



# Local Government (Wales) Measure 2011

2011 nawm 4

## PART 6

### OVERVIEW AND SCRUTINY

#### CHAPTER 1

##### OVERVIEW AND SCRUTINY COMMITTEES

###### *Powers of committees*

#### **59 Scrutinising designated persons**

- (1) Section 21 of the Local Government Act 2000 (overview and scrutiny committees) is amended as follows.
- (2) In subsection (2)(e), at the end insert “(insofar as the committee is not, or committees are not, under a duty to do those things by virtue of subsection (2ZA))”.
- (3) After subsection (2) insert—

“(2ZA) Executive arrangements by a local authority in Wales must ensure that their overview and scrutiny committee is required (or their overview and scrutiny committees, and any joint overview and scrutiny committees, are required between them) to make reports or recommendations on matters which relate to designated persons and affect the authority’s area or the inhabitants of that area.”.
- (4) In subsection (2A), after “(2)” insert “or (2ZA)”.
- (5) In subsection (13)—
  - (a) in paragraph (aa), omit the final “and”;
  - (b) after paragraph (b) insert—

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*Status: This is the original version (as it was originally enacted).*

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- “(c) if it is a committee or sub-committee of a local authority in Wales may, in connection with making a report or recommendations of the kind referred to subsection (2ZA)—
- (i) require a designated person to provide the committee or sub-committee with information, except information that relates to an excluded matter, and
  - (ii) require an officer, employee or other representative of a designated person to attend meetings of the committee, except in relation to an excluded matter.”.

(6) After subsection (15) insert—

“(15A) It is the duty of a person to comply with the requirement mentioned in subsection (13)(c)(i) or (ii); but that does not require a designated person to provide information which is not reasonably required in connection with the making of the report or recommendations.”.

(7) After subsection (17) insert—

“(18) In this section—

“designated person” means a person—

- (a) who is designated by the Welsh Ministers in accordance with section 21G, or
- (b) who falls within a category of person so designated;

“excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations—

- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) by virtue of subsection (3)(a) of that section.”.

## **60 Notifying designated persons of report or recommendations**

After section 21E of the Local Government Act 2000 insert—

### **“21F Wales: notifying designated body of report or recommendations**

- (1) This section applies if an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, makes a report or recommendations under section 21(2ZA).
- (2) The committee or sub-committee may—
  - (a) send a copy of the report or recommendations to a designated person, and
  - (b) request the designated person to have regard to the report or recommendations.
- (3) In sending a copy of the report or recommendations to the designated person, the committee or sub-committee—
  - (a) must exclude any confidential information, and
  - (b) may exclude any relevant exempt information.

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

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- (4) If information is excluded under subsection (3), in producing the copy of the report or recommendations the committee or sub-committee—
- (a) may replace so much of the report or recommendations as discloses the information with a summary which does not disclose that information, and
  - (b) must do so if, in consequence of excluding the information, the report or recommendations would be misleading or not reasonably comprehensible.
- (5) In this section—
- “confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils);
- “designated person” has the same meaning as in section 21;
- “exempt information” has the meaning given by section 100I of that Act, and, in relation to any report or recommendations of a committee or joint committee which has functions under section 21(2)(f) of this Act, also includes information which is exempt information under section 186 of the National Health Service (Wales) Act 2006;
- “relevant exempt information” means exempt information of a description specified in a resolution of the committee or sub-committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the committee or sub-committee at which the report was, or recommendations were, considered.”.

## **61 Designated persons**

After section 21F of the Local Government Act 2000 insert—

### **“21G Wales: designated persons**

- (1) The Welsh Ministers may, by order, designate for the purposes of section 21—
- (a) one or more persons, and
  - (b) one or more categories of person.
- (2) But—
- (a) the designation of a person has effect only if that person meets the following conditions, and
  - (b) the designation of a category of persons has effect only if, and to the extent that, each person in that category meets the following conditions.
- (3) Condition A is that the person provides the public, or a section of the public, with services, goods or facilities of any description (whether on payment or not).
- (4) Condition B is that the person—
- (a) provides those services, goods or facilities in the exercise of functions of a public nature, or
  - (b) is wholly or partly funded by public money.

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

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(5) Condition C is that the person is not a local authority.”.