

# **LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 5 - Other changes to local government**

##### ***Section 51 – Presiding member of principal council***

69. This section amends the Local Government Act 1972 so as to allow principal councils to appoint a “presiding member”. A presiding member would be able to carry out any of the functions of a council chairman so decided by the council. In particular this provision will enable councils who wish to separate the ceremonial and civic functions associated with the council chairman or mayor from those of presiding over meetings of the council.
70. No member of the council’s executive may be the presiding member. The term of appointment is a matter for the principal council subject to the limitation that it cannot extend past the next council election.
71. A council may also appoint a deputy presiding member who, again, must not be a member of the executive.

##### ***Sections 52 to 54 – Private Bills***

72. These sections enable a principal council to promote a Private Bill either in Parliament or the National Assembly for Wales, and enable a community and principal council to oppose a Private Bill in Parliament or the National Assembly for Wales. It prevents a principal council from promoting a local Bill which concerns the formation or alteration of a local government area or the political structure of a local authority. It prevents a local authority from paying one of its members for acting as counsel or agent as part of that process.

##### ***Sections 55 to 57 – Community council websites; Requirement to give public notices electronically; Meetings and proceedings of communities***

73. **Section 55** requires a community council to publish certain information electronically (e.g. on a website), including details of the council’s membership and business and make provision for members of the public to contact the council or its clerk electronically. The requirement to make information available is subject to normal rules on access to information.
74. A community council must have regard to any guidance issued by the Welsh Ministers in relation to this matter.
75. **Section 56** requires community councils to also publish public notices electronically (e.g. on its website).

76. **Section 57** requires a community council to publish agendas and public reports for forthcoming meetings electronically (e.g. on its website).

***Section 58 – Registers of members’ interests***

77. This section provides that registers of interests, required to be maintained by county and county borough councils, community councils, fire and rescue authorities and national park authorities under the Local Government Act 2000, must be published and available to access electronically (e.g. on the council or authority’s website).

***Section 59 – Remote attendance at meetings of principal councils***

78. Section 4 of the Local Government (Wales) Measure 2011 provides that the reference in any enactment to a meeting of a local authority includes members attending remotely (i.e. not being at the actual meeting place but connecting to the meeting electronically), and the standing orders of a local authority must ensure that the number of members attending remotely must not be equal or greater to those in actual attendance for the meeting to be quorate. Section 59 amends section 4 of the Local Government (Wales) Measure 2011 so that, unless principal councils make different provision in their standing orders, at least 30% (instead of the original requirement in the Measure for at least 51%) of the total number of members at a remotely attended meeting of a council will have to be present at the main meeting place for that meeting to be quorate.

***Section 60 – Democratic services committees***

79. This section amends the Local Government (Wales) Measure 2011 so as to broaden the scope of a democratic services committee so that, if requested by the authority, they can review anything connected with the support and advice made available to elected members and their terms and conditions.

***Section 61 – Audit committees***

80. **Section 61** amends the Local Government (Wales) Measure 2011 so as to provide that an audit committee of a local authority is one to which the rules of political balance (which are set out in section 15 of the Local Government and Housing Act 1989) apply.

***Section 62 – Functions relating to payments to members***

81. **Section 62** enables the Independent Remuneration Panel (“the Panel”), when considering entitlement to a particular payment, to set a limit on the number of councillors who may receive it. This enhances the Panel’s existing power to set a limit on the proportion of councillors who may receive a particular payment.

***Section 63 – Functions relating to salaries of heads of paid service***

82. **Section 63** amends the Local Government (Wales) Measure 2011 by inserting a new section 143A. It provides the Independent Remuneration Panel with powers in relation to the salaries of the heads of paid service in principal councils and fire and rescue authorities (defined in the section as “qualifying relevant authorities”). The Panel will be able to make recommendations to an authority about that authority’s policies in relation to the salary paid to its head of paid service as well as any proposed change to that salary. In circumstances where an authority proposes a change to the salary of its head of paid service that isn’t commensurate with a change to the salaries of its other staff, that authority will have to consult the Panel about the proposal before making the change. Any relevant recommendations made by the Panel may be published by it and should be taken into account by an authority when it makes decisions in connection with the salary of its head of paid service. The Welsh Ministers may produce guidance regarding the exercise of its functions under this section to which the Panel must have regard when exercising those functions.

***Section 64 – Relevant authorities***

83. **Section 64** provides that the Welsh Ministers may add to the public bodies whose remuneration should be considered by the Panel. Any such additional body must be one which Welsh Ministers have responsibility for and which includes members of local authorities in its membership. This power is to be carried out by order of Welsh Ministers.

***Section 65 – Subsequent annual reports***

84. **Section 65** changes the date by which the Panel must produce their annual report from 31 December to the 28 February. This has the effect of reducing the time between publication of a report and its implementation the following April. The provisions will also enable the Panel to decide when its reports shall come into force and to backdate its decisions for up to three months.

***Section 66 – Consultation on draft reports***

85. **Section 66** provides that consultation times on draft supplementary reports, currently set at 8 weeks, would be varied to between 4 and 8 weeks.

***Section 67 – Publicity requirements in reports***

86. **Section 67** provides that the Panel may require local authorities to publish details of any income received by their members from specified public bodies.

***Section 68 – Joint standards committees***

87. **Section 68** amends section 53 of the Local Government Act 2000 (“the 2000 Act”) so that one or more relevant authorities (i.e. a county or county borough council, national park authority or a fire and rescue authority in Wales) may establish a joint standards committee. An authority considering establishing a joint standards committee must have regard to any guidance issued by the Welsh Ministers.
88. **Section 68** also amends section 54 of the 2000 Act to provide that a standards committee must, in exercising any of its functions, have regard to any relevant guidance issued by the Welsh Ministers.

***Section 69 – Referral of cases relating to conduct***

89. Section 73 of the Local Government Act 2000 enables the Welsh Ministers to make regulations in relation to the investigation of matters relating to the conduct of local authority members and consideration by the local authority’s standards committee. Section 69 amends section 73 of the 2000 Act to enable regulations to be made relating to the monitoring officer or standards committee of one authority being able to refer a matter to the standards committee of another authority.