

Draft Regulations laid before Senedd Cymru under section 174(4) and (5)(t) of the Local Government and Elections (Wales) Act 2021, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2022 No. (W.)

**LOCAL GOVERNMENT,
WALES**

**The Local Government and
Elections (Wales) Act 2021
(Consequential Amendments) (Job-
sharing and Assistants to the
Executive) Regulations 2022**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments which are consequential on sections 57 and 58 of, and Schedule 7 to, the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”), which amend provisions in Part 2 of, and Schedule 1 to, the Local Government Act 2000 (“the 2000 Act”). Section 57 of the 2021 Act relates to the appointment of assistants to a local authority executive while section 58 and Schedule 7 make provision relating to the sharing of office on a local authority executive.

Regulation 2 amends provisions of the Local Government (Wales) Measure 2011 to provide that two or more members of a local authority who share office on the executive, may be appointed to a local authority’s democratic services committee, or a local authority’s governance and audit committee but that those members together only count as one member for the purposes specified in respect of each committee (membership, voting and requisitioning a meeting).

Regulation 3 amends the Standards Committee (Wales) Regulations 2001 (“the 2001 Regulations”) to provide that a local authority standards committee can only include either one executive member or one assistant to the executive, from that local authority. Further, where two or more local authorities establish a

joint standards committee, then that committee can only include either one executive member or one assistant to the executive, from each constituent local authority.

Regulation 3 also amends the 2001 Regulations to provide that two or more members of a local authority executive who share office may be appointed to a local authority's standards committee but that those members together only count as one member for the purposes specified (size and composition of the committee, voting and quorum).

Regulation 4 amends the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 to provide that neither an interim mayor nor interim executive members, are to be treated as members of a local authority executive for the purpose of the statutory limit imposed on the number of executive members set out in section 11 of the 2000 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Local Government and
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(Consequential Amendments) (Job-
sharing and Assistants to the
Executive) Regulations 2022**

Made

Coming into force

13 May 2022

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 173 of the Local Government and Elections (Wales) Act 2021(1).

A draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru in accordance with section 174(4) and (5)(t) of that Act.

PART 1

General

Title and commencement

1.—(1) The title of these Regulations is the Local Government and Elections (Wales) Act 2021 (Consequential Amendments) (Job-sharing and Assistants to the Executive) Regulations 2022.

(1) 2021 asc 1.

(2) These Regulations come into force on 13 May 2022.

PART 2

Amendments to primary legislation

Local Government (Wales) Measure 2011

2.—(1) The Local Government (Wales) Measure 2011⁽¹⁾ is amended as follows.

(2) In section 12 (membership of democratic services committee)—

- (a) in subsection (2)(b), after “authority’s executive” insert “(but see subsection (6))”;
- (b) after subsection (5) insert—

“(6) If two or more members of a local authority are appointed to the executive to share office, more than one of those members may be appointed to its democratic services committee (and if they are so appointed, together they count as one executive member for the purposes of subsection (2)(b)).”

(3) In section 14 (proceedings of a democratic services committee), after subsection (4) insert—

“(4A) If two or more members of a democratic services committee are members of the executive who share office, those members have between them one vote for the purposes of subsection (4).”

(4) In section 15 (frequency of meetings of a democratic services committee), after subsection (2) insert—

“(2A) If two or more members of a democratic services committee are members of the executive who share office, those members together count only as one member of the committee for the purposes of subsection (2)(b).”

(5) In section 82 (membership of governance and audit committee)—

- (a) in subsection (2)(c), after “authority’s executive” insert “(but see subsection (8))”;
- (b) after subsection (7) insert—

“(8) If two or more members of a local authority are appointed to the executive to share office, more than one of those members may be appointed to its governance and audit committee

⁽¹⁾ 2011 nawm 4; sections 12 and 82 were amended by the Local Government and Elections (Wales) Act 2021, Schedule 6, paragraph 6 and Schedule 10, paragraph 4.

(and if they are so appointed, together they count as one executive member for the purposes of subsection (2)(c)).”

(6) In section 83 (proceedings of a governance and audit committee), after subsection (3) insert—

“(3A) If two or more members of a governance and audit committee are members of the executive who share office, those members have between them one vote for the purposes of subsection (3).”

(7) In section 84 (frequency of meetings of a governance and audit committee), after subsection (2) insert—

“(2A) If two or more members of a governance and audit committee are members of the executive who share office, those members together count only as one member of the committee for the purposes of subsection (2)(b).”

PART 3

Amendments to secondary legislation

Standards Committees (Wales) Regulations 2001

3.—(1) The Standards Committee (Wales) Regulations 2001⁽¹⁾ are amended as follows.

(2) In regulation 2, at the appropriate place in alphabetical order insert—

““assistant to the executive” (“*cynorthwydd gweithrediaeth*”) has the same meaning as in paragraph 3A of Schedule 1 to the 2000 Act;”.

(3) In regulation 3, after paragraph (2) insert—

“(3) If two or more members of a standards committee are members of the executive who share office, those members together count only as one member of the committee for the purposes of paragraphs (1) and (2).”

(4) In regulation 5, after paragraph (2) insert—

“(3) If two or more members of a standards committee are members of the executive who share office, those members together count only as one member of the committee for the purposes of paragraphs (1) and (2).”

(5) In regulation 9—

(1) S.I. 2001/2283 (W. 172); relevant amending instruments are S.I. 2006/1849 (W. 192), 2016/85 (W. 39).

- (a) in paragraph (1), for “not include more than one executive member from that authority.” substitute—

“include no more than one of the following—

- (a) an executive member from that authority (but see paragraph (3)), or
- (b) an assistant to its executive.”;

- (b) in paragraph (2), for “not include more than one executive member from each constituent local authority.” substitute—

“include no more than one of the following from each constituent local authority—

- (a) an executive member (but see paragraph (3)), or
- (b) an assistant to the executive.”;

- (c) after paragraph (2) insert—

“(3) If two or more members of a local authority are appointed to the executive to share office—

- (a) a standards committee may include more than one of those members, and if it does so, together they count as one executive member for the purposes of paragraph (1)(a);
- (b) a joint committee may include more than one of those members from a constituent local authority, and if it does so, those members together count as one executive member for the purposes of paragraph (2)(a).”

- (6) In regulation 23, after paragraph (3) insert—

“(4) If two or more members of a standards committee are members of the executive who share office, those members have between them one vote for the purposes of paragraph (2).”

- (7) In regulation 24, after paragraph (3) insert—

“(4) If two or more members of a standards committee are members of the executive who share office, those members together count only as one member of the committee for the purposes of paragraphs (1) and (2).”

Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002

4. In the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order

2002(1), in article 41(6), after “section 11(8)” insert
“or 11(8ZA)”.

Name

Minister for Finance and Local Government, one of
the Welsh Ministers

Date

(1) S.I. 2002/808 (W. 89).