



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 6

PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS

CHAPTER 1

PERFORMANCE, PERFORMANCE ASSESSMENTS AND INTERVENTION

Intervention by the Welsh Ministers

104 Powers of the Welsh Ministers to intervene

- (1) The Welsh Ministers may give an intervention direction to or in relation to a principal council if they consider that—
 - (a) it is likely that the council is not meeting the performance requirements, or
 - (b) the council is not meeting the performance requirements.
- (2) But before giving an intervention direction the Welsh Ministers must—
 - (a) provide or attempt to provide support and assistance to the council (which may include directing another council under section 103),
 - (b) consult such persons as the Welsh Ministers consider appropriate, and
 - (c) notify the council that they intend to give the direction.
- (3) A requirement in paragraph (a), (b) or (c) of subsection (2) does not apply if the Welsh Ministers consider that there is an urgent need to give the direction and the urgency is such that it would be appropriate to do so without taking the step set out in the paragraph.

- (4) In this section, “intervention direction” means a direction under section 105, 106 or 107; and those sections are subject to subsections (1) to (3) of this section.

105 Direction to co-operate with provision of support and assistance

- (1) The Welsh Ministers may direct a principal council (“the supported council”) to co-operate with—
- (a) the Welsh Ministers;
 - (b) a principal council acting under a direction under section 103,
- for the purposes of enabling support and assistance to be provided to the supported council.
- (2) When a direction under this section has effect the supported council must provide a person referred to in subsection (1)(a) or (b) with the following things, to the extent the person considers necessary for the purposes of providing support and assistance to the council—
- (a) access to its premises;
 - (b) access to documents held by it (and the supported council must allow the person to take copies of those documents);
 - (c) other information;
 - (d) facilities and assistance.
- (3) But subsection (2) does not require a council to provide, or provide access to, anything that the council is prohibited from providing or providing access to by any enactment or rule of law.
- (4) A direction under this section may require a supported council to co-operate with a person referred to in subsection (1)(a) or (b) by taking steps specified in the direction, including—
- (a) entering into a contract or other agreement or arrangement (and the direction may specify its terms and conditions) with that person;
 - (b) allowing that person to facilitate or co-ordinate any of the council’s activities.
- (5) In subsection (1)(a) and (b), the references to the Welsh Ministers and a principal council acting under a direction under section 103 include a person acting on behalf of, assisting or authorised by them.

106 Direction to take or not to take etc. a specified step

- (1) The Welsh Ministers may direct a principal council to—
- (a) take a specified step (and the direction may specify a deadline by which the step must be taken);
 - (b) not take a specified step;
 - (c) cease taking a specified step (and the direction may specify a deadline by which the council must cease taking the step).
- (2) The steps which a direction may require a council to take include entering into a contract or other agreement or arrangement—
- (a) with a specified person;
 - (b) with a person of a specified description;
 - (c) for specified purposes;

(d) on specified terms and conditions.

(3) In this section “specified” means specified in the direction.

107 Direction that a function be performed by the Welsh Ministers or their nominee

(1) The Welsh Ministers may direct that a specified function of a principal council be exercised by the Welsh Ministers or a person nominated by them.

(2) When a direction under this section has effect the principal council must—

(a) comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the specified function;

(b) provide the Welsh Ministers or their nominee with the following things, to the extent the Welsh Ministers consider, or their nominee considers, necessary for the purposes of exercising the specified function—

(i) access to its premises;

(ii) access to documents held by it (and the principal council must allow the Welsh Ministers or their nominee to take copies of those documents);

(iii) other information;

(iv) facilities and assistance;

(c) take such steps as may be specified.

(3) The Welsh Ministers may by regulations apply an enactment with modifications, or disapply an enactment, in relation to functions exercisable by the Welsh Ministers or their nominee by virtue of a direction within this section.

(4) In subsection (2) the references to the Welsh Ministers and their nominee include a person acting on behalf of, assisting or authorised by the Welsh Ministers or their nominee.

(5) In this section “specified” means specified in the direction.