



# Local Government (Wales) Measure 2011

## 2011 nawm 4

### PART 5

#### LOCAL AUTHORITY FUNCTIONS: DISCHARGE BY COMMITTEES AND COUNCILLORS

##### *Exercise of functions by councillors*

#### **56 Exercise of functions by councillors**

- (1) The senior executive member of a local authority may make arrangements for a non-executive member of the authority to exercise a function of the local authority which is the responsibility of the executive.
- (2) A local authority may make arrangements for a non-executive member of the authority to exercise any other function of the authority.
- (3) Arrangements under this section may only provide for a non-executive member (N) to exercise functions—
  - (a) in relation to the electoral division for which N is elected, or
  - (b) in relation to N's official membership of a body other than the local authority.
- (4) No arrangements may be made under this section for the exercise of a function—
  - (a) if, or to the extent that, it is specified in an order made by the Welsh Ministers, or
  - (b) in a manner, or in circumstances, specified in an order made by the Welsh Ministers.
- (5) Arrangements made under this section for the exercise of a function do not prevent the ordinary exercise of the function.
- (6) In making arrangements under this section, the senior executive member, or local authority, must have regard to guidance given by the Welsh Ministers.
- (7) In this section—

*Status: Point in time view as at 30/04/2012.*

**Changes to legislation:** *There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Exercise of functions by councillors. (See end of Document for details)*

- (a) a reference to the exercise of a function includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the function;
  - (b) a reference to a function which is the responsibility of the executive of a local authority is to be construed in accordance with section 13(8) of the Local Government Act 2000;
  - (c) a reference to N's official membership of a body is a reference to membership of the body which N holds by virtue of—
    - (i) a local authority appointment,
    - (ii) an appointment, other than a local authority appointment, made on a local authority nomination or recommendation or with local authority approval, or
    - (iii) an appointment, other than a local authority appointment, made in compliance with a requirement to appoint a member of a local authority;
  - (d) a reference (in relation to N) to a local authority appointment, nomination or recommendation, or local authority approval, is a reference to an appointment, nomination or recommendation made by, or approval given by—
    - (i) the local authority of which N is a member, or
    - (ii) the executive of that local authority;
  - (e) a reference to the ordinary exercise of a function is a reference to its exercise by the person or persons by whom it is exercisable in the absence of arrangements made under this section.
- (8) References in this section to a local authority are references to a local authority which operates executive arrangements.
- (9) In this section—
- “non-executive member” (“*aelod nad yw'n aelod gweithrediaeth*”) means a member of a local authority who is not a member of the executive of the authority;
  - “senior executive member” (“*aelod gweithrediaeth hŷn*”) means—
    - (a) in the case of a local authority operating a leader and cabinet executive (Wales), the executive leader;
    - (b) in the case of a local authority operating a mayor and cabinet executive, the elected mayor.

#### **Commencement Information**

**II** S. 56 in force at 30.4.2012 by S.I. 2012/1187, art. 2(1)(d)

## **57 Consequential provision**

- (1) In section 100EA of the Local Government Act 1972 (inspection of records relating to functions exercisable by members)—
- (a) in subsection (1)—
    - (i) for “Secretary of State” substitute “ appropriate authority ”;
    - (ii) after “2007” insert “ or under section 56 of the Local Government (Wales) Measure 2011 ”;

(b) after subsection (2) insert—

“(2A) In this section “appropriate authority” means—

- (a) in relation to local authorities in England, the Secretary of State;
- (b) in relation to local authorities in Wales, the Welsh Ministers.
- (c) in subsection (3), after “Parliament” insert “ (in the case of regulations made by the Secretary of State) or a resolution of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers) ”.”;

(2) In the Local Government Act 2000—

- (a) in section 13 (functions which are the responsibility of an executive), in subsection (9)(b), after “in England” insert “ or under section 56 of the Local Government (Wales) Measure 2011 ”;
- (b) in section 21 (overview and scrutiny committees), in subsection (13)(aa), after “in England” insert “ or under section 56 of the Local Government (Wales) Measure 2011 ”.

**Commencement Information**

**I2** S. 57 in force at 30.4.2012 by S.I. 2012/1187, art. 2(1)(d)

**Status:**

Point in time view as at 30/04/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Exercise of functions by councillors.