



# Local Government (Wales) Measure 2011

## 2011 nawm 4

### PART 7

#### COMMUNITIES AND COMMUNITY COUNCILS

#### CHAPTER 1

#### COMMUNITY MEETINGS AND COMMUNITY POLLS

#### **95 Determination of monitoring officer as to the council to whose functions a poll relates**

(1) After paragraph 38A of Schedule 12 to the Local Government Act 1972 insert the following—

“38B (1) Within a period of 14 days beginning with the day on which notice was given under paragraph 38A(3) above, the monitoring officer must determine whether, in the officer’s opinion, the question in relation to which the poll was taken corresponds to any of the descriptions in sub-paragraph (2) below.

(2) Those descriptions are—

- (a) a question which relates only to the functions of the principal council,
- (b) a question which relates only to the functions of a community council for the relevant community,
- (c) a question which relates to the functions of the principal council and the functions of a community council for the relevant community.

(3) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(a) above, the officer must give notice of that determination to the principal

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*Status: This is the original version (as it was originally enacted).*

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- council (see section 33B of this Act for the duties of the council upon being given such notice).
- (4) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(b) above, the officer must give notice of that determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).
- (5) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(c) above, the officer must—
- (a) to the extent that the determination concludes that the question relates to the functions of the principal council, give notice of the determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice), and
  - (b) to the extent that the determination concludes that the question relates to the functions of the community council, give notice of the determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).
- (6) A notice required to be given by this paragraph must—
- (a) be given in writing,
  - (b) be given as soon as is reasonably practicable after the date of determination, and
  - (c) include the monitoring officer’s reasons for the determination to which the notice relates.”.
- (2) After subsection (8A) of section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) insert the following—
- “(8B) Any reference in this section to the duties of a monitoring officer imposed by this section, or to the duties of a monitoring officer under this section, shall include a reference to duties conferred on a monitoring officer by paragraph 38B of Schedule 12 to the Local Government Act 1972 (duties of monitoring officer for principal council in Wales in relation to polls consequent on community meetings).”.