



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 5

### OTHER CHANGES TO LOCAL GOVERNMENT

#### *Presiding members*

#### **51 Presiding member of principal council**

- (1) The 1972 Act is amended as follows.
- (2) After section 24 (vice-chairman) insert—

##### **“24A Presiding member**

- (1) A principal council may determine to have a presiding member.
- (2) A presiding member is elected by the principal council from among the councillors.
- (3) The principal council may determine—
  - (a) the functions of the presiding member, and
  - (b) the term of office of the member (subject to the limits in subsection (6)).
- (4) The functions of the presiding member may, in particular, include any function of the chairman of the principal council in relation to its meetings and proceedings.
- (5) A member of the executive of a principal council may not be elected as its presiding member.
- (6) A presiding member is to continue in office until the occurrence of—

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- (a) the presiding member’s resignation or disqualification,
- (b) a successor becoming entitled to act as presiding member,
- (c) the principal council determining not to have an office of presiding member, or
- (d) an ordinary council election under section 26.

#### **24B Deputy presiding member**

- (1) The section applies where a principal council have determined to have a presiding member.
  - (2) The principal council must appoint a member of the council to act as deputy to the presiding member (“the deputy presiding member”).
  - (3) A member of the executive of a principal council may not be appointed as the deputy presiding member.
  - (4) A deputy presiding member is to continue in office until the occurrence of—
    - (a) the deputy presiding member’s resignation or disqualification,
    - (b) a successor becoming entitled to act as deputy presiding member,
    - (c) the council determining not to have an office of presiding member, or
    - (d) an ordinary council election under section 26.
  - (5) A deputy presiding member may do anything authorised or required to be done by the presiding member.”.
- (3) After section 25A insert—

#### **“25B Title of civic chair**

- (1) This section applies where—
    - (a) a principal council have determined to have a presiding member under section 24A, and
    - (b) the chairman of the council is not entitled to the style of “mayor” or “maer”.
  - (2) The chairman of the council is entitled to the style of “civic chair” or “cadeirydd dinesig”.
  - (3) The vice-chairman of the council is entitled to the style of “civic vice-chair” or “dirprwy gadeirydd dinesig”.”.
- (4) In section 80(1) (disqualification for election and holding office as member of local authority), in paragraph (a), for “or deputy chairman” substitute “, deputy chairman, presiding member or deputy presiding member”.
- (5) In section 83(1) (declaration of acceptance of office) after “vice-chairman,” insert “presiding member, deputy presiding member,”.

### *Private Bills*

#### **52 Promoting private Bills**

- (1) A principal council may, in accordance with this section, promote a private Bill—
  - (a) in Parliament;
  - (b) in the National Assembly for Wales.
- (2) A principal council may promote a Bill only if satisfied that it is expedient to do so.
- (3) But a principal council may not promote a Bill (whether under this section or otherwise) for—
  - (a) the formation, alteration or abolition of any local government area,
  - (b) the alteration of the status of any local government area,
  - (c) the alteration of the electoral arrangements for any local government area,
  - (d) the formation, alteration or abolition of executive arrangements, or
  - (e) the alteration of arrangements for electing an elected mayor.
- (4) A resolution of a principal council to promote a Bill under this section must—
  - (a) be passed at a meeting of the principal council by a majority of the total number of its members, and
  - (b) be confirmed by a like majority at a further such meeting held as soon as may be after the expiration of 14 days after the Bill has been deposited in Parliament or, as the case may be, introduced in the National Assembly for Wales.
- (5) A principal council must not hold a meeting under subsection (4) unless the conditions in subsection (6) have been met in relation to that meeting.
- (6) The conditions are—
  - (a) that the principal council has given notice of the meeting and its purpose in at least one newspaper circulating in its area, and
  - (b) that a period of 30 days, beginning with the day after notice was given, has expired.
- (7) The condition mentioned in subsection (6)(a) is in addition to the notice requirements which ordinarily apply to meetings of a principal council.
- (8) Where a resolution is not confirmed under subsection (4)(b), the principal council must take all necessary steps to withdraw the Bill.
- (9) In this section, “executive arrangements” has the same meaning as in Part 2 of the [Local Government Act 2000 \(c. 22\)](#).

#### **53 Opposing private Bills**

- (1) A local authority may, in accordance with this section, oppose a private Bill—
  - (a) in Parliament;
  - (b) in the National Assembly for Wales.
- (2) A local authority may oppose a Bill only if satisfied that it is expedient to do so.

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- (3) A resolution of a local authority to oppose a Bill under this section must be passed at a meeting of the authority by a majority of the total number of the members of the authority.
- (4) A local authority must not hold a meeting under subsection (3) unless the conditions in subsection (5) have been met in relation to that meeting.
- (5) The conditions are—
  - (a) that the local authority has given notice of the meeting and its purpose in at least one newspaper circulating in its area, and
  - (b) that a period of 10 days, beginning with the day after notice was given, has expired.
- (6) The condition mentioned in subsection (5)(a) is in addition to the notice requirements which ordinarily apply to meetings of a local authority.

#### **54 Restriction on payments in relation to promoting or opposing Bills**

A local authority may not make a payment to any of its members for acting as counsel or agent in promoting or opposing a Bill under section 52 or 53.

#### *Access to information*

#### **55 Community council websites**

- (1) A community council must make available electronically—
  - (a) information on how to contact it and, if different, its clerk including—
    - (i) a telephone number;
    - (ii) a postal address;
    - (iii) an email address;
  - (b) information about each of its members, including—
    - (i) the member's name;
    - (ii) how the member may be contacted;
    - (iii) the member's party affiliation (if any);
    - (iv) the ward which the member represents (where relevant);
    - (v) any office of the council held by the member;
    - (vi) any committee of the council to which the member belongs;
  - (c) the minutes of the proceedings of the council's meetings and (in so far as is reasonably practicable) any documents which are referred to in the minutes;
  - (d) any audited statement of the council's accounts.
- (2) Nothing in this section authorises or requires a community council to make available any information that it is prevented from disclosing under any enactment.
- (3) In carrying out its duties under subsection (1), a community council must have regard to any guidance issued by the Welsh Ministers.
- (4) The requirement to make available the information listed in subsection (1)(c) and (d) relates only to information produced on or after the coming into force of this section.

## **56 Requirement to give public notices electronically**

In section 232 of the 1972 Act (public notices), after subsection (1) insert—

“(1ZA) A public notice given by a community council must, in addition to the requirements imposed by subsection (1), be published electronically.”.

## **57 Meetings and proceedings of communities**

In Schedule 12 to the 1972 Act (meetings and proceedings of local authorities)—

(a) in paragraph 26(2)—

(i) in paragraph (a), after “be” where it first occurs insert “published electronically and”,

(ii) after paragraph (a) insert—

“(aa) any documents relating to the business to be transacted at the meeting must be published electronically (in so far as reasonably practicable),”.

(b) after paragraph 26(2) insert—

“(2A) The duty of a community council under sub-paragraph (2)(aa) to publish documents relating to the meeting does not apply where—

(a) the documents relate to business which in the opinion of the council is likely to be transacted in private, or

(b) the disclosure of such documents would be contrary to any enactment.”.

(c) in paragraph 30B—

(i) for sub-paragraph (3) substitute—

“(3) The notice must be given—

(a) in writing (but not in an electronic form), or

(b) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C.”.

(ii) in sub-paragraph (7), after “principal council” insert “or community council”.

(iii) also in sub-paragraph (7), for “council” where it second occurs substitute “principal council”.

(d) in paragraph 30C—

(i) for sub-paragraph (1) substitute—

“(1) For the purposes of paragraph 30B(1), each community council and principal council must provide a facility for notices to be given in electronic form (“electronic notices”).”.

(ii) in sub-paragraph (2), for “The council must set” insert “A principal council must set for its area”.

(e) in paragraph 30E(7), after paragraph (a) insert—

“(aa) by publishing the notice electronically, and”.

## **58 Registers of members' interests**

- (1) Section 81 of the [Local Government Act 2000 \(c.22\)](#) (disclosure and registration of members' interests) is amended as follows.
- (2) In subsection (6)—
  - (a) the words from “copies” to the end become paragraph (a), and
  - (b) after that paragraph, insert—
    - “(b) the register mentioned in paragraph (a) is published electronically.”.
- (3) In subsection (7), after paragraph (a)(ii), insert—
  - “(iii) states that the register is available to be viewed electronically, and
  - (iv) specifies how to access the electronic version.”.
- (4) After subsection (7), insert—
  - “(7A) For the purposes of this section—
    - (a) section 83(13) does not apply, and
    - (b) in relation to a relevant authority which is a community council, the references in this section to a monitoring officer are to be read as references to the proper officer of that council (within the meaning of section 270(3) of the Local Government Act 1972).”.

### *Remote attendance at meetings*

## **59 Remote attendance at meetings of principal councils**

- (1) Section 4 of the 2011 Measure (remote attendance at meetings) is amended as follows.
- (2) In subsection (4), for the words from “remote” to the end substitute “actual attendance constitutes less than 30% of the total number of members in attendance at the meeting.”.
- (3) After subsection (4), insert—
  - “(4A) Subsection (4) does not prevent a local authority from making standing orders which require more than 30% of the total number of members in attendance at a meeting to be in actual attendance for the meeting to be quorate.”.

### *Democratic services committees*

## **60 Democratic services committees**

- (1) After section 11 of the 2011 Measure (local authorities to appoint democratic services committees) insert—

### **“11A Reviews at request of a local authority**

- (1) The democratic services committee of a local authority may, at the request of the authority, review any matter relevant to—
  - (a) the support and advice available to members of that authority, and

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- (b) the terms and conditions of office of those members.
  - (2) A democratic services committee must make reports and recommendations to the authority following a review.
  - (3) It is for a democratic services committee to determine how to exercise its functions under this section.”
- (2) In section 19 (reports and recommendations by democratic services committees), after “11(1)(c)” insert “or 11A(2).”.

#### *Audit committees*

### **61 Audit committees**

In section 82 of the 2011 Measure (membership), after subsection (6) insert—

- “(7) An audit committee is to be treated as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.”.

#### *Independent Remuneration Panel for Wales*

### **62 Functions relating to payments to members**

In section 142 of the 2011 Measure (functions relating to payments to members)—

- (a) in subsection (4), after “proportion” insert “or specified number”,
- (b) after subsection (5) insert—

“(5A) The number specified by the Panel in accordance with subsection (4), expressed as a proportion of the total number of members of an authority, may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.”.

### **63 Functions relating to salaries of heads of paid service**

(1) After section 143 of the 2011 Measure insert—

#### **“143A Functions relating to salaries of heads of paid service**

- (1) The Panel may make recommendations to a qualifying relevant authority about—
  - (a) any policy in the authority’s pay policy statement which relates to the salary of the authority’s head of paid service;
  - (b) any proposed change to the salary of the authority’s head of paid service.
- (2) A qualifying relevant authority must have regard to any recommendation received from the Panel when performing its functions under section 38 or 39 of the [Localism Act 2011 \(c. 20\)](#).

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- (3) A qualifying relevant authority must, before making a change to the salary of its head of paid service which is not commensurate with a change to the salaries of the authority’s other staff—
  - (a) consult the Panel about the proposed change, and
  - (b) have regard to any recommendation received from the Panel when deciding whether or not to proceed with making the change.
- (4) A qualifying relevant authority must provide the Panel with such information as the Panel may reasonably require in connection with the exercise of its functions under this section.
- (5) The Panel may publish any recommendations it makes under this section.
- (6) The Panel must have regard to any guidance issued by the Welsh Ministers when exercising its functions under this section.
- (7) In this section—

“head of paid service” (*“pennaeth gwasanaeth cyflogedig”*) means a head of paid service designated under section 4(1) of the Local Government and Housing Act 1989;

“pay policy statement” (*“datganiad ar bolisiâu tâl”*) means a pay policy statement produced by a relevant authority (within the meaning of section 43(1) of the Localism Act 2011) under section 38 of that Act;

“qualifying relevant authority” (*“awdurdod perthnasol cymwys”*) means a relevant authority (within the meaning of this Part) which is required to produce a pay policy statement;

“salary” (*“cyflog”*) includes, in the case of a head of paid service engaged by a qualifying relevant authority under a contract for services, payments by the authority to the head of paid service for those services.”.

- (2) In the Part heading of Part 8 of the 2011 Measure, omit “MEMBERS:”.
- (3) In section 112 of the 1972 Act (appointment of staff), in subsection (2A), after “statement)” insert “and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to salaries of heads of paid service).”.

## 64 Relevant authorities

In section 144 of the 2011 Measure (relevant authorities, members etc.)—

- (a) in subsection (2), after paragraph (d) insert—
  - “(e) a body specified as a relevant authority in an order made by the Welsh Ministers.”,
- (b) after subsection (5) insert—
  - “(6) A body may only be specified as a relevant authority if—
    - (a) the Welsh Ministers exercise functions in respect of it,
    - (b) it exercises relevant functions, and
    - (c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).

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- (7) A “relevant function” is—
- (a) a function conferred by an Act or Measure of the National Assembly for Wales, or
  - (b) a function that could be conferred by an Act of the National Assembly for Wales.
- (8) Sections 142(4), 143, 147(3)(b) and 155 do not apply in relation to a relevant authority described in subsection (2)(e).”.

## **65 Subsequent annual reports**

In section 147 of the 2011 Measure (subsequent annual reports)—

- (a) in subsection (2)(a), for “31 December” substitute “28 February”,
- (b) in subsection (4), after “(e)” insert “(including by specifying a number under section 142(4))”,
- (c) for subsection (9) substitute—

“(9) The provisions of an annual or supplementary report under this section come into force on the date specified for that purpose in the report.

(10) Where subsection (11) applies, the report may specify that a qualifying provision is to be treated as having been brought into force up to 3 months earlier than the date of publication of the report.

(11) This subsection applies where a supplementary report contains a qualifying provision.

(12) A “qualifying provision” is a provision making a variation for the purposes of subsection (3)(a), (b) or (c) of section 146.”.

## **66 Consultation on draft reports**

In section 148 of the 2011 Measure (consultation on draft reports)—

- (a) in subsection (1), “or a supplementary report” is repealed, and
- (b) after that subsection insert—

“(1A) The Panel must not publish a supplementary report—

- (a) before the end of the period of four weeks beginning with the day on which it sends a draft of the report in accordance with section 147, or
- (b) later than the end of the period of eight weeks beginning with the day on which it sends a draft of the report in accordance with section 147.”.

## **67 Publicity requirements in reports**

In section 151 of the 2011 Measure (publicity requirements in reports)—

- (a) in subsection (1), after paragraph (b) insert—
  - “(c) about other payments made to members of relevant authorities from other public bodies.”.
- (b) after subsection (2) insert—

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- “(3) For the purposes of subsection (1)(c), a “public body” is—
- (a) a local health board,
  - (b) a police and crime panel,
  - (c) a relevant authority,
  - (d) a body designated as a public body in an order made by the Welsh Ministers.”.

*Joint standards committees*

**68 Joint standards committees**

- (1) The [Local Government Act 2000 \(c.22\)](#) is amended as follows.
- (2) In section 53 (standards committees)—
- (a) in subsection (1), for “(referred to in this Part as a standards committee)” substitute “or, with one or more other relevant authorities, a joint committee”,
  - (b) after subsection (1) insert—
 

“(1A) In this Part, a reference to a “standards committee” is a reference to a committee or a joint committee established under subsection (1).”.
  - (c) in subsection (11)—
    - (i) in the opening words, for “National Assembly for Wales” substitute “Welsh Ministers”,
    - (ii) in paragraph (a), after “authority” insert “or authorities”,
    - (iii) after paragraph (d) insert—
 

“(da) about establishing a standards committee which is a joint committee (including, in particular, provision about any restrictions on the number or types of relevant authority that may establish a joint committee).”.
    - (iv) in paragraph (e), for “such” substitute “standards”,
  - (d) after subsection (12) insert—
 

“(13) A relevant authority which is considering establishing a joint committee must have regard to any guidance issued by the Welsh Ministers about establishing joint committees and the circumstances in which it is appropriate to do so.”.
- (3) In section 54 (functions of standards committees)—
- (a) in subsection (5), for “National Assembly for Wales” substitute “Welsh Ministers”,
  - (b) after subsection (5) insert—
 

“(5A) Regulations made under subsection (5) may modify any provision of this Part, or any other enactment relating to a standards committee or to any functions of a standards committee, in relation to cases where a function of a standards committee is exercisable by a joint committee.

(5B) In subsection (5A) “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the [Interpretation Act 1978 \(c. 30\)](#)), whenever passed or made.”.

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(c) for subsection (7) substitute—

“(7) A standards committee must, in exercising any of its functions, have regard to any relevant guidance issued by the Welsh Ministers.”.

(4) In section 106 (Wales)—

- (a) in subsection (5), after “section 21G” add “or regulations under section 53(11) or 54(5)”,
- (b) in subsection (6), after “section 21A(13)(b)” insert “or regulations made under section 53(11) or (subject to subsection (6A)) section 54(5)”,
- (c) after subsection (6) insert—

“(6A) Where a statutory instrument contains regulations made under section 54(5) which include provision adding to, replacing or omitting any part of the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales, the instrument may not be made unless a draft of it has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

## **69 Referral of cases relating to conduct**

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

(2) In section 73 (matters referred to monitoring officers)—

(a) in subsection (2)—

(i) in paragraph (b), after “authority” where it second occurs insert “, or to the standards committee of another relevant authority”,

(ii) after paragraph (b), insert—

“(ba) enabling a standards committee of a relevant authority to refer a report or recommendations made by its monitoring officer to the standards committee of another relevant authority”,

(b) for paragraph (c) substitute—

“(c) enabling a standards committee of a relevant authority to consider any report or recommendations made or, as the case may be, referred to it by—

(i) a monitoring officer of a relevant authority, or

(ii) the standards committee of another relevant authority.

(ca) the procedure to be followed by a standards committee as respects a report or recommendation made or referred to it”,

(c) in paragraph (d), for “the authority” substitute “a relevant authority”,

(d) in subsection (4)—

(i) in paragraph (a), omit “of the authority”, and

(ii) in paragraph (b), after “the authority” insert “of which they are a member”.

(3) In section 81 (disclosure and registration of members’ interests)—

(a) in subsection (4), after “standards committee” insert “, or by the standards committee of another relevant authority”,

(b) in subsection (5)—

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- (i) the words from “circumstances” to the end become paragraph (a), and
- (ii) after that paragraph, insert—
  - “(b) procedure to be followed for the granting of dispensations.”.