



Local Government (Wales) Measure 2011

2011 nawm 4

PART 7

COMMUNITIES AND COMMUNITY COUNCILS

CHAPTER 8

MODEL CHARTER AGREEMENTS BETWEEN LOCAL AUTHORITIES AND COMMUNITY COUNCILS

130 Power to set out model charter agreement

- (1) The Welsh Ministers may by order make provision setting out a model charter agreement between a local authority and a community council for a community or communities within its area.
- (2) In subsection (1), “model charter agreement between a local authority and a community council” means a description of the way in which their functions can be exercised for the purpose of maintaining and improving cooperation between them.
- (3) The provision that may be made by an order under subsection (1) includes (but is not limited to) provision—
 - (a) setting out the way in which specified functions, or aspects of such functions, are to be exercised;
 - (b) setting out specified functions, or aspects of such functions, in respect of which the local authority and the community council are to seek agreement as to how they are to be exercised;
 - (c) setting out specified functions which are to be exercised by reference to specified principles.
- (4) In this section and section 131, a reference to the exercise of functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions.

131 Directions requiring the adoption of model charter agreements

- (1) The Welsh Ministers may by direction require a local authority and a community council for a community or communities within the authority's area to adopt a model charter agreement set out in an order under section 130(1).
- (2) In subsection (1), "adopt" means resolve, in accordance with any procedure specified in the direction, to exercise functions, or to seek agreement as to how to exercise functions, in accordance with—
 - (a) all the provisions of the model charter agreement, or
 - (b) those provisions specified in the direction.
- (3) A direction under subsection (1) may—
 - (a) relate to all, or any one or more, of the community councils for communities within the area of the local authority, and
 - (b) if the direction relates to more than one community council, make different provision in relation to different councils.
- (4) A direction under subsection (1) is enforceable by mandatory order on the application of the Welsh Ministers.

132 Guidance about model charter agreements

A local authority and a community council must, in acting under a direction under section 131(1), have regard to guidance given by the Welsh Ministers.

133 Consultation

- (1) The Welsh Ministers must, before making an order under section 130(1), consult—
 - (a) such bodies representative of local authorities and community councils as the Welsh Ministers consider it appropriate to consult, and
 - (b) such other persons as the Welsh Ministers consider it appropriate to consult.
- (2) The Welsh Ministers must, before giving a direction under section 131(1), consult the authority and council to which the direction relates.