



# Local Government (Wales) Measure 2009

**2009 nawm 2**

## **PART 2**

### **COMMUNITY STRATEGIES AND PLANNING**

#### *Community planning*

#### **37 Community planning**

- (1) A local authority must—
  - (a) initiate; and
  - (b) having done so, maintain, facilitate and participate in, community planning for its area.
- (2) Community planning for a local authority's area is a process by which the authority and its community planning partners—
  - (a) identify long-term objectives for improving—
    - (i) the social well-being of the area;
    - (ii) the economic well-being of the area; and
    - (iii) the environmental well-being of the area;
  - (b) identify long-term objectives in relation to the area for contributing to the achievement of sustainable development in the United Kingdom; and
  - (c) identify actions to be performed and functions to be exercised by the local authority and its community planning partners for the purpose of meeting the objectives identified under paragraphs (a) and (b).
- (3) Every community planning partner of a local authority—
  - (a) must participate in community planning for the authority's area to the extent that such planning is connected with the partner's functions; and
  - (b) must assist the authority in the discharge of its duties under subsection (1).

- (4) For the purposes of this section, a reference to an action to be performed or a function to be exercised by a local authority or one of its community planning partners is a reference to an action or function which is within the powers of the authority or partner.

### **38      Meaning of “community planning partners”**

- (1) For the purposes of this Part, a local authority’s community planning partners are the following—
- (a) a community council for a community any part of which falls within the local authority’s area;
  - (b) a Welsh fire and rescue authority constituted for an area any part of which falls within the local authority’s area;
  - (c) a Local Health Board established for an area any part of which falls within the local authority’s area;
  - (d) an NHS Trust which is specified in relation to the authority’s area by direction of the Welsh Ministers;
  - (e) a National Park authority any part of whose area falls within the local authority’s area;
  - (f) a police authority for a police area any part of which falls within the local authority’s area;
  - (g) the chief constable of the police force for a police area referred to in paragraph (f).
- (2) Subject to subsections (3) and (4) the Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (1);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.
- (3) The Welsh Ministers must not exercise their power under subsection (2)—
- (a) so as to include, or provide for the inclusion of, a person within subsection (1) who does not have functions of a public nature;
  - (b) so as to include, or provide for the inclusion of, a person within that subsection unless they have consulted—
    - (i) where they propose to include a person, that person;
    - (ii) such representatives of local authorities in Wales as the Welsh Ministers consider appropriate;
    - (iii) such representatives of community planning partners as the Welsh Ministers consider appropriate.
- (4) If the Welsh Ministers exercise their power under subsection (2) so as to include, or provide for the inclusion of, a person within subsection (1) who has functions of both a public and a private nature, they must include that person, or provide for that person’s inclusion, only in relation to those of its functions which are of a public nature.

### *Community strategies*

#### **39 Production of community strategy**

- (1) Once community planning for a local authority's area has reached the stage described in subsection (2), the authority must produce a document (referred to in this Measure as a "community strategy") containing the information described in subsection (3).
- (2) The stage referred to in subsection (1) is reached when the authority is of the opinion that the degree of consensus amongst the community planning partners and the authority—
  - (a) as to community strategy objectives for the authority's area is such that it is appropriate to set such objectives in the community strategy; and
  - (b) as to the actions to be performed and functions to be exercised for the purpose of achieving those objectives is such that it is appropriate to describe them in the community strategy.
- (3) The information to be contained in the community strategy is—
  - (a) a description of the community strategy objectives which the authority considers it appropriate to set having regard to the consensus referred to in subsection (2)(a); and
  - (b) a description of the actions to be performed and functions to be exercised for the purpose of achieving those objectives which the authority considers it appropriate to include in the strategy having regard to the consensus referred to in subsection (2)(b).
- (4) The community strategy—
  - (a) must be produced as soon as is reasonably practicable after community planning for the authority's area has reached the stage described in subsection (2); and
  - (b) once produced, must be published as soon as is reasonably practicable by the authority.

#### **40 Community strategies: duty to review**

- (1) A community strategy review must be completed in accordance with section 41—
  - (a) before the fourth anniversary of the date on which the community strategy was published under section 39(4); and
  - (b) subsequently, before the fourth anniversary of the date on which the last community strategy review was completed.
- (2) For the purposes of this section and section 41, a community strategy review is completed on—
  - (a) the date on which an amended community strategy is published under section 41(6); or
  - (b) if a review does not result in any amendment to a community strategy, the date on which the local authority decided that it was not required under section 41(4) to amend the strategy.

#### **41 Community strategy reviews**

- (1) This section sets out the process by which a community strategy must be reviewed.

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

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- (2) A local authority and, subject to subsection (3), its community planning partners must—
  - (a) taking into account any statement published under section 42(3) since the community strategy was produced or (as the case may be) its last review was completed, consider the extent to which—
    - (i) the community strategy objectives contained in the strategy have been met; and
    - (ii) if an objective has not been met, progress has been made towards meeting the objective;
  - (b) in the light of the consideration under paragraph (a) and any other factors which the authority or a partner think appropriate, consider—
    - (i) whether the community strategy objectives should be modified;
    - (ii) whether new objectives should be set;
    - (iii) whether the strategy's description of the actions to be taken and functions to be exercised for the purpose of achieving a community strategy objective should be modified (whether in the light of a modification of an objective or for any other reason);
    - (iv) where the authority or partner consider that a new objective should be set, which actions should be taken and which functions exercised for the purpose of achieving the objective.
- (3) A community planning partner's duty under subsection (2) extends only to matters connected with its functions.
- (4) If the requirement in subsection (5) is met a local authority must, following the consideration required by subsection (2), amend the community strategy for its area by doing all or any of the following—
  - (a) modifying the community strategy objectives;
  - (b) setting new objectives;
  - (c) modifying the actions to be taken and functions to be exercised for the purpose of achieving a community strategy objective;
  - (d) describing the actions to be taken and functions to be exercised for the purpose of achieving a new objective.
- (5) The requirement is that, in relation to a proposed amendment, the authority is of the opinion that the degree of consensus amongst the community planning partners and the authority in relation to the amendment is such that it is appropriate to make the amendment.
- (6) The local authority must, as soon as is reasonably practicable after becoming subject to the duty under subsection (4), publish an amended community strategy.

## **42 Community strategies: monitoring**

- (1) A local authority and its community planning partners must ensure that arrangements are made for monitoring—
  - (a) progress made towards meeting the community strategy objectives for the local authority's area contained in the current community strategy; and
  - (b) the effectiveness of actions taken and functions exercised for the purpose of meeting those objectives.

- (2) A community planning partner's duty under subsection (1) extends only to matters connected with its functions.
- (3) A local authority must from time to time (but at least once every two years) publish a statement which describes—
  - (a) progress made towards meeting the community strategy objectives for its area; and
  - (b) actions taken and functions exercised for the purpose of meeting those objectives.
- (4) It is the duty of each community planning partner of a local authority to provide such information as the authority may reasonably require in order to enable it to comply with its duty under subsection (3).
- (5) The first statement under subsection (3) must be produced within two years of the date on which a community strategy is published under section 39(4).

#### **43 Community strategies: implementation**

- (1) This section applies to a local authority or one of its community planning partners if the current community strategy for the authority's area describes—
  - (a) an action to be performed by the authority or partner for the purposes of achieving a community strategy objective; or
  - (b) a function to be exercised by the authority or partner for the purpose of achieving a community strategy objective.
- (2) The authority or community planning partner must take all reasonable steps to perform the action or exercise the function in accordance with the community strategy.

#### *Community involvement*

#### **44 Community planning etc: community involvement**

- (1) A local authority and its community planning partners must ensure that arrangements are made so that the persons mentioned in subsection (2) have the opportunity to express their views, and have them taken into account, in connection with—
  - (a) community planning;
  - (b) the production of a community strategy for the authority's area; and
  - (c) the review of community strategies.
- (2) The persons are—
  - (a) persons resident in the local authority's area;
  - (b) persons who are not resident in that area but who receive services provided by the authority or one of its community planning partners;
  - (c) representatives of relevant voluntary organisations;
  - (d) representatives of persons carrying on businesses in the authority's area;
  - (e) other persons who, in the opinion of the authority, are interested in the improvement of the area's social, economic or environmental well-being.
- (3) For the purposes of this section "relevant voluntary organisations" means bodies (other than local authorities or other public bodies) whose activities—

- (a) are carried on otherwise than for profit, and
  - (b) directly or indirectly benefit the whole or any part of the local authority's area.
- (4) A registered social landlord (within the meaning of Part 1 of the Housing Act 1996) which provides housing in the local authority's area is a relevant voluntary organisation for the purposes of this section.

### *The Welsh Ministers*

## **45 Community planning etc: guidance**

- (1) The Welsh Ministers may issue guidance about—
- (a) any aspect of community planning;
  - (b) the production and review of community strategies;
  - (c) the duties of a local authority and its community planning partners under sections 42 to 44.
- (2) A local authority and its community planning partners must have regard to any guidance issued under this section.

## **46 Community planning etc: role of Welsh Ministers**

The Welsh Ministers must, in exercising any function which might affect community planning aim, so far as it is reasonably practicable to do so, to promote and encourage community planning.

### *Interpretation*

## **47 Part 2: interpretation etc**

- (1) For the purposes of this Part—
- “community planning” (“*cynllunio cymunedol*”) must be construed in accordance with section 37;
  - “community planning partner” (“*partner cynllunio cymunedol*”) means a person falling within section 38;
  - “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);
  - “local authority” (“*awdurdod lleol*”) means a county council or a county borough council in Wales;
  - “National Park authority” (“*awdurdod Parc Cenedlaethol*”) means a National Park authority for a National Park in Wales;
  - “police area” has the meaning given by section 1 of the Police Act 1996;
  - “police authority” (“*awdurdod heddlu*”) means a police authority in Wales established under section 3 of the Police Act 1996;
  - “Welsh fire and rescue authority” (“*awdurdod tân ac achub Cymreig*”) has the same meaning as in section 1(c).

- (2) Any reference in this Part to an action being performed or a function being exercised for the purposes of achieving a community strategy objective is a reference to an action being performed or a function being exercised as described in section 37(2)(c).
- (3) Where this Part refers to a thing being connected with a community planning partner's functions, the functions in question do not include the partner's functions under this Part.
- (4) A document referred to by this Measure as a "community strategy" (or by an expression including that term) may instead be referred to by whatever alternative name is agreed between a local authority and its community planning partners.