

*Status: Point in time view as at 01/04/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, SCHEDULE 11. (See end of Document for details)*

## SCHEDULE 11

(introduced by section 136)

### TRANSITION COMMITTEES OF MERGING COUNCILS AND RESTRUCTURING COUNCILS

#### PART 1

##### MERGING COUNCILS

###### *Transition committees for merging councils*

- 1 (1) Merging councils must establish a transition committee immediately after making a merger application.
- (2) References to a transition committee in this Part of this Schedule are to a transition committee established under sub-paragraph (1).

###### **Commencement Information**

- II** Sch. 11 para. 1 in force at 21.1.2021, see s. 175(1)(f)(2)

###### *Membership of transition committees for merging councils*

- 2 (1) A transition committee must consist of an equal number of members, not being less than 5, of each of the merging councils.
- (2) The members of a merging council who are to be members of the transition committee must be appointed by the merging council.
- (3) The number of members of the committee to be appointed by each of the merging councils is the number agreed by the merging councils or, in default of agreement, determined by the Welsh Ministers.
- (4) One of the members of the committee appointed by a merging council must be the merging council's senior executive member.
- (5) If not already appointed under sub-paragraph (4), the executive member of a merging council with responsibility for finance must also be appointed as a member of the committee.
- (6) A transition committee may co-opt additional persons to serve as members of the committee but they may not vote.
- (7) A transition committee is to be treated for the purposes of paragraph 1 of Schedule 1 to the Local Government and Housing Act 1989 (c. 42) (political balance on local authority committees) as a body falling within paragraph 2 of that Schedule.
- (8) In this paragraph “senior executive member” means—
  - (a) in the case of a council operating a leader and cabinet executive, the executive leader;
  - (b) in the case of a council operating a mayor and cabinet executive, the elected mayor.

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**Commencement Information**

**I2** Sch. 11 para. 2 in force at 21.1.2021, see s. 175(1)(f)(2)

*Functions of transition committees for merging councils*

- 3 (1) A transition committee must provide to the merging councils, and to the shadow council for the new principal area, advice and recommendations for—
- (a) facilitating the economic, effective and efficient transfer of functions, staff and property rights and liabilities from the merging councils to the new principal council,
  - (b) ensuring that the new principal council and its staff are in a position to perform the new principal council's functions effectively as from the time when it assumes them, and
  - (c) any other purposes that the Welsh Ministers may specify in a direction to the transition committee.
- (2) A transition committee must also give advice and recommendations to the Welsh Ministers on any matter that the Welsh Ministers specify in a direction to the committee.

**Commencement Information**

**I3** Sch. 11 para. 3 in force at 21.1.2021, see s. 175(1)(f)(2)

## PART 2

### RESTRUCTURING COUNCILS

*Transition committees for restructuring councils*

- 4 (1) After giving notice as described in section 129(6), the Welsh Ministers may direct two or more restructuring councils to establish a transition committee.
- (2) The Welsh Ministers may specify in a direction under sub-paragraph (1) the functions and membership of a transition committee established in accordance with the direction.

**Commencement Information**

**I4** Sch. 11 para. 4 in force at 1.4.2021 by S.I. 2021/297, art. 2(i)

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### PART 3

#### TRANSITION COMMITTEES OF MERGING COUNCILS AND RESTRUCTURING COUNCILS

##### *Sub-committees of transition committees for merging councils or restructuring councils*

- 5
- (1) A transition committee may establish one or more sub-committees.
  - (2) The function of a sub-committee of a transition committee is to advise the transition committee on matters referred to the sub-committee by the transition committee.
  - (3) The membership of a sub-committee of a transition committee is to be determined by the transition committee.
  - (4) If a transition committee appoints as a member of a sub-committee a person who is not a member of one of the merging councils or restructuring councils, that person may not vote.

##### **Commencement Information**

**I5** Sch. 11 para. 5 in force at 21.1.2021 for specified purposes, see s. 175(1)(f)(2)(b)(ii)(7)

**I6** Sch. 11 para. 5 in force at 1.4.2021 in so far as not already in force by S.I. 2021/297, art. 2(i)

##### *Provision of funding, facilities and information etc. to transition committees for merging councils or restructuring councils*

- 6
- (1) The merging councils or restructuring councils must meet the costs of a transition committee in the proportions which they agree or, in default of agreement, which are determined by the Welsh Ministers.
  - (2) The merging councils or restructuring councils must provide to a transition committee the facilities and resources (including staff), information and documents reasonably requested by the transition committee (or any sub-committee of the transition committee) in order to enable it to exercise its functions.

##### **Commencement Information**

**I7** Sch. 11 para. 6 in force at 21.1.2021 for specified purposes, see s. 175(1)(f)(2)(b)(ii)(7)

**I8** Sch. 11 para. 6 in force at 1.4.2021 in so far as not already in force by S.I. 2021/297, art. 2(i)

##### *Transition committees for merging councils or restructuring councils: further provision*

- 7
- (1) The Welsh Ministers may direct a transition committee to exercise its functions in accordance with the direction.
  - (2) Neither a governance and audit committee nor an overview and scrutiny committee of a merging council or restructuring council may exercise any of its functions in relation to anything done by a transition committee; and for this purpose—
    - “governance and audit committee” (“*pwylgor llywodraethu ac archwilio*”) has the meaning given by section 81 of the 2011 Measure;
    - “overview and scrutiny committee” (“*pwylgor trosolwg a chraffu*”) has the meaning given by section 21(1) of the 2000 Act.

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(3) In this Part of this Schedule—

- (a) “transition committee” means a transition committee established in accordance with paragraph 1 or by virtue of paragraph 4;
- (b) a reference to a merging council in relation to a transition committee is to a merging council by which the transition committee is established;
- (c) a reference to a restructuring council in relation to a transition committee is to a restructuring council by which the transition committee is established.

<sup>F1</sup>(4) .....

#### Textual Amendments

- F1** Sch. 11 para. 7(4) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 10 para. 10](#); S.I. 2021/297, reg. 2(h)

#### Commencement Information

- I9** Sch. 11 para. 7(1) in force at 21.1.2021, see s. 175(1)(f)
- I10** Sch. 11 para. 7(2) in force at 21.1.2021 for specified purposes, see s. 175(1)(f)(2)(b)(ii)(7)
- I11** Sch. 11 para. 7(3)(a) in force at 21.1.2021 for specified purposes, see s. 175(1)(f)(2)(l)(ii)(7)
- I12** Sch. 11 para. 7(3)(b) in force at 21.1.2021, see s. 175(1)(f)(2)
- I13** Sch. 11 para. 7(4) in force at 21.1.2021, see s. 175(1)(f)(2)
- I14** Sch. 11 para. 7(2)(3)(a) in force at 1.4.2021 in so far as not already in force by [S.I. 2021/297](#), [art. 2\(i\)](#)
- I15** Sch. 11 para. 7(3)(c) in force at 1.4.2021 by [S.I. 2021/297](#), [art. 2\(i\)](#)

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