



Local Government (Wales) Measure 2011

2011 nawm 4

PART 1

STRENGTHENING LOCAL DEMOCRACY

CHAPTER 1

PROMOTING AND SUPPORTING MEMBERSHIP OF LOCAL AUTHORITIES

Survey of councillors and unsuccessful candidates for election as councillors

1 Duty to conduct a survey

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

Status: This is the original version (as it was originally enacted).

- (e) age;
 - (f) disability;
 - (g) religion or belief;
 - (h) health;
 - (i) education and qualifications;
 - (j) employment;
 - (k) work as a councillor.
- (5) Nothing in this section places a duty on a councillor or an unsuccessful candidate for election to the office of councillor to provide any information.
- (6) A local authority must make arrangements for councillors and unsuccessful candidates for election to the office of councillor to provide information under this section anonymously.
- (7) section—
- “belief” (“*cred*”) means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief;
 - “councillor” (“*cyngorydd*”) includes community councillor;
 - “disability” (“*anabled*”) means a physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities;
 - “race” (“*hi*”) means colour, nationality or ethnic or national origins;
 - “religion” (“*crefydd*”) means any religion and a reference to religion includes a reference to a lack of religion;
 - “sexual orientation” (“*cyfeiriadedd rhywiol*”) means a person’s sexual orientation towards—
 - (a) persons of the same sex,
 - (b) persons of the opposite sex, or
 - (c) persons of either sex.

2 Completion of a survey and publication of information

- (1) A local authority must complete its survey and provide the information collated in it to the Welsh Ministers within six months of the date of the ordinary election to which it relates.
- (2) A local authority must provide the information in any prescribed form or manner.
- (3) A local authority may publish the information collated in a survey in such manner as it considers appropriate, subject to subsection (6).
- (4) The Welsh Ministers must—
- (a) collate the information they receive from local authorities under this section, and
 - (b) publish it within twelve months of the date of the ordinary election to which it relates.
- (5) The Welsh Ministers may—
- (a) publish information under subsection (4)(b) in such manner as they consider appropriate, subject to subsection (6);

- (b) share any information provided to them under subsection (1) with any body representing the interests of county, county borough or community councils in Wales.
- (6) No information received under section 1 or this section is to be published or shared in any form that, either by itself or in combination with any other information, identifies any individual to whom it relates or enables that individual to be identified.

3 Guidance about surveys

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

Supporting membership

4 Remote attendance at meetings

- (1) A reference in any enactment to a meeting of a local authority is not limited to a meeting of persons all of whom are present in the same place.
- (2) For the purposes of any such enactment, a member of a local authority who is not present in the place where a meeting of that authority is held (a “member in remote attendance”) attends the meeting at any time if all of the conditions in subsection (3) are satisfied.
- (3) Those conditions are that—
- (a) the member in remote attendance is able at that time—
 - (i) to see and hear, and be seen and heard by, the members in actual attendance,
 - (ii) to see and hear, and be seen and heard by, any members of the public entitled to attend the meeting who are present in that place and who exercise a right to speak at the meeting, and
 - (iii) to be seen and heard by any other members of the public so entitled who are present in that place;
 - (b) the member in remote attendance is able at that time to hear, and be heard by, any other member in remote attendance in respect of whom the condition in paragraph (a) is satisfied at that time;
 - (c) use of facilities enabling the conditions in paragraphs (a) and (b) to be satisfied in respect of the member in remote attendance is not prohibited by the standing orders or any other rules of the authority governing the meeting.
- (4) The standing orders of a local authority must secure that there is no quorum for a meeting of the local authority at any time when the number of members in remote attendance is equal to, or greater than, the number of members in actual attendance.
- (5) A local authority may make other standing orders about remote attendance at meetings of a local authority.
- (6) A local authority must have regard to guidance given by the Welsh Ministers in relation to meetings of the authority attended remotely in accordance with this section.
- (7) This section applies in relation to a meeting of a committee or sub-committee of a local authority as it applies in relation to a meeting of a local authority.

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

(9) For the purpose of this section—

- (a) a reference to a person (A) seeing another person (B) is to be interpreted as a reference to A seeing B when B is speaking at the meeting;
- (b) a reference to a person (C) being seen by another person (D) is to be interpreted as a reference to C being seen by D when C is speaking at the meeting.

(10) In this section—

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

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

5 Annual reports by members of a local authority

(1) A local authority must make arrangements for—

- (a) each person who is a member of the authority to make an annual report about the person’s activities as a member of the authority during the year to which the report relates,
- (b) each person who is a member of the authority’s executive to make an annual report about the person’s activities as a member of the executive during the year to which the report relates, and
- (c) the authority to publish all annual reports produced by its members and by the members of its executive.

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

(3) A local authority must publicise its arrangements.

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

6 Timing of council meetings

(1) The Welsh Ministers may give guidance about the times at which meetings of a local authority are held.

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

(3) In subsection (1), “meetings of a local authority” means—

- (a) meetings of the local authority;
- (b) meetings of any committee or sub-committee of the authority.

7 Training and development of members of a local authority

(1) A local authority must secure the provision of reasonable training and development opportunities for its members.

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