on workforce issues arising from:
- Public service reforms including Local Government mergers;
 - Cross public sector service issues – such as workforce planning, workforce mobility between sectors and issues arising from alternative service delivery models.
510. The Commission will consist of no more than 7 members, who will be appointed by the Welsh Ministers. The Welsh Ministers will also appoint one of the members to chair the Commission.
511. The Commission members will be subject to terms of appointment which, among other things, will specify when their appointment may come to an end. The Welsh Ministers may pay them expenses, remuneration and allowances for their work on the Commission. The Welsh Ministers must provide the Commission with staff, accommodation and other resources as deemed necessary by the Welsh Ministers in order for the Commission to perform its functions, which are set out in section 177.

Section 177 – Commission's functions etc.

512. The Commission is required, when requested by the Welsh Ministers, to provide advice on workforce matters (which is defined in section 173). In order to do this, the Commission may request information about workforce matters from any public body listed at section 174(1). A public body must comply with such a request unless it considers that doing so would be incompatible with its own duties or have an adverse effect on the exercise of its functions. If the public body decides not to share information requested by the Commission, it give the Commission the reasons for that decision, in writing.
513. The Commission must provide the Welsh Ministers with an annual report about the exercise of its functions in respect of each financial year; this report must be submitted to the Welsh Ministers no later than 30 September in the following financial year. The Welsh Ministers are required to publish a copy of the annual report on a website and in any other format they deem appropriate.

Section 178 – Repeal of this Chapter

514. This section will repeal this Chapter after a certain period of time, as it is intended that the Commission is likely to have completed its main work one year after the setting up of the new county councils under this Draft Bill (1 April 2020).
515. Sections 177 (1) to (4), which give the Commission its main advisory function, are repealed on 1 April 2021. Sections 176 and 177(5) and (6) are not repealed until 1 October 2021, so the Commission will be required to produce an annual report in respect of the financial year 1 April 2020 to 31 March 2021, and will continue to exist until the deadline for doing so.
516. The Welsh Ministers, in regulations, may specify a new date on which the provisions of sections 176 and 177 will be repealed. However, the new date cannot be any later than 1 April 2023.

517. The effect of subsection (3) is that section 178 will itself be repealed one year after sections 177(1) to (4) are repealed (whether that is on 1 April 2021, or on a later date which the Welsh Ministers have specified).

Part 8 - General

Section 180 - Application of Bill in relation to counties and county boroughs until 1 April 2020

518. Section 180 sets out how the Draft Bill is to apply in relation to counties and county boroughs, and their councils, until 1 April 2020.
519. Until that date, any reference in the Draft Bill to a county, other than in Part 1 (Local Government Areas and County Councils) or Chapter 1 of Part 6 (Review of community council arrangements), is to be read as if it means the counties and county boroughs established on 1 April 1996 (see section 20 of the Local Government Act 1972, as amended by the Local Government (Wales) Act 1994). Similarly, any reference in the Draft Bill to a county council is to be read as if it means the county councils and county borough councils established on 1 April 1996.
520. The effect of section 180 is that where the Draft Bill (other than in Part 1 or Chapter 1 of Part 6) makes provision in relation to a county council (for example, by giving a county council a power or imposing a duty on its members), then if that provision comes into force before 1 April 2020 it will apply in relation to the county and county borough councils established on 1 April 1996.
521. From 1 April 2020 'county' will mean the counties set out in Schedule 1 to the Draft Bill, and 'county council' will mean the councils for those counties.
522. Section 183 deals with when provisions in the Draft Bill come into force.

Section 181 - Power to make consequential and transitional provision etc.

523. This section gives the Welsh Ministers a power to make regulations containing supplemental, incidental, consequential, transitory, transitional or saving provision.
524. The Welsh Ministers can use this power if they consider it necessary or expedient to make such provision so as to give full effect to, or in consequence of, any provision of Parts 2 to 7 of the Draft Bill (except Part 1 and Chapter 1 of Part 6, which contain provision giving the Welsh Ministers similar powers in relation to the matters dealt with that Part and Chapter). Regulations under this section may amend, modify, repeal or revoke legislation.

Section 182 - Regulations and orders under this Bill

525. This section provides that all powers of the Welsh Ministers to make regulations and orders under this Draft Bill must be exercised by statutory instrument, and that orders and regulations may make different provisions for different purposes and areas.

526. Subsection (3) sets out regulations which are to be subject to the affirmative resolution procedure in the National Assembly of Wales, and as such cannot be made unless a draft is laid before, and approved by, the National Assembly. The relevant regulations are those which:
- amend dates specified in Part 1 (local government areas and county councils) or Chapter 1 of Part 6 of the Bill (community council reviews) (section 20(1));
 - amend the 'transfer date', specified in section 2(8) the Local Government (Wales) Bill 2015, which is the date on which the areas of principal local authorities will merge into a new principal area (section 20(1));
 - amend the end date in respect of the 'relevant period' specified in section 39(2) the Local Government (Wales) Bill 2015. This is the date until which section 143A of the 2011 Measure, which applies to heads of paid service, will also cover all chief officers of county councils (section 20(1));
 - amend, repeal or disapply a provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales which prevents or restricts the ability of qualifying local authorities to use the general power of competence, unless the regulations change existing regulations so as to extend their application to other qualifying local authorities, or remove their application from qualifying authorities (section 27(1));
 - amend, repeal or disapply a provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales to remove overlaps between the general power of competence and that provision, unless the regulations change existing regulations so as to extend their application to other qualifying local authorities or remove their application from qualifying authorities (section 27(2));
 - restrict what a qualifying local authority may do under the general power of competence or make its use subject to conditions, unless the regulations change existing regulations so as to extend their application to other qualifying local authorities or remove their application from qualifying authorities (section 27(3) or (4));
 - add, amend or remove a requirement which must be met by community councils in relation to competence (section 34(1));
 - alter the list of authorities defined as 'authorities connected with a county council' in connection with the council's duty to encourage local people to participate in decision making (section 37(4));
 - specify a 'relevant authority' to whom improvement requests may be made in certain circumstances (section 64(6)(b));
 - amend the definitions of 'interested body' or 'voluntary body' in relation to improvement requests, or make related consequential amendments (section 74(3));
 - make provision about principles, processes and practices relating to good governance (section 111(3));
 - change the date on which subsections (1) to (4) of section 177 of the Draft Bill (which give the public services staff commission its main functions) are repealed (section 178(4)).
527. Subsection (4) provides that any other regulations which amend, modify, disapply or repeal a provision of an Act or Measure of the National Assembly for Wales, or an Act of Parliament, are also subject to the affirmative resolution procedure, unless they:
- amend the list of 'public bodies', provided for in section 174, who must have regard to guidance issued by the Welsh Ministers regarding workforce matters (section 175); or

These notes refer to the Draft Local Government (Wales) Bill which was published for consultation on 24 November 2015

- amend the name of the counties (the name of Powys cannot be amended), which will exist from 1 April 2020, as set out in the Tables in Paragraph 1 of Schedule 1 of the Draft Bill (paragraph 2 of Schedule 1)

528. The effect of subsection (5) is that regulations made under this Draft Bill which are not made subject to affirmative resolution procedure as a result of subsections (3) or (4) will be subject to the negative resolution procedure of the National Assembly for Wales. However, regulations made under paragraph 2 of Schedule 1 (amending the names of counties) will not be subject to any procedure in the National Assembly for Wales.

Section 183 - Coming into force

529. This section sets out the provisions which come into force on the day of Royal Assent and those which come into force 2 months after Royal Assent. The rest of the provisions will be brought into force by commencement order made under subsection (3) by the Welsh Ministers. Any commencement order made by the Welsh Ministers may make transitional, transitory or saving provisions or specify different days for different purposes or areas.