

Local Government Wales Measure 2011

The Measure was passed by the Assembly and received Royal Assent on 10th May 2011.

The Measure contains 179 sections which are divided into 10 parts.

The Measure

- Part 1** Strengthening Local Democracy
- Part 2** Family Absence for Members of Local Authorities
- Part 3** Available Governance Arrangements
- Part 4** Changes to Executive Arrangements
- Part 5** Local Authority Functions: Discharge by Committees and Councillors
- Part 6** Overview and Scrutiny
- Part 7** Communities and Community Councils
- Part 8** Members: Payment and Pensions
- Part 9** Collaboration and Amalgamation
- Part 10** General

The Measure has 4 Schedules.

- Schedule 1 Change from Alternative to Executive Arrangements
- Schedule 2 The Independent Remuneration Panel
- Schedule 3 Payments and Pensions: Minor and consequential amendments
- Schedule 4 Repeals and Revocations

The Measure did not come into force in its entirety on receipt of Royal Assent. Much of the provisions are enabling in that they allow Welsh Ministers to issue formal guidance and regulations.

There are 21 pieces of guidance provided for in the Measure most of which are yet to be published.

Part 1 – Strengthening Local Democracy

Sections 1 – 22

Chapter 1 – Promoting and Supporting Membership of Local Authorities

Sections 1 – 3 provide for the conduct of a survey of councillors and unsuccessful candidates in the local government elections which asks prescribed questions regarding gender, age, language, race, disability, sexual orientation, religion, health, education and employment.

Each Council must conduct the survey and submit the responses to Welsh Government who must publish the results within 12 months. We are awaiting publication of the 2012 survey results.

Section 4 is not yet in force. This section seeks to enable members to attend meetings remotely. There are provisions regarding standing orders for remote attendance. Local authorities must have regard to guidance issued by Welsh Ministers. No guidance has yet been issued.

Section 5 requires each local authority to make arrangements for individual members to make an annual report about their activities as a member. There is also a requirement for each authority to make arrangements for each executive member to make an annual report about their activities as an executive member.

The authority must make arrangements for publication of these annual reports.

The authority must have regard to guidance given by Welsh Ministers. Draft guidance was issued in late autumn 2012 and considered by the Democratic Services Committee. The final version of the guidance is awaited. We propose providing a template for members which will be pre-populated with information such as attendance statistics. Members will complete their report on their activities. We will have to check them against the guidance and then arrange to publish on modern.gov.

Section 6 requires each local authority to have regard to guidance given by Welsh Ministers about the times at which meetings of the authority are held.

The guidance suggest that local authorities should not simply hold meetings at the times and locations as they always have done out of inertia. The rule of thumb should be that meetings will be held at times, intervals and locations which are convenient to its members. Members should be surveyed at least once each term, preferably after each election.

A survey has been conducted and repeated due to a relatively low response. The outcome of the survey will be fed into work being done by officers for the Chief Executive in respect of meeting times and locations. The responses to the survey indicate no appetite for change.

Section 7 requires local authorities to secure the provision of reasonable training and development opportunities for its members. Each member should also have the opportunity to have a review of their training and development needs on an annual basis. If a member decides to have an annual review, the review should include an opportunity to have an interview with someone they consider to be suitably qualified to advise about the training and development needs of a member.

The council is required to have regard to guidance issued by Welsh Ministers. The guidance suggests that a non exhaustive list of areas to which training should be considered would include:

Induction
Role and functions of the executive; the Council and others
Overview and Scrutiny
Information Technology
Code of Conduct
Role of a Councillor as a local member
Public Engagement
Equality and diversity

The guidance suggests each member has their own personal development plan. It recommends that the Democratic Services Committee has overall responsibility for deciding what should be regarded as reasonable training. It is further recommended that the Democratic Services Committee proposes the appropriate level of funding to be made available for the purchase of external training. The guidance recommends having a published development strategy and suggests that the WLGA Charter could be used for guidance purposes.

It is for the authority to determine who could be considered a suitably qualified person to conduct annual review interviews.

Some authorities have group leaders conducting interviews with their members. Some have the interviews conducted by the Leader and executive members. Other authorities may choose officers to conduct the interviews. Some authorities engage external consultants.

Chapter 2 - Local Authority Democratic Services

Section 8 requires the authority to designate one of its officers to discharge the 'democratic services functions' set out in Section 9 and be known as the 'Head of Democratic Services'.

Section 9 sets out the 'democratic services functions'. These are:

- providing support and advice to committees including joint and sub committees
- promoting the role of the authority's overview and scrutiny committees
- providing support and advice to the authority's overview and scrutiny committees and the members of those committees
- providing support and advice to the democratic services committee and its members
- provide support and advice in relation to the functions of the overview and scrutiny committees to members, members of the executive and officers.
- provide support and advice to each member of the authority in carrying out the role of member
- to make reports and recommendations in respect of any of:

- (i) the number and grades of staff required to discharge democratic services functions
- (ii) the appointment of staff to discharge democratic services functions
- (iii) the organisation and proper management of staff discharging democratic services functions

In December 2012 the Democratic Services Committee designated the Democratic Services Manager as Head of Democratic Services.

Section 10 enables Welsh Ministers to make regulations requiring local authorities to include prescribed provisions relating to the management of staff supporting the democratic services functions and to make modifications to any standing orders relating to the management of staff.

'Management of staff' does not include appointment or dismissal of, or the taking of disciplinary actions against staff.

No such regulations have yet been made.

Section 11 requires each authority to appoint a democratic services committee to designate a Head of Democratic Services, to review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions and make reports and recommendations in relation to that provision.

Council appointed a Democratic Services Committee in May 2012.

Sections 12 – 19 deal with membership, proceedings and frequency of meetings of the Democratic Services Committee.

Section 20 prevents the delegation of functions relating to the appointment of the Head of Democratic Services and the appointment of Democratic Services Committee, or considerations by Council of a report of the Democratic Services Committee.

Section 21 requires that the Head of Democratic Services is a politically restricted post.

Section 22 is an interpretation section.

Part 2 – Family Absence for Members of Local Authorities

Section 23 – 33 enable members to be absent from meetings of the authority during a period of family absence.

Family absence includes:

- maternity absence
- newborn absence
- adopter's absence

new adoption absence

parental absence

The Welsh Ministers may make regulations as to the conditions to be satisfied in order to qualify for these absences. Local authorities must have regard to guidance issued by Welsh Ministers. To date no regulations or guidance have been issued.

The effect of these provisions will be that a member cannot be disqualified for non attendance if the period of non attendance included a period of family absence.

Section 33 provides for an amendment to be made to the Local Government Act 2000 to alter the limit on the size of an executive to be breached if temporary executive members are appointed to cover a period of family absence. There is no obligation to appoint an additional member.

Part 3 – Available Governance Arrangements

Section 34 abolished the Mayor and Council Manager form of executive arrangements.

Section 36 makes consequential amendments to legislation.

This Part does not directly affect Denbighshire.

Part 4 – Changes to Executive Arrangements.

Chapter 1 – Adopting a different form of executive

Sections 37 – 47 provide for a simplified process whereby an authority which is operating executive arrangements may vary or replace the arrangements for a different form of executive. This may be done only once in each electoral cycle.

If the proposed change is to a form of executive arrangements which involves an elected Mayor the proposals must include provision for a referendum. A referendum must not be held where the proposal is to change to any other form of executive arrangements. The sections set out the publications and approval processes to be followed.

If a referendum is required and the result of it is a rejection of the proposal then the authority must publish the fact that the proposal was rejected and continue to operate its existing executive arrangements.

Chapter 2 – Other variations of existing executive arrangements

Sections 48 – 54 make provision for the process by which an authority may make variations to its existing executive arrangements without actually changing the form of the executive.

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

Section 55 amends the existing provisions of Section 18 Local Government Act 2000. Section 18 of the 2000 Act provides for the creation of area committees to discharge functions in respect of part of the authority's area. Section 55 of the Measure amends Section 18 to create more flexibility.

Under Section 55 an area committee is able to discharge functions in respect of part of the area of the authority where that part consists of one or more electoral divisions, all of the members elected for those divisions are entitled to be members but no others, and either the area covered is less than one half of the area of the authority or the population of that part is less than one half of the total population of the authority.

Section 56 provides for a Leader to be able to make arrangements for a non executive member of the authority to exercise an executive function. The Council may make arrangements for a non executive member to exercise a non executive function.

A non executive member may only exercise functions in respect of the electoral division for which they are elected or in relation to their official membership on an outside body.

Welsh Ministers may make an order specifying functions which are not to be the subject of such arrangements. They may also issue guidance to which the Leader must have regard.

Section 57 makes consequential amendments to other legislation.

The Welsh Ministers have issued guidance in respect of Section 56. The guidance seeks to outline potential positive benefits from delegating functions to elected members both within their role as ward members and as the Council's official representative on outside bodies. It refers to the value of members being 'the voice of the community in the Council and the voice of the Council in the community'.

The intent behind the provision is to give a wider range of opportunities to make effective use of elected members' representational role. The guidance suggests that Council's may wish to use the provision to create 'on the job' learning opportunities for non executive members on outside bodies.

Although Section 56 gives broad powers to delegate any function some are more appropriate than others. Planning, licensing or social care divisions are clearly inappropriate. Suggestions in the guidance of areas which may be suitable are functions such as having power to effect repairs or improvements to streets e.g. road calming measures or street lighting. Powers to discharge and oversee youth activities within their area may be appropriate.

Factors to consider when delegating powers are set out in the guidance for members:

What value can be added?

What specific local problems will be able to be tackled as a result?

Would councillors need additional support such as legal advice on the discharge of delegated functions?

How will members be supported if their decisions are challenged e.g. by way of judicial review?

How will these delegated decisions be publicly recorded?

For others:

The need to work closely with members to develop their knowledge and skills

Providing advice to ensure delegated powers are used effectively

How to implement decisions made under these delegations

The development of appropriate recording of discussions made

The Constitution would need to be amended

Any decisions made by non executive members using delegated functions should be subject to the same Call-in procedures as relate to other executive functions.

The guidance suggests that councils look at similar delegation powers that were introduced in England under the Local Government and Public Involvement in Health Act 2007.

Some options used in England were:

- establishing enabling powers in the constitution for the purpose of delegating powers to non executive members to be used as and when needed
- using delegated powers to tackle specific area based issues in response to local challenges

It is for each council to decide the extent to which they wish to use Section 56. The guidance advises that a protocol is developed by the council to decide when and under what conditions a function will be delegated to a non executive member. Councils should take into account the need to avoid possible allegations of favouring members of a particular political persuasion.

In multi member wards, councils should make sure that the same arrangements apply for each elected member or to none. The guidance suggests that in multi member wards, powers should be used jointly.

There are obvious resource implications to support the bureaucracy of preparing delegated decision reports, ensuring consultation regarding decisions and publicising the record of decisions of 47 members. There is also an issue of consistency.

Part 6 – Overview and Scrutiny

Chapter 1 – Overview and Scrutiny Committees

Section 58 provides that the Welsh Ministers may make regulations under which any two or more local authorities may appoint a joint overview and scrutiny committee. Excluded from this are crime and disorder matters.

In setting up a joint scrutiny committee councils must have regard to guidance issued by the Welsh Ministers.

The Welsh Government has prepared draft regulations and guidance. The publication of the final versions of these documents are awaited.

The draft regulations provide that where two or more authorities appoint a joint scrutiny committee they must enter into an agreement which identifies matters about which the committee may make reports and recommendations. The agreement should also set out the number of members, their term of office, the duration of the committee, procedure for withdrawal and the provision of officer support to the committee.

The draft regulations provide that there must be an equal number of members from each appointing authority and that no executive members may be on the committee. Political balance rules do not apply but each authority must ensure as far as practicable that the members it appoints reflect the balance of the appointing authority.

The regulations further provide that arrangements for the appointment of a Chair and Deputy Chair may be made in the agreement referred to above. These arrangements may include the duration of the term of the Chair and the rotation of the Chair among the authorities.

The Chair is entitled to a payment in accordance with the Independent Remuneration Panel's recommendations. The payment should be comparable to the payment made to a chair of an overview and scrutiny committee of the local authority that appoints them. In Denbighshire's case this would be a senior salary at the level paid to Scrutiny Chairs.

This will have an impact on the total number of senior salaries paid by an authority.

Meetings of joint scrutiny committees will be subject to the same access to information rules as other public meetings of the council.

Joint scrutiny committees can co-opt members. They cannot co-opt elected members of a local authority whether or not that authority is a partner in the joint committee. Co-optees may not vote. The agreement referred to above must include arrangement that enable any member of a joint scrutiny committee to refer relevant matters to it.

Where a joint scrutiny committee makes a report or recommendations to any of the appointing authorities or their executives it may publish the report and may require the authority/authorities or executive(s) to consider and respond and publish that response. Any publication of a report or response must have regard to the access to information rules.

The draft guidance suggests that joint scrutiny enables councillors to view issues from a wider perspective leading to a more thorough exploration of the topics under consideration. The learning and exchange of good practice can stimulate members and officers to review and enhance their home scrutiny methods.

Other benefits are the ability to bring new sources of information and a fresh eye to developments as well as reducing duplication.

The guidance makes clear that the effectiveness of joint scrutiny will be dependent upon the reasons for it and the issue it intends to address.

Examples are given of where a joint committee may be appropriate. These include:

- ongoing monitoring of a joint service delivery mechanism
- investigating a topic that may require a regional response (e.g. waste management or sustainable development)
- sharing scrutiny resources to investigate a similar topic of high interest or importance to more than one authority.

The following questions should be considered in deciding whether or not to establish a joint scrutiny committee:

- 1 Does the topic involve the work of a strategic partner or partnership body whose services cover more than one area?
- 2 Does the issue or service affect residents across more than one council area or concern a particular population's needs e.g. fuel poverty, road safety, climate change, services for disabled people, old people etc.
- 3 What form of joint scrutiny committee could reasonably be resourced? Care must be taken that the objectives are proportionate to resources.

The guidance strongly recommends a project management approach. A feasibility study should be done by likely participants to define areas of mutual interest, the type of scrutiny intended and the resource required to support it.

Joint scrutiny committees may be established on an ad hoc basis which may be suitable for pre decision scrutiny or consultation. Standing committees may be more useful in monitoring services or decisions over the medium to long term.

It is intended that joint overview and scrutiny committees should be able to Call-in an executive decision of the participating councils which has been made but not implemented.

Procedures should be developed whereby an executive decision can only be called in if it is supported by an equal proportion of the participating councils. It is suggested that at least half the membership of the joint committee be required to initiate a Call-in.

It is suggested that the costs of supporting joint scrutiny be shared by participating councils. There will be a considerable amount of officer support required for administration, research and advice.

Sections 59, 60 and 61 amend the Local Government Act 2000 to require councils to ensure that their scrutiny arrangements scrutinise the services of public service providers in their area. This requirement extends to joint scrutiny committees. Designated persons can be required to provide information and to attend committee meetings.

Sections 59 and 60 are not yet in force.

Section 61 enables Welsh Ministers to make an order designating bodies or persons as designated persons. No order has yet been made. Only individuals or bodies who provide the public with services, goods or facilities in the exercise of functions of a public nature or which are wholly or partly funded by public money may be designated. Local authorities can not be designated.

Section 62 provides that a local authority must make arrangements for people who live and work in its area to bring to the attention of the relevant scrutiny committee their views on any matter under consideration by the committee. The committee must take into account any views brought to its attention in this way. In making arrangements a council must have regard to guidance issued by the Welsh Ministers.

The guidance suggest that in order to enable the public to engage better with scrutiny people should first be informed about the scrutiny functions and programmes of planned work.

Stronger efforts should be made to raise public awareness of the role and function of scrutiny committees including how citizens and communities can help shape and contribute to scrutiny committee Forward Work Programmes.

Councils may wish to adopt multi method communication strategies as some of the issues dealt with by scrutiny may be of little interest to the public at large and of great interest to relatively small groups of people.

Some local authorities have developed dedicated websites or areas on their websites for scrutiny issues. The guidance sets out some of the types of information that could be included on scrutiny web pages. It also encourages the use of social media as a tool for networking and communicating information.

It is recommended that authorities develop internal mechanisms to better enable members of the public to engage in scrutiny activity. These may include:

- the ability to request that an item be placed on an agenda for consideration by a scrutiny committee (providing this is of immediate relevance to a topic on the Forward Work Programme).
- submit evidence (oral or written) to a planned or ongoing scrutiny review or investigation
- participate as a co-opted member
- submit evidence (oral or written) relating to a Call-in of an executive decision

These arrangements may include some form of public spending or developing reports summarising written submissions.

Scrutiny committees would still be able to refuse to include items on their agendas but should produce a rationale for their decision. This could be based on the criteria used to formulate the Forward Work Programme.

The guidance recommends the development of protocols to cover:

- public speaking arrangements at Scrutiny Committee
- public interest – Sub Committee or Task and Finish Group meeting
- managing a request for scrutiny (including petitions)
- dealing with requests for public co-option

Section 77 gives Welsh Ministers the power to make regulations requiring information about the exercise of a scrutiny committee's functions to be made public. No regulations have yet been made but they may include reference to committee Forward Work Programmes. Forward Work Programmes could be included on a dedicated web page. Scrutiny committees are recommended to send copies of their Forward Work Programmes to

Police and Crime Panels
 Fire and Rescue Authorities
 Community Health Councils
 Youth Councils
 Communities First Groups
 National Parks
 Town and Community Councils
 Local County Voluntary Councils

in order to stimulate interest within these groups.

The guidance suggests that authorities may wish to develop arrangements for the public to be able to speak at Call-in meetings.

The guidance says that Welsh Government believes that the voluntary sector has an important role to play in providing input to scrutiny engagement with the third sector as could include consideration of co-option, regular meetings between scrutiny chairs and voluntary sector representatives and use of voluntary sector networks as a means to inform and engage disenfranchised citizens.

If a member of the public brings views to the attention of a scrutiny committee then those views must be taken into account. The guidance suggest that, as an example, where a member of the public requests that an issue be considered by scrutiny, and it is considered reasonable and appropriate, then a report detailing the submission is considered at the next meeting of the relevant committee. Good practice should suggest that the person who submitted the issue is invited to attend the meeting to present their views to members in person.

Section 63 of the Measure amends Section 21A Local Government Act 2000 to enable any councillor to refer to scrutiny a matter which relates to the discharge of any function of the council or which affects the whole or part of the electoral area which the councillor represents. The Welsh Government has issued guidance on such councillor calls for action. This should be understood to be a last resort with issues being raised at a scrutiny meeting after other avenues have been explored. It is anticipated that a Ministerial Order will be made to exclude certain matters from these provisions but no Order has yet been made.

If a scrutiny committee receives a referral it may choose to do any of the things that it might normally do with a new item. In considering what to do the committee may have regard to anything the member may already have done with regard to the matter and any representations the member may make as to why the committee should take the matter up. Before it is escalated to a full scrutiny committee meeting, councillors should first consider what else could be done to resolve a community issue e.g. informal/formal discussions with officers or other committees, asking questions at Full council, arranging public meetings, submitting a motion to Full Council etc.

This chapter also contains provisions at Section 66 – 75 about the appointment of chairs of scrutiny committees. The Council's Constitution was amended and the relevant appointments of Chairs made in May 2012 in accordance with guidance issued by the Welsh Ministers.

Section 76 requires a local authority to have regard to guidance issued by Welsh Ministers in deciding whether to exercise the function of co-opting members to scrutiny committees.

The guidance suggests that the contribution of co-opted members on to committees can significantly strengthen their effectiveness. It is considered by Welsh Government that co-option is an important tool in achieving 'buy in' from representative groups and individuals that may otherwise be disengaged from local decision making processes. Welsh Government considers the inclusion of a broader range of specialist community representatives and service users in scrutiny exercises is advantageous and send a message about citizen centred services and partnership working.

Any appointment of co-optees should be informed by scrutiny Forward Work Programmes and the outcomes elected members are seeking to achieve. Consideration should be given as to whether co-option is the most appropriate way for some groups or individuals. It may be better in some circumstances to have stakeholders inviting an expert advisor to Task and Finish Groups or to be invited to a scrutiny meeting.

Councils may wish to think about several strategies to identify co-optees such as:

- approaching Town and Community Councils to nominate representatives for co-option
- advertising in local press
- approach voluntary sector or local business forums for nominations
- write to complementary agencies such as Community Health Councils
- invite former co-optees with specific interest or expertise to attend scrutiny meetings in an advising capacity in respect of relevant items.

To assist recruitment of co-optees it is suggested that outline role descriptions be prepared to help clarify expectations and identify relevant competencies.

It is recommended that co-optees should be able to represent the interests of the population that receives services and/or contribute expert knowledge and skills and/or live or work in the county.

It is recommended that co-optees should not exceed 1/3 of the total membership of a committee.

Co-optees may be appointed for the life of the committee, until such time as the committee decides to terminate the appointment or for the purpose of a particular review.

Co-optees should adhere to the Code of Conduct and be given appropriate training.

The Measure does not grant additional voting rights to co-optees.

Section 78 prohibits any member of a scrutiny committee from voting on a question at a meeting if the member has been given a party whip in respect of that question. Standing orders should provide for members to declare any party whip at each meeting.

If the decision of the scrutiny committee is materially affected by a breach of this section, the decision is to be treated as if it had not been made. A decision is materially affected if one or more members of the committee voted in breach of the section and if their votes had been disregarded the decision would have been affected.

Section 79 gives Welsh Ministers power to give a local authority guidance or direction about its scrutiny committee structure. No guidance or direction has yet been made. An authority must comply with a directive and must have regard to guidance.

Guidance or direction may relate to the number of scrutiny committees an authority has and the functions of each of these.

Chapter 2 – Audit Committees

Sections 81 – 87 deal with the requirement to establish an Audit Committee, its functions, membership and the frequency of meetings. Councils must have regard to guidance issued by Welsh Ministers.

In May 2012 Denbighshire amended its Constitution to designate the Corporate Governance Committee as its Audit Committee. The membership, appointment of Chair and terms of reference comply with the Measure and guidance.

Part 7 – Communities and Community Councils

Chapter 1

Sections 88 – 99

This chapter deals with the calling of community meetings and the requirements for demanding a community poll and responding to the outcome of such a poll.

Chapter 2

Sections 100 – 115

This chapter deals with the conditions and procedure for community meetings to apply for the establishment, dissolution or grouping together of community councils.

Chapter 3

Sections 116 – 117

This chapter deals with the process by which vacancies on community councils may be filled by co-option.

Chapter 4

Sections 118 – 121

This chapter deals with the appointment of community youth representatives to community councils. They can appoint no more than two people aged between 15 and 26 whom they consider represent the interests of those who live, work or receive education and training in the community area who are under 26 years of age.

Chapter 5

Sections 122-125

This requires each principal Council to publish a report every fifteen years which describes what the council has done in the previous fifteen years to discharge its duty to keep the whole of their area under review in accordance with the Local Government Act 1972.

Arrangements may be made with the Local Government Boundary Commission for Wales for them to discharge this function.

Chapter 6

Sections 126 – 128

This chapter extends the well being power in the Local Government Act 2000 to community councils.

Chapter 7

Section 129

This provides power to the Welsh Ministers to pay a grant to a community council towards expenditure to be incurred by it.

Chapter 8

Sections 130 – 133 Model Charter Agreement

This chapter provides power for Welsh Ministers to make an order setting out a model charter agreement between a local authority and community councils. Welsh Ministers may direct a local authority and community councils to adopt a model charter agreement. This is enforceable by mandatory order on the application of the Welsh Ministers.

Before giving a direction the Welsh Ministers must consult the relevant councils.

Chapter 9

Sections 134-140 Schemes for Accreditation of Quality in Community Government

The Welsh Ministers may by Regulations provide for a scheme under which they may/must grant an accreditation of quality to a community council.

Criteria for the award will be laid out in Regulations but may include:

- Percentage of members who were elected
- Qualifications and training of officers
- Training for members of the council
- Frequency of meetings and the publicity given to them
- Involving others in the work of the community council
- Encouraging persons to improve the well being of the community
- Annual reports
- Accounts

Regulations will set out how applications for accreditation may be made and the fees to be paid.

Part 8

Sections 141 – 160 Members' Payment and Pensions

The chapter provides for the Independent Remuneration Panel for Wales to continue.

The Panel must publish an annual report setting out the arrangements for the payments to be made to elected members.

A local authority must comply with the requirements imposed by the Panel's annual report.

The Panel can monitor the payments made by a local authority and can require the authority to provide it with information relating to those payments.

If Welsh Ministers are satisfied that a local authority has failed to comply with the Panel's requirements they may direct the authority to comply.

Part 9

Sections 161 – 171 Collaboration and Amalgamation

Section 161 provides that in deciding whether and how to exercise their collaboration functions under the Local Government Wales Measure 2009 a local authority must have regard to any guidance issued by the Welsh Ministers.

Section 162 grants the power to Welsh Ministers to make an order amalgamating two or three local government areas.

Before doing this they must be satisfied that effective local government is not likely to be achieved in a local government area by the exercise, by any of the local authorities, of their collaboration powers under the 2009 Measure or by the Welsh Ministers exercising their powers of support and direction under that Measure.

By making an amalgamation order the Welsh Ministers must consult the local authorities affected, community councils in the areas affected and such other persons as appear to the Welsh Ministers to be affected. A draft amalgamation order must be laid before the National Assembly for Wales.

The power to make the order is exercised by statutory instrument which must be approved by the National Assembly.