



Local Government (Wales) Measure 2009

2009 nawm 2

PART 1

LOCAL GOVERNMENT IMPROVEMENT

Improvement: supplementary

4 Aspects of improvement

- (1) This section provides for the meanings of paragraphs (a) to (g) of—
 - (a) section 2(2);
 - (b) section 3(3); and
 - (c) section 8(5).
- (2) A Welsh improvement authority improves the exercise of its functions in terms of—
 - (a) strategic effectiveness, if it exercises its functions in a way which is reasonably likely to lead to the achievement of, or assist in achieving, any of its strategic objectives;
 - (b) service quality, if there is an improvement in the quality of services;
 - (c) service availability, if there is an improvement in the availability of services;
 - (d) fairness, if—
 - (i) disadvantages faced by particular groups in accessing, or taking full advantage of, services are reduced; or
 - (ii) social well-being is improved as a result of the provision of services or the way in which functions are otherwise exercised;
 - (e) sustainability, if services are provided or functions are otherwise exercised in a way which contributes towards the achievement of sustainable development in the authority's area;
 - (f) efficiency, if there is an improvement in the efficiency with which resources are used in the provision of services or in the way in which functions are otherwise exercised; and

Status: This is the original version (as it was originally enacted).

- (g) innovation, if the way in which services are provided or functions are otherwise exercised is altered in a manner which is reasonably likely to lead to any outcome described in paragraphs (a) to (f).
- (3) For the purposes of subsection (2)(a), a Welsh improvement authority's strategic objectives are—
- (a) in the case of a county council or a county borough council, the community strategy objectives contained in the current community strategy for the authority's area;
 - (b) in the case of a National Park authority—
 - (i) any relevant community strategy objectives; and
 - (ii) where the authority's National Park Management Plan includes objectives for the authority to meet in the exercise of its functions, those objectives;
 - (c) in the case of a Welsh fire and rescue authority—
 - (i) any relevant community strategy objectives; and
 - (ii) where the authority has decided to set itself objectives in response to guidance contained in the Fire and Rescue National Framework, those objectives.
- (4) For the purposes of this section—
- (a) “current community strategy” (*“strategaeth gymunedol gyfredol”*) means the community strategy for a local authority's area published under section 39(4) or, where the strategy has been amended following a review under section 41, the strategy most recently published under section 41(6);
 - (b) “Fire and Rescue National Framework” (*“Fframwaith Cenedlaethol Tân ac Achub”*) means the Framework prepared by the Welsh Ministers and having effect under section 21 of the Fire and Rescue Services Act 2004 (including any revisions to the Framework which have effect under that section);
 - (c) “National Park Management Plan” (*“Cynllun Rheoli Parc Cenedlaethol”*) means the Plan published by a National Park authority under section 66 of the Environment Act 1995 (c. 25) (including any amendments to the Plan published under subsection (6) of that section);
 - (d) “relevant community strategy objective” (*“amcan strategaeth gymunedol perthnasol”*) means an objective that—
 - (i) is contained within a current community strategy the production of which involved the authority as a community planning partner (within the meaning of section 38); and
 - (ii) is connected with the authority's functions;
 - (e) a reference to services is to—
 - (i) services provided by the authority in the exercise of its functions;
 - (ii) services provided by any other person under arrangements made by the authority in the exercise of its functions.

5 Consultation about the general duty and improvement objectives

- (1) For the purpose of deciding how to fulfil the duties under section 2(1) and 3(1) a Welsh improvement authority must consult—
- (a) representatives of persons resident in the authority's area;

- (b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions;
 - (c) representatives of persons who use or are likely to use services provided by the authority; and
 - (d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.
- (2) For the purposes of subsection (1) “representatives” in relation to a group of persons means persons who appear to the authority to be representative of that group.

6 The general duty, improvement objectives and consultation: guidance

In deciding—

- (a) how to discharge its duties under section 2(1), 3(1) and 3(2);
 - (b) who to consult under section 5; or
 - (c) the form, content and timing of consultations under section 5,
- a Welsh improvement authority must have regard to any guidance issued by the Welsh Ministers.

7 Aspects of improvement: amendment

- (1) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2) of section 4;
 - (b) add additional paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs.
- (2) Such an order may make such amendments of this Measure as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (1).
- (3) Before making such an order, the Welsh Ministers must consult—
- (a) persons appearing to them to represent Welsh improvement authorities, and
 - (b) such other persons (if any) as they think fit.