



# Local Government (Wales) Measure 2011

2011 nawm 4

## PART 5

### LOCAL AUTHORITY FUNCTIONS: DISCHARGE BY COMMITTEES AND COUNCILLORS

#### *Area committees*

#### **55 Area covered and membership**

- (1) Section 18 of the Local Government Act 2000 (discharge of functions by area committees) is amended as follows.
- (2) In subsection (3), for the definition of “area committee” substitute—  
““area committee” means—
  - (a) in relation to a local authority in England, a committee or sub-committee of the authority which satisfies the conditions in subsection (4);
  - (b) in relation to a local authority in Wales, a committee or sub-committee of the authority which satisfies the conditions in subsection (6);”.
- (3) In subsection (4), after “a local authority” insert “in England”.
- (4) After subsection (5) insert—
  - “(6) A committee or sub-committee of a local authority in Wales satisfies the conditions in this subsection if—
    - (a) the committee or sub-committee is established to discharge functions in respect of part of the area of the authority,
    - (b) that part consists of the whole of one or more electoral divisions of the authority,
    - (c) all the members of the authority who are elected for that electoral division, or those electoral divisions, are entitled to be members of the committee or sub-committee,

- (d) no members of the authority, other than those mentioned in paragraph (c), may be members of the committee or sub-committee, and
  - (e) either or both of the conditions in subsection (7) are satisfied in relation to that part.
- (7) Those conditions are—
- (a) that the area of that part does not exceed one-half of the total area of the authority;
  - (b) that the population of that part, as estimated by the authority, does not exceed one-half of the total population of the area of the authority as so estimated.”.

*Exercise of functions by councillors*

**56 Exercise of functions by councillors**

- (1) The senior executive member of a local authority may make arrangements for a non-executive member of the authority to exercise a function of the local authority which is the responsibility of the executive.
- (2) A local authority may make arrangements for a non-executive member of the authority to exercise any other function of the authority.
- (3) Arrangements under this section may only provide for a non-executive member (N) to exercise functions—
  - (a) in relation to the electoral division for which N is elected, or
  - (b) in relation to N’s official membership of a body other than the local authority.
- (4) No arrangements may be made under this section for the exercise of a function—
  - (a) if, or to the extent that, it is specified in an order made by the Welsh Ministers, or
  - (b) in a manner, or in circumstances, specified in an order made by the Welsh Ministers.
- (5) Arrangements made under this section for the exercise of a function do not prevent the ordinary exercise of the function.
- (6) In making arrangements under this section, the senior executive member, or local authority, must have regard to guidance given by the Welsh Ministers.
- (7) In this section—
  - (a) a reference to the exercise of a function includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the function;
  - (b) a reference to a function which is the responsibility of the executive of a local authority is to be construed in accordance with section 13(8) of the Local Government Act 2000;
  - (c) a reference to N’s official membership of a body is a reference to membership of the body which N holds by virtue of—
    - (i) a local authority appointment,

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

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- (ii) an appointment, other than a local authority appointment, made on a local authority nomination or recommendation or with local authority approval, or
    - (iii) an appointment, other than a local authority appointment, made in compliance with a requirement to appoint a member of a local authority;
  - (d) a reference (in relation to N) to a local authority appointment, nomination or recommendation, or local authority approval, is a reference to an appointment, nomination or recommendation made by, or approval given by—
    - (i) the local authority of which N is a member, or
    - (ii) the executive of that local authority;
  - (e) a reference to the ordinary exercise of a function is a reference to its exercise by the person or persons by whom it is exercisable in the absence of arrangements made under this section.
- (8) References in this section to a local authority are references to a local authority which operates executive arrangements.
- (9) In this section—
- “non-executive member” (“*aelod nad yw'n aelod gweithrediaeth*”) means a member of a local authority who is not a member of the executive of the authority;
  - “senior executive member” (“*aelod gweithrediaeth hŷn*”) means—
    - (a) in the case of a local authority operating a leader and cabinet executive (Wales), the executive leader;
    - (b) in the case of a local authority operating a mayor and cabinet executive, the elected mayor.

## 57 Consequential provision

- (1) In section 100EA of the Local Government Act 1972 (inspection of records relating to functions exercisable by members)—
- (a) in subsection (1)—
    - (i) for “Secretary of State” substitute “appropriate authority”;
    - (ii) after “2007” insert “or under section 56 of the Local Government (Wales) Measure 2011”;
  - (b) after subsection (2) insert—

“(2A) In this section “appropriate authority” means—

    - (a) in relation to local authorities in England, the Secretary of State;
    - (b) in relation to local authorities in Wales, the Welsh Ministers.
    - (c) in subsection (3), after “Parliament” insert “(in the case of regulations made by the Secretary of State) or a resolution of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers)”.
- (2) In the Local Government Act 2000—
- (a) in section 13 (functions which are the responsibility of an executive), in subsection (9)(b), after “in England” insert “or under section 56 of the Local Government (Wales) Measure 2011”;

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

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- (b) in section 21 (overview and scrutiny committees), in subsection (13)(aa), after “in England)” insert “or under section 56 of the Local Government (Wales) Measure 2011”.