



Local Government (Wales) Act 2015

2015 anaw 6

Restraints on transactions and recruitment etc. by merging authorities

29 Restraining transactions and recruitment etc. by direction

- (1) The Welsh Ministers may direct that—
- (a) a merging authority must not carry out a restricted activity unless it has considered the opinion of a specified person or persons on the appropriateness of carrying out the activity;
 - (b) a merging authority must not carry out a restricted activity unless the written consent of a specified person or persons has been given for the activity to be carried out.
- (2) The restricted activities are—
- (a) making a relevant land acquisition or disposal;
 - (b) entering into a relevant contract or agreement;
 - (c) making a relevant capital acquisition;
 - (d) giving a relevant grant or other financial assistance;
 - (e) making a relevant loan;
 - (f) including an amount of financial reserves in a calculation under section 32 of the Local Government Finance Act 1992;
 - (g) starting the process of recruiting (including by way of internal recruitment)—
 - (i) a non-statutory chief officer mentioned in section 2(7) of the Local Government and Housing Act 1989;
 - (ii) a deputy chief officer mentioned in section 2(8) of that Act.
- (3) The Welsh Ministers may direct that a merging authority seeking to appoint or designate a person to a restricted post (including from among its existing officers) must comply with specified requirements about the appointment or designation.
- (4) “Restricted post”, in relation to a merging authority, means—
- (a) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
 - (b) its monitoring officer designated under section 5(1) of that Act;

- (c) a statutory chief officer mentioned in section 2(6) of that Act.
- (5) A merging authority must—
- (a) provide details of a proposal to carry out a restricted activity to any person specified for the purpose of subsection (1)(a) or (b) in respect of that activity;
 - (b) provide the Welsh Ministers with details of a proposal to appoint or designate a person to a restricted post where any requirements apply in relation to the appointment or designation by virtue of a direction under subsection (3).
- (6) If an opinion given for the purposes of subsection (1)(a) is that it would not be appropriate for a merging authority to carry out a restricted activity but the authority decides to carry it out, the authority must publish its reasons for making that decision.
- (7) Section 143A(1)(b) and (3) of the Local Government (Wales) Measure 2011 (recommendations of Independent Remuneration Panel for Wales on salary) does not apply—
- (a) where a direction has been given under subsection (1)(b) in relation to the recruitment of a non-statutory chief officer or deputy chief officer, to a proposal to pay the recruited person a salary which is different to that paid to that person's predecessor;
 - (b) where a direction has been given under subsection (3), to a proposal to pay the appointed or designated person a salary which is different to that paid to that person's predecessor.
- (8) The reference in subsection (7) to section 143A of the Local Government (Wales) Measure 2011 includes a reference to that section as it has effect under section 39 of this Act.
- (9) A direction given under this section takes effect from the date specified in the direction.