

Section 112 – Disapplication of the 2009 Measure in relation to principal councils and repeal of provisions about co-ordination of audit

368. This section amends the Local Government (Wales) Measure 2009 (hereafter referred to in these notes as the ‘2009 Measure’) so that it ceases to apply to principal councils.
369. The section also repeals the provisions contained in the 2009 Measure dealing with the co-ordination of audit (section 23).

Section 113 – Amendment of Well-being of Future Generations (Wales) Act 2015

370. This section amends paragraph 1 of Schedule 1 to the Well-being of Future Generations (Wales) Act 2015 (hereafter referred to in these notes as the “WFG Act”). This allows a principal authority to publish its self-assessment report within the same document as its report under paragraph 1 of Schedule 1 of the WFG Act.

Section 114 and Schedule 9 – New name and functions of audit committees

371. This section amends section 81 of the 2011 Measure (local authorities to appoint audit committees) to change the name of audit committees to “governance and audit committees”, and confer additional functions to those committees. As a result of the change of name a number of consequential amendments are made to the 2011 Measure and these are set out in Schedule 9, which is introduced by this section.

Chapter 2 Governance and Audit Committees: Membership and Proceedings

Section 115 - Membership of governance and audit committee

372. Section 115 of the Bill amends section 82 of the 2011 Measure in order to increase the number of lay members on a governance and audit committee.
373. Before amendment, the situation under section 82 of the 2011 measure is that at least two thirds of the members of a governance and audit committee must be members of the authority and at least one member of the governance and audit committee must be a lay member.
374. After amendment, the situation is that two thirds of the members of a governance and audit committee must be members of the authority and one third must be lay persons.
375. In addition, three subsections ((5A), (5B) and (5C)) are added to section 82 of the 2011 Measure. These state that a governance and audit committee must appoint a committee chair and deputy chair. The committee chair must be a lay person and the deputy chair must not be a member of the local authority’s executive or an assistant to its executive.

Section 116 - Meaning of lay person

376. Section 116 of the Bill amends section 87 of the 2011 Measure changing the definition of “lay member”.

Section 117 - Proceedings etc.

377. Section 117 amends section 83 of the 2011 Measure changing arrangements for chairing of meetings.
378. Before amendment, the situation with regard to section 83 is that an audit committee must appoint one of its number as chair. This person may be a member of the authority or a lay member but must not be a member of an executive group. If there are no opposition groups, the person who is to chair the audit committee may be a member of an executive group but must not be a member of the local authority's executive.
379. After amendment, a meeting of a governance and audit committee is to be chaired by the committee chair or, in the chair's absence, by the deputy chair. If both are absent, the committee may appoint another member of the committee (who may not be a member of the local authority's executive or an assistant to the executive) to chair the meeting.

Chapter 3 - Co-ordination between regulators

Section 118 - Co-ordination between regulators

380. This section places a duty on the Auditor General for Wales and all relevant regulators to have regard to the need for co-ordination in the exercise of their "relevant functions". It also requires the Auditor General for Wales to consult the relevant regulators and to draw up a timetable for each principal council, which shows the dates or periods during which the Auditor General for Wales and the regulators should exercise their relevant functions. All relevant regulators and the Auditor General for Wales must then take all reasonable steps to adhere to the timetable.
381. The Auditor General for Wales also has a duty to assist all other regulators to comply with their duties under this section.

Section 119 - "Relevant regulators" and "relevant functions"

382. For the purposes of section 119, this section defines the relevant functions of the Auditor General for Wales and lists, in a table, the relevant regulators and their relevant functions. The Welsh Ministers may make regulations to amend the table listing the relevant regulators and their functions.

PART 7 - MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

383. This Part makes provision to enable the Welsh Ministers to make regulations to give effect to voluntary mergers and other local restructuring of principal councils in response to local circumstances.

Chapter 1 - Voluntary Mergers of Principal Areas

Applications for Mergers

Section 120 - Merger applications

384. Section 120 enables two or more principal councils to make a joint application to the Welsh Ministers, asking them to make regulations to merge their principal areas to create a single new principal area. Subsection (2) dis-applies section 101