

LOCAL GOVERNMENT (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Local Authority functions: Discharge by Committees and Councillors

Section 55 – Area covered and membership

Section 56 – Exercise of functions by councillors

Section 57 – Consequential provision

67. These sections enable local authorities in Wales to have more flexibility in the way that functions of the executive of that authority may be discharged. Section 15 of the 2000 Act makes provision for the discharge of functions for a leader and cabinet executive in Wales. Section 15(2) of the 2000 Act provides that any functions which are the responsibility of the executive may be discharged by (a) the executive, (b) any member of the executive, (c) any committee of the executive and (d) any officers of the authority.
68. *Section 55* of the Measure amends the existing provision in section 18 of the 2000 Act to give authorities more flexibility about the membership of an area committee which discharges specified functions in its part of the area of the authority. Currently, an area committee satisfies the conditions if the members of the committee who are councillors are elected for electoral divisions which fall wholly or partly within that part. The existing area conditions are that the area covered by the area committee does not exceed two-fifths of the total area of the authority and the population of that part likewise.
69. *Section 56* makes new provision to enable a member of a local authority who represents the executive or the authority on an outside body to be able to make decisions in relation to functions which are the responsibility of the authority's executive, provided that the executive or the authority has formally discharged those functions to the member. There is no power to provide for this at present.
70. *Section 57* makes consequential changes to the 1972 Act and the 2000 Act. The amendments to the 1972 Act provide for members exercising functions to make written records of decisions and to provide them to the authority. The changes to the 2000 Act allow for the discharge of executive functions in accordance with the new provisions regarding members and for those members to be called before an overview and scrutiny committee to answer questions about those functions.