



# Local Government (Wales) Measure 2011

2011 nawm 4

## PART 7

### COMMUNITIES AND COMMUNITY COUNCILS

#### CHAPTER 1

##### COMMUNITY MEETINGS AND COMMUNITY POLLS

#### **88 Convening of community meetings by local government electors**

(1) Paragraph 30 of Schedule 12 to the Local Government Act 1972 is amended as follows

(a) for sub-paragraph (1) substitute—

“(1) Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.”;

(b) in sub-paragraph (2), for “any community meeting” substitute “a community meeting convened under sub-paragraph (1) above”;

(c) in sub-paragraphs (3) and (4), for “a community meeting” substitute “a community meeting convened under sub-paragraph (1) above”;

(d) in sub-paragraph (3), for “any of the matters mentioned in section 29B(4) of this Act” substitute “the existence of the community council or the grouping of the community with other communities”;

(e) at the end of the paragraph insert—

“(5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

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(2) After paragraph 30 of Schedule 12 to the Local Government Act 1972 insert the following—

- “30A     A community meeting may also be convened at any time by not less than —
- (a) 10% of the local government electors for the community, or
  - (b) 50 of the electors (if 10% of the electors exceeds 50 electors).”.

## **89 Notice of community meeting convened by local government electors**

After paragraph 30A of Schedule 12 to the Local Government Act 1972 insert the following—

“30B (1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given—

- (a) in a case where there is a community council for the community, to the community council, or
- (b) in a case where there is no community council for the community, to the principal council within whose area the community lies.

(2) The notice must contain—

- (a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;
- (b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;
- (c) the business which is proposed to be transacted at the meeting;
- (d) the proposed time and place at which the meeting is to be held.

(3) The notice must—

- (a) where it is given under sub-paragraph (1)(a) above, be in writing (but not in an electronic form);
- (b) where it is given under sub-paragraph (1)(b) above, be—
  - (i) in writing (but not in an electronic form), or
  - (ii) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C below.

(4) In sub-paragraph (2) above—

- (a) “address” means the individual’s qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;
- (b) “signature” means—
  - (i) where a notice is in writing, an individual’s signature or, if the individual cannot give a signature, a signature given on the individual’s behalf by a duly authorised individual

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- who, in giving that signature, declares that he or she is so authorised;
- (ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.
- (5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.
- (6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above—
- (a) need not include the individual’s name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and
- (b) need not include a signature in respect of the individual.
- (7) Where a notice is in electronic form, it is to be treated as given to a principal council when the notice is given in accordance with whatever requirements the council has set as to the giving of such notices under paragraph 30C(2) below.”.

**90 Facility for the provision of electronic notices of the convening of community meetings**

After paragraph 30B of Schedule 12 to the Local Government Act 1972 insert the following—

- “30C (1) A principal council must provide a facility so that notices under paragraph 30B(1)(b) above may be given to the council in electronic form (“electronic notices”).
- (2) The council must set and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices—
- (a) the authentication requirements to be met by an electronic signature included within an electronic notice, and
- (b) the other technical requirements to be met by and in relation to an electronic notice.”.

**91 Action following receipt of notice of the convening of a community meeting**

After paragraph 30C of Schedule 12 to the Local Government Act 1972 insert the following—

- “30D (1) Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider—
- (a) whether the group of individuals to whom the notice relates is comprised of—
- (i) at least 50 local government electors for the community in question, or

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- (ii) at least 10% of the local government electors for the community in question, and
  - (b) whether the notice meets the requirements of paragraph 30B above.
- (2) If the council is of the opinion that—
- (a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and
  - (b) the notice meets the requirements of paragraph 30B above,
- the council must give a public notice in accordance with paragraph 30E below.
- (3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.
- (4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6) (a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.
- (5) In sub-paragraph (4) above, "relevant registration officer" means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies."

## **92 Public notice of community meeting**

After paragraph 30D of Schedule 12 to the Local Government Act 1972 insert the following—

- "30E (1) The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.
- (2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.
- (3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.
- (4) The public notice must—
- (a) specify the time and place of the intended meeting;
  - (b) specify the business to be transacted at the meeting;
  - (c) be signed by the proper officer.
- (5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.

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- (6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.
- (7) Public notice of a community meeting shall be given—
  - (a) by posting a notice of the meeting in some conspicuous place or places in the community,
  - (b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.
- (8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

### **93 Demands for community polls**

For sub-paragraph (4) of paragraph 34 of Schedule 12 to the Local Government Act 1972 substitute the following—

- “(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless—
- (a) the poll is demanded by a majority of the local government electors present at the meeting, and
  - (b) the electors demanding a poll constitute not less than—
    - (i) 10% of the local government electors for the community, or
    - (ii) 150 of the electors (if 10% of the electors exceeds 150 electors).”.

### **94 Notice to be given by returning officer following taking of a poll consequent on a community meeting**

After paragraph 38 of Schedule 12 to the Local Government Act 1972 insert the following—

- “38A (1) This paragraph applies to a poll (other than a poll to which sub-paragraph (2) below refers) consequent on a community meeting where a majority of those voting were in favour of the question in relation to which the poll was taken.
- (2) This paragraph does not apply to a poll taken on a question of a type specified in regulations made by the Welsh Ministers.
  - (3) The returning officer in relation to the poll must give notice in writing to the monitoring officer (within the meaning of section 5 of the Local Government and Housing Act 1989) of the relevant principal council of—
    - (a) the question posed by the poll, and
    - (b) the fact that that a majority of those voting were in favour of that question.
  - (4) In sub-paragraph (3) above, “relevant principal council” means the principal council in whose area lies the community of the community meeting at which the poll was demanded.

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- (5) The power of the Welsh Ministers to make regulations under sub-paragraph (2) above is exercisable by statutory instrument.
- (6) A statutory instrument which contains regulations under sub-paragraph (2) above is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.

**95 Determination of monitoring officer as to the council to whose functions a poll relates**

- (1) After paragraph 38A of Schedule 12 to the Local Government Act 1972 insert the following—

“38B (1) Within a period of 14 days beginning with the day on which notice was given under paragraph 38A(3) above, the monitoring officer must determine whether, in the officer’s opinion, the question in relation to which the poll was taken corresponds to any of the descriptions in sub-paragraph (2) below.

- (2) Those descriptions are—
  - (a) a question which relates only to the functions of the principal council,
  - (b) a question which relates only to the functions of a community council for the relevant community,
  - (c) a question which relates to the functions of the principal council and the functions of a community council for the relevant community.
- (3) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(a) above, the officer must give notice of that determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice).
- (4) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2) (b) above, the officer must give notice of that determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).
- (5) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(c) above, the officer must—
  - (a) to the extent that the determination concludes that the question relates to the functions of the principal council, give notice of the determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice), and
  - (b) to the extent that the determination concludes that the question relates to the functions of the community council, give notice of the determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

- (6) A notice required to be given by this paragraph must—

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- (a) be given in writing,
  - (b) be given as soon as is reasonably practicable after the date of determination, and
  - (c) include the monitoring officer's reasons for the determination to which the notice relates."
- (2) After subsection (8A) of section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) insert the following—

“(8B) Any reference in this section to the duties of a monitoring officer imposed by this section, or to the duties of a monitoring officer under this section, shall include a reference to duties conferred on a monitoring officer by paragraph 38B of Schedule 12 to the Local Government Act 1972 (duties of monitoring officer for principal council in Wales in relation to polls consequent on community meetings).”.

#### **96 Consideration of result of community poll by community council**

After paragraph 26 of Schedule 12 to the Local Government Act 1972 insert the following—

- “26A (1) This paragraph applies where a community council has been given a notice under sub-paragraph (4) or (5)(b) of paragraph 38B below.
- (2) The community council must ensure that the question of what action (if any) the council should take in response to the community poll, or the part of the community poll, to which the notice relates is included within the business to be transacted at a meeting of the community council held within the relevant period.
- (3) If it is necessary for the chairman of the community council to exercise his power under paragraph 25(1) above to call an extraordinary meeting of a community council in order for the community council to comply with sub-paragraph (2) above, the chairman must so exercise that power.
- (4) In sub-paragraph (2) “relevant period” means the period of six weeks beginning with the day following that on which the notice referred to in sub-paragraph (1) was given.”.

#### **97 Action to be taken following community council's consideration of results of certain community polls**

After paragraph 29 of Schedule 12 to the Local Government Act 1972 insert the following—

- “29A (1) applies where—
- (a) a meeting of a community council has considered the question of what action (if any) the council is to take in response to a poll consequent on a community meeting,
  - (b) that question was included within the business to be transacted at the meeting in order to comply with paragraph 26A(2) above, and
  - (c) the poll was taken following a demand being made at a community meeting which was convened under paragraph 30A below.

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- (2) The council must take all reasonable steps to give notice to each of the individuals who convened the community meeting referred to in sub-paragraph (1) above of what action (if any) the council intends to take in response to the poll, or that part of the poll which was considered at the meeting.
- (3) Notice under sub-paragraph (2) above must be given—
- (a) subject to sub-paragraph (4) below, in writing by sending it to the address given in respect of an individual in the relevant convening notice, and
  - (b) as soon as is reasonably practicable after the meeting of the community council was held.
- (4) Where an individual falling within sub-paragraph (2) above is an anonymous registrant in the register of local government electors, sub-paragraph (3)(a) above does not apply and the notice must instead be given in writing to the principal council within whose area the community in question lies.
- (5) The notice under sub-paragraph (4) above must include the entry in respect of the individual which was included in the relevant convening notice.
- (6) Where a principal council is given notice under sub-paragraph (4)—
- (a) the council must, as soon as reasonably practicable, send the notice to the individual concerned, and
  - (b) for that purpose and for the purposes of paragraph 30D below, section 9B(8) of the Representation of the People Act 1983 (communications with anonymous registrants) shall have effect as if the council were an officer referred to in that section.
- (7) The relevant registration officer must supply the principal council with any information that it is necessary for the council to have in order to comply with the duty under sub-paragraph (6) above.
- (8) In this paragraph—
- “anonymous registrant in the register of local government electors” means an individual in respect of whom the relevant convening notice included an entry referred to in paragraph 30B(6)(a) below;
- “relevant convening notice” means the notice given to the council under paragraph 30B below which preceded the holding of the community meeting at which the poll in question was demanded;
- “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of electors for the local government area (within the meaning of that Act) in which the community in question lies.”.

## 98 **Consideration of result of community poll by principal council**

After section 33A of the Local Government Act 1972 insert the following—



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### **“33B Principal council’s response to a community poll**

- (1) This section applies where a principal council has been given a notice under paragraph 38B(3) or (5)(a) of Schedule 12 to this Act which contains a determination that a question in relation to which a poll consequent on a community meeting was taken relates to the council’s functions.
- (2) The council must, during the relevant period, perform one of the actions described in subsection (4).
- (3) If the council chooses to perform more than one action, the council may do so during or after the relevant period.
- (4) The actions referred to in subsection (2) are as follows—
  - (a) to exercise the council’s functions in accordance with the question in relation to which the poll was taken;
  - (b) to include the question of what action (if any) the council should take in response to the community poll within the business to be transacted at a meeting of the principal council held within the relevant period (and for this purpose a meeting of a committee or sub-committee of the council does not count);
  - (c) to initiate a consultation exercise which seeks the views of such members of the public as the council considers appropriate about what action (if any) the council should take in response to the community poll;
  - (d) to hold a meeting open to members of the public, at such venue as the council considers appropriate, for the purpose of seeking the views of members of the public about what action (if any) the council should take in response to the community poll;
  - (e) to initiate research for the purpose of assisting the council to decide what action (if any) it should take in response to the community poll;
  - (f) to refer the question of what action (if any) the council should take in response to the community poll to an overview and scrutiny committee with a request that the committee reports its conclusions to the council.
- (5) In this section the “relevant period” means the period of two months beginning on the day following that on which the notice referred to in subsection (1) was given.”.

### **99 Principal council’s explanation of its response to a community poll**

After section 33B of the Local Government Act 1972 insert the following—

### **“33C Principal council’s explanation of its response to a community poll**

- (1) As soon as is reasonably practicable following the end of the relevant period for the purposes of section 33B of this Act, a principal council must take all reasonable steps to give the chairman of, or person who presided at, the community meeting referred to in subsection (1) of that section a notice in writing which—

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- (a) describes what action the council has taken in response to the community poll to which the notice relates, and
  - (b) describes what further action (if any) the council intends to take.
- (2) If notice cannot be given to the chairman of, or person who presided at, the community meeting—
- (a) in the case of a community meeting convened under paragraph 30 of Schedule 12 to this Act, the notice must instead be given to the chairman of the community council for the community;
  - (b) in the case of a community meeting convened under paragraph 30A of Schedule 12 to this Act, the principal council must instead take all reasonable steps to give notice to each of the individuals who convened the community meeting.
- (3) Subject to subsection (5), notice under subsection (2)(b) is to be given by sending the notice to the address given in respect of an individual in the relevant convening notice.
- (4) In subsection (3), “relevant convening notice” means the notice given to the council under paragraph 30B of Schedule 12 to this Act which preceded the holding of the community meeting at which the poll in question was demanded.
- (5) Where an individual is an anonymous registrant in the register of local government electors (within the meaning of paragraph 29A of Schedule 12 to this Act), the duty under subsection (3) does not apply and notice shall instead be given, and related functions performed, in accordance with sub-paragraphs (4) to (8) of paragraph 29A of Schedule 12 to this Act.
- (6) The council must publish the notice on its website for a period of at least six months, beginning with the day on which the notice was given.”.

## CHAPTER 2

### ORGANISATION OF COMMUNITIES AND THEIR COUNCILS

**100 Repeal of existing provisions about establishment and dissolution of community councils etc**

Sections 28 to 29B of the Local Government Act 1972 are omitted.

**101 Power of community meeting to apply for an order establishing a community council**

After section 27 of the Local Government Act 1972 insert the following—

**“27A Power of community meeting to apply for an order establishing a community council**

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which does not have a separate council for an order under section 27B establishing a separate council for the community.

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- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to establish a separate council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 10% of the local government electors for the community, or
  - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to establish a separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to establish a separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

## **102 Orders establishing separate community councils for communities**

After section 27A of the Local Government Act 1972 insert the following—

### **“27B Orders establishing separate community councils for communities**

- (1) This section applies where a community meeting of a community which does not have a separate council applies to the principal council within whose area it lies for an order establishing a separate council for the community.
- (2) The principal council must consider whether it is satisfied that—
  - (a) the conditions in section 27A are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (6) below).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1983.
- (5) No order shall be made so as to establish a separate community council for a community grouped under a common community council unless—
  - (a) the community is separated from the group, or
  - (b) the group is dissolved,by the order, or by an order under section 27J or section 27L below.
- (6) Where, in a case to which subsection (5) above applies, the group is not dissolved, the order under this section shall make such provision as appears to

the principal council to be necessary for the alteration of the group's community council.”.

**103 Power of community meeting to apply for an order dissolving its separate community council**

After section 27B of the Local Government Act 1972 insert the following—

**“27C Power of community meeting to apply for an order dissolving its separate community council**

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which has a separate council for an order under section 27D dissolving the council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to dissolve the council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 30% of the local government electors for the community, or
  - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to dissolve the separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

**104 Orders dissolving separate community councils for communities**

After section 27C of the Local Government Act 1972 insert the following—

**“27D Orders dissolving separate community councils for communities**

- (1) This section applies where a community meeting of a community which has a separate council applies to the principal council within whose area it lies for an order dissolving the council for the community.
- (2) The principal council must consider whether it is satisfied that—
  - (a) the conditions in section 27C are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for.”.

**105 Power of community meeting to apply for an order grouping its community with other communities under a common community council**

After section 27D of the Local Government Act 1972 insert the following—

**“27E Power of community meeting to apply for an order grouping its community with other communities under a common community council**

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27F grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 10% of the local government electors for the community, or
  - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of an identical proposal to group the community with a neighbouring community or communities (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (7) The fifth condition is that the application is made jointly with the community meeting, or meetings, for the community, or communities to be grouped under the common community council.
- (8) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

**106 Orders grouping a community with other communities under a common community council**

After section 27E of the Local Government Act 1972 insert the following—

**“27F Orders grouping a community with other communities under a common community council**

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order grouping the community

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with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.

- (2) The principal council must consider whether it is satisfied that—
  - (a) the conditions in section 27E are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—
  - (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for each community or for the wards of any community, and
  - (b) provide for the dissolution of the separate community council of any community included in the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

**107 Power of community meeting to apply for an order adding its community to a group of communities with a common council**

After section 27F of the Local Government Act 1972 insert the following—

**“27G Power of community meeting to apply for an order adding its community to a group of communities with a common council**

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27H adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 10% of the local government electors for the community, or
  - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.

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- (4) The second condition is that a majority of those voting in the poll support the proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (5) The third condition is that a community meeting of each of the communities in the group has made an effective decision to hold a poll on a proposal to consent to the community in question becoming a member of the group.
- (6) For the purposes of the third condition a decision is only effective if not less than—
  - (a) 10% of the local government electors for the community, or
  - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (7) The fourth condition is that a majority of those voting in a poll following an effective decision for the purposes of the third condition support the proposal to consent to the community in question becoming a member of the group.
- (8) The fifth condition is that none of the above polls are held within two years of an earlier poll which resulted in a rejection of an identical proposal to add the community in question to the group of communities (that period of two years beginning with the day on which the earlier poll was held).
- (9) The sixth condition is that none of the above polls are held before the end of the period of 42 days beginning with the day on which the decision to hold that poll was taken.
- (10) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

## **108 Orders adding a community to a group of communities with a common council**

After section 27G of the Local Government Act 1972 insert the following—

### **“27H Orders adding a community to a group of communities with a common council**

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The principal council must consider whether is it satisfied that—
  - (a) the conditions in section 27G are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—

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- (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for the community that is added to the group or for the wards of that community, and
  - (b) provide for the dissolution of any separate community council for the community that is added to the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

**109 Power of council for a group of communities to apply for an order dissolving the group**

After section 27H of the Local Government Act 1972 insert the following—

**“27I Power of council for a group of communities to apply for an order dissolving the group**

- (1) This section sets out the conditions that must be met before an application may be made by a council for a group of communities to the principal council in whose area the communities lie for an order under section 27J below dissolving the group.
- (2) The first condition is that a community meeting of each of the communities in the group has taken an effective decision to hold a poll on a proposal to dissolve the group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 30% of the local government electors for the community, or
  - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that no poll is held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that no poll is held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two thirds of those voting in each poll support the proposal to dissolve the group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.



## **110 Orders dissolving a group of communities**

After section 27I of the Local Government Act 1972 insert the following—

### **“27J Orders dissolving a group of communities**

- (1) This section applies where the council for a group of communities applies to the principal council within whose area the communities lie for an order dissolving the group.
- (2) The principal council must consider whether it is satisfied that—
  - (a) the conditions in section 27I are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the Representation of the People Act 1983.”

## **111 Power of community meeting to apply for order separating community from a group of communities**

After section 27J of the Local Government Act 1972 insert the following—

### **“27K Power of community meeting to apply for an order separating community from a group of communities**

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community included in a group of communities for an order under section 27L separating the community from the group.
- (2) The first condition is that a community meeting of the community has taken an effective decision to hold a poll on a proposal to separate the community from its group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 30% of the local government electors for the community, or
  - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to separate the community from its group (that period of two years beginning with the day on which the earlier poll was held).

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- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to separate the community from its group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

## **112 Orders separating a community from a group of communities**

After section 27K of the Local Government Act 1972 insert the following—

### **“27L Orders separating a community from a group of communities**

- (1) This section applies where a community meeting of a community included in a group of communities applies to the principal council within whose area the community lies for an order separating the community from the group.
- (2) The principal council must consider whether is it satisfied that—
  - (a) the conditions in section 27K are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in accordance with this Act and Part I of the Representation of the People Act 1983.”.

## **113 Power of Welsh Ministers to alter voting threshold in connection with organisation of community councils**

After section 27L of the Local Government Act 1972 insert the following—

### **“27M Power of Welsh Ministers to alter voting thresholds in connection with organisation of community councils**

- (1) The Welsh Ministers may by order amend the following provisions of this Act—
  - (a) section 27A(3) and (6);
  - (b) section 27C(3) and (6);
  - (c) section 27E(3) and (6);
  - (d) section 27G(3), (4), (6) and (7);
  - (e) section 27I(3) and (6);
  - (f) section 27K(3) and (6).
- (2) That power includes power to amend provision previously made by an order under subsection (1).
- (3) No order may be made under subsection (1) unless the Welsh Ministers have carried out such consultation as they consider appropriate with the following—
  - (a) principal councils in Wales or a body representative of such councils; and

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- (b) community councils in Wales or a body representative of such councils.
- (4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.
- (5) A statutory instrument which contains an order under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

#### **114 Organisation of communities and their councils: consequential amendments**

- (1) ment Act 1972 is amended as follows—
  - (a) in section 30(5), for “under section 28, 29 or 29A” substitute “referred to in section 27B, 27D, 27F, 27H, 27J or 27L”;
  - (b) in section 31—
    - (i) in the heading, for “27 to 29” substitute “27A to 27L”;
    - (ii) in subsection (1), for “28, 29 or 29A” substitute “27B, 27D, 27F, 27H, 27J or 27L”;
  - (c) in section 255(1), for “28, 29 or 29A” substitute “27B, 27D, 27F, 27H, 27J or 27L”.

#### **115 Transitional provision**

Sections 88(1)(d) and (e), 100 to 112, section 114 (“the Chapter 2 provisions”) do not apply in relation to—

- (a) an application made under section 28, 29 or 29A of the Local Government Act 1972 before the date on which the Chapter 2 provisions come into force; and
- (b) an application made after that date but in relation to which a poll as referred to in section 29B(4) was held before the date on which the Chapter 2 provisions come into force.

### **CHAPTER 3**

#### **CO-OPTION OF MEMBERS OF COMMUNITY COUNCILS**

#### **116 Requirement of public notice where vacancies in community council membership are to be filled by co-option**

- (1) This section applies to the following functions—
  - (a) the power of members of a community council under section 21(2)(a) of the Representation of the People Act 1985 to co-opt a person to fill a vacancy in the membership of the council (power to co-opt in the event of insufficient nominations to fill vacancies in respect of which an election is held);
  - (b) any power or duty of a community council under rules made under section 36(2) of the Representation of the People Act 1983 to co-opt a person to fill a casual vacancy in the membership of the council.
- (2) A function to which this section applies must not be exercised unless public notice of the vacancy or vacancies in question has been given.
- (3) The public notice must be given—

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- (a) in the case of the power to co-opt referred to in subsection (1)(a), by any one of the members of the community council authorised for that purpose by a majority of the other members;
  - (b) in the case of the power or duty to co-opt referred to in subsection (1)(b), by the community council.
- (4) Section 232 of the Local Government Act 1972 (public notices) applies to the giving of a public notice by a member of a community council under subsection (3)(a) as it applies to the giving of a public notice by a community council under subsection (3)(b).
- (5) The public notice must contain—
- (a) contact details of an individual from whom further information about the vacancy or vacancies in question, and the process for selecting a person for co-option, may be obtained;
  - (b) such other information as—
    - (i) in the case of a notice under subsection (3)(a), the members of the community council consider appropriate, and
    - (ii) in the case of a notice under subsection (3)(b), the community council considers appropriate, and
  - (c) such other information as is required to be included in the notice by any regulations made by the Welsh Ministers.

#### **117 Guidance about giving public notice of co-option**

- (1) In exercising functions under subsections (2) to (5) of section 116, the members of a community council and a community council must have regard to guidance given by the Welsh Ministers.
- (2) The reference to functions in subsection (1) includes a reference to functions under section 232 of the Local Government Act 1972 in relation to a notice required to be given under section 116(2).

### **CHAPTER 4**

#### APPOINTMENT OF COMMUNITY YOUTH REPRESENTATIVES

#### **118 Appointment of community youth representatives by community councils**

- (1) A community council may appoint no more than two individuals to act at any one time as community youth representatives (but this is subject to section 119).
- (2) For the purposes of subsection (1) a “community youth representative” is an individual —
  - (a) who is over the age of 15 but has not attained the age of 26; and
  - (b) whom the community council considers to be suitable to act as a community representative, that is to represent the interests of those individuals who live, work or receive education or training in the community area who have not attained the age of 26.
- (3) A youth representative is to hold and vacate office in accordance with the terms of the representative’s appointment.

- (4) But a youth representative's appointment shall cease if the representative attains the age of 26.

### **119 Notice requirements in connection with youth representative appointments**

- (1) A community council must not appoint an individual as a community youth representative under section 118 unless the council has complied with the requirements of this section.
- (2) The council must give public notice of its intention to make a community youth representative appointment.
- (3) In its application to the giving of a notice under this section, section 232 of the Local Government Act 1972 shall have effect subject to the modifications contained in subsections (4) and (5).
- (4) The first modification is that subsection (1)(b) of section 232 is substituted by the following—
- “(b) by giving the notice to the head teacher and proprietor of any school any part of whose premises is situated within the area of the community or communities for which the community council is established;
  - (c) by giving the notice to the principal and governing body of any institution within the further or higher education sector any part of whose premises is situated within the area of the community or communities for which the community council is established; and
  - (d) in such other manner, if any, as appears to the community council to be desirable for ensuring that as many individuals as possible who may be eligible for appointment as community youth representatives are aware that the council intends to appoint such a representative.”.
- (5) The second modification is that the following is inserted at the end of section 232—
- “(3) Where a term used in paragraph (b) or (c) of subsection (1) is defined by the Education Act 1996, that definition shall apply for the purposes of those paragraphs.
  - (4) The reference in subsection (1)(c) to the principal or governing body of an institution includes a reference to a person with functions that are similar to those of a principal or governing body.”.
- (6) The public notice must contain—
- (a) contact details of an individual from whom further information about the appointment, and the process of selecting a person for appointment, may be obtained;
  - (b) such other information as the community council considers appropriate; and
  - (c) such other information as is required to be included in the notice by any regulations made by the Welsh Ministers.

### **120 Guidance about appointment of community youth representatives**

- (1) In exercising functions under sections 118 and 119, a community council must have regard to guidance given by the Welsh Ministers.

- (2) The reference to functions in subsection (1) includes a reference to functions under section 232 of the Local Government Act 1972 as it applies in relation to a notice required to be given under section 119(2) of this Measure.

### **121 Effect of appointment as a community youth representative**

A community youth representative is not a member of the community council which appointed the representative, but the Welsh Ministers may by regulations provide that a community youth representative is to be treated for prescribed purposes as a member of the council which appointed the representative.

## **CHAPTER 5**

### REVIEWS OF COMMUNITY AREAS AND ELECTORAL ARRANGEMENTS

### **122 Reports about discharge of a principal council's function of keeping community areas under review**

After section 55(2) of the Local Government Act 1972 insert the following—

- “(2A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of their area under review for the purpose described in subsection (2).
- (2B) The council must send a copy of any report published under subsection (2A) to the Welsh Commission.
- (2C) The first report under subsection (2A) must be published within four years of the day on which that subsection comes into force.
- (2D) Further reports must be published within fifteen years of the date on which the last report under subsection (2A) was published.”.

### **123 Reports about discharge of a principal council's function of keeping electoral arrangements for communities under review**

After section 57(4) of the Local Government Act 1972 insert the following—

- “(4A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of the area under review for the purpose described in subsection (4).
- (4B) The council must send a copy of any report published under subsection (4A) to the Welsh Commission.
- (4C) The first report under subsection (4A) must be published within four years of the day on which that subsection comes into force.
- (4D) Further reports must be published within fifteen years of the date on which the last report under subsection (4A) was published.”.

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**124 Exercise of functions by the Local Government Boundary Commission for Wales on behalf of principal councils**

After section 57 of the Local Government Act 1972 insert the following—

**“57A Exercise of functions by the Welsh Commission on behalf of principal councils**

- (1) Arrangements may be made between the Welsh Commission and a principal council in Wales under which the Commission exercises, to whatever extent and subject to whatever terms the parties may agree, all or any of the functions of the principal council referred to in subsection (2).
- (2) The functions are—
  - (a) the principal council’s function of keeping under review the whole of their area for the purpose specified in section 55(2) or the purpose specified in section 57(4);
  - (b) the principal council’s function of considering requests specified in section 55(2) or section 57(4).”.

**125 Sums payable in respect of reviews carried out by the Local Government Boundary Commission for Wales**

After section 56(4) of the Local Government Act 1972 insert the following—

- “(4A) A direction given to the Welsh Commission under subsection (4) may require the principal council to pay to the Commission such sum as is specified, or calculated according to a formula contained, in the direction.
- (4B) Any dispute as to the sum payable under the direction is to be determined by the Welsh Ministers.
- (4C) Any sum payable under a direction under subsection (4) is to be recoverable as a debt due to the Welsh Commission.”.

## CHAPTER 6

### COMMUNITY COUNCILS' POWERS TO PROMOTE WELL-BEING

**126 Community councils' powers to promote well-being**

- (1) In section 1 of the Local Government Act 2000 (meaning of “local authority” in Part 1 of that Act), at the end of subsection (1)(b) insert “or a community council”.
- (2) In section 2 of that Act (promotion of well-being), insert the following after subsection (3B)—

“(3C) The community strategy for the area of a community council is the strategy referred to in subsection (3B) that is published by the county council or county borough council in whose area lies the community or communities for which the community council is established.”.
- (3) In section 5 of that Act (power to amend or repeal enactments), insert the following after subsection (6)—

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“(7) The reference to local authorities in subsection (1) does not include community councils.”.

**127 Modifications of enactments preventing or obstructing a community council from exercising their well-being power**

- (1) The Welsh Ministers may by order make modifications of any enactment if they consider that the enactment prevents or obstructs community councils from exercising their power under section 2(1) of the Local Government Act 2000 (promotion of well-being).
- (2) The power under subsection (1) may be exercised in relation to—
  - (a) all community councils,
  - (b) particular community councils, or
  - (c) particular descriptions of community council.
- (3) The power under subsection (1) includes a power to make modifications of an enactment for a particular period.

**128 Transitional provision**

- (1) This section applies to a community council for so long as the local authority in whose area it lies has not published a community strategy under section 39(4) of the Local Government (Wales) Measure 2009.
- (2) Where this section applies to a community council, the reference in section 2(3C) of the Local Government Act 2000 to the community strategy for the area of the community council is to be read as a reference to the community strategy of the county council or county borough council under section 4 of that Act.

## CHAPTER 7

### GRANTS TO COMMUNITY COUNCILS

**129 Welsh Ministers' power to pay grant to community councils**

- (1) The Welsh Ministers may pay a grant to a community council towards expenditure incurred or to be incurred by it.
- (2) The amount of a grant under this section and the manner of its payment are to be such as the Welsh Ministers may determine.
- (3) A grant under this section may be paid on such conditions as the person paying it may determine.
- (4) Conditions under subsection (3) may include (but are not limited to)—
  - (a) provision as to the use of the grant;
  - (b) provision as to circumstances in which the whole or part of the grant must be repaid.



## 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.

## **CHAPTER 9**

### **SCHEMES FOR THE ACCREDITATION OF QUALITY IN COMMUNITY GOVERNMENT**

### **134 Schemes for the accreditation of quality in community government**

- (1) The Welsh Ministers may by regulations provide for a scheme under which the Welsh Ministers may or, if the regulations so require, must grant accreditation to a community council if—
  - (a) the Welsh Ministers are satisfied that the criteria set in the regulations are satisfied in relation to a council (see section 135),
  - (b) the Welsh Ministers are satisfied that a council has made a valid application for accreditation (see section 136), and
  - (c) the required fee (if any) has been paid to the Welsh Ministers (see section 137).
- (2) An accreditation under subsection (1) is referred to in this Chapter as an accreditation of quality in community government.

### **135 Accreditation of quality in community government: criteria**

- (1) If the Welsh Ministers make regulations under section 134(1), the regulations must set criteria to be met on an application for accreditation of quality in community government.
- (2) The criteria that may be set include (but are not limited to) criteria about the following matters—
  - (a) the percentage of the members of the council who hold office by virtue of having been elected as described in section 35(1) of the Local Government Act 1972 (election of community councillors);
  - (b) qualifications of and training for officers of the council;
  - (c) training for members of the council and community youth representatives;
  - (d) the frequency with which meetings of the council are held and the publicity given to meetings (both before and after they are held);
  - (e) involving persons in the work of the community council;

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- (f) encouraging persons to improve the well-being of the community or communities for which the council is established;
- (g) annual reports;
- (h) accounts.

### **136 Accreditation of quality in community government: applications**

If the Welsh Ministers make regulations under section 134(1), the regulations must set requirements to be met in order for a valid application for accreditation of quality in community government to be made.

### **137 Accreditation of quality in community government: fees**

If the Welsh Ministers make regulations under section 134(1), the regulations may prescribe a fee that an applicant for accreditation of quality in community government is required to pay.

### **138 Accreditation of quality in community government: removal of accreditation**

If the Welsh Ministers make regulations under section 134(1), the regulations must provide for—

- (a) review of accreditations of quality in community government, and
- (b) the grounds on which an accreditation of quality in community government may be removed and the removal process.

### **139 Applications for accreditation of quality in community government: delegation of functions**

- (1) The Welsh Ministers may make arrangements with any person under which that person is to exercise, in accordance with the terms of the arrangements, the functions of the Welsh Ministers under regulations made under section 134(1).
- (2) If such arrangements are made, section 134(1)(c) is to have effect so that any required fee is to be paid to the person with whom the arrangements are made.

### **140 Accreditation of quality in community government: consequences**

- (1) The Welsh Ministers may by regulations make modifications of any enactment which imposes any obligation upon or in respect of a community council so that, in the case of a council in respect of which an accreditation of quality in community government is in force, the obligation is—
  - (a) disapplied, or
  - (b) altered so as to make it easier to comply with.
- (2) The Welsh Ministers may by regulations make modifications of any enactment which confers a power upon or in respect of a community council so that, in the case of a council in respect of which an accreditation of quality in community government is not in force, the power—
  - (a) may not be exercised, or
  - (b) may only be exercised if prescribed conditions are satisfied.