



Local Government (Wales) Measure 2011

2011 nawm 4

PART 6 **W**

OVERVIEW AND SCRUTINY

CHAPTER 1 **W**

OVERVIEW AND SCRUTINY COMMITTEES

Restricting party control of committees

78 Prohibition of whipped votes & declaration of party whips **W**

- (1) A member of an overview and scrutiny committee must not vote on a question at a meeting of the committee if, before the meeting, the member has been given a party whip relating to the question (a “prohibited party whip”).
- (2) A vote that is given in breach of subsection (1) must be disregarded.
- (3) Standing orders must provide that, at each meeting of an overview and scrutiny committee of a local authority, each member of the committee must declare any prohibited party whip which the member has been given in relation to the meeting.
- (4) Standing orders must require the minutes of each meeting of an overview and scrutiny committee to record all such declarations of prohibited party whips made at the meeting.
- (5) It is for the person chairing a meeting of an overview and scrutiny committee to determine whether a member of the committee has been given a prohibited party whip in relation to the meeting.
- (6) If the decision of a question by an overview and scrutiny committee is materially affected by a breach of this section, the decision is to be treated as if it had not been made.

Status: Point in time view as at 22/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, Cross Heading: Restricting party control of committees. (See end of Document for details)

- (7) Subsection (6) does not affect any act or omission of any person apart from the overview and scrutiny committee.
- (8) For the purposes of subsection (6), the decision of a question by an overview and scrutiny committee is materially affected by a breach of this section if—
- (a) one or more members of the committee vote on the question in breach of subsection (1),
 - (b) one or more of the votes mentioned in paragraph (a) is not disregarded in accordance with subsection (2), and
 - (c) the decision on the question would have been different if the vote or votes mentioned in paragraph (b) had been disregarded in accordance with subsection (2).
- (9) This section applies in relation to a sub-committee of an overview and scrutiny committee as it applies to the overview and scrutiny committee (and references in this section to an overview and scrutiny committee are accordingly to be read as including references to such a sub-committee).
- (10) In this section—
- “party whip” (“*cyfarwyddyd chwip plaid*”) means an instruction (however expressed) which—
- (a) is given on behalf of a political group on a local authority;
 - (b) is given to a person (P) who is—
 - (i) a member of the political group, and
 - (ii) a member of an overview and scrutiny committee of the local authority;
 - (c) is an instruction as to how P should vote on a question falling to be decided by the committee; and
 - (d) if not complied with by P, would be likely to make P liable to disciplinary action by the political group which gives the instruction;
- “political group” (“*grŵp gwleidyddol*”) means a group of members of a local authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989;
- “standing orders” (“*rheolau sefydlog*”), in relation to an overview and scrutiny committee, means standing orders regulating the proceedings and business of that committee.

Commencement Information

II S. 78 in force at 30.4.2012 by S.I. 2012/1187, art. 2(1)(i)

Status:

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