



# Local Government (Wales) Measure 2011

## 2011 nawm 4

### PART 7

#### COMMUNITIES AND COMMUNITY COUNCILS

#### CHAPTER 1

#### COMMUNITY MEETINGS AND COMMUNITY POLLS

#### **88 Convening of community meetings by local government electors**

(1) Paragraph 30 of Schedule 12 to the Local Government Act 1972 is amended as follows—

(a) for sub-paragraph (1) substitute—

“(1) Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.”;

(b) in sub-paragraph (2), for “any community meeting” substitute “a community meeting convened under sub-paragraph (1) above”;

(c) in sub-paragraphs (3) and (4), for “a community meeting” substitute “a community meeting convened under sub-paragraph (1) above”;

(d) in sub-paragraph (3), for “any of the matters mentioned in section 29B(4) of this Act” substitute “the existence of the community council or the grouping of the community with other communities”;

(e) at the end of the paragraph insert—

“(5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

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(2) After paragraph 30 of Schedule 12 to the Local Government Act 1972 insert the following—

- “30A A community meeting may also be convened at any time by not less than—
- (a) 10% of the local government electors for the community, or
  - (b) 50 of the electors (if 10% of the electors exceeds 50 electors).”.

## **89 Notice of community meeting convened by local government electors**

After paragraph 30A of Schedule 12 to the Local Government Act 1972 insert the following—

“30B (1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given—

- (a) in a case where there is a community council for the community, to the community council, or
- (b) in a case where there is no community council for the community, to the principal council within whose area the community lies.

(2) The notice must contain—

- (a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;
- (b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;
- (c) the business which is proposed to be transacted at the meeting;
- (d) the proposed time and place at which the meeting is to be held.

(3) The notice must—

- (a) where it is given under sub-paragraph (1)(a) above, be in writing (but not in an electronic form);
- (b) where it is given under sub-paragraph (1)(b) above, be—
  - (i) in writing (but not in an electronic form), or
  - (ii) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C below.

(4) In sub-paragraph (2) above—

- (a) “address” means the individual’s qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;
- (b) “signature” means—
  - (i) where a notice is in writing, an individual’s signature or, if the individual cannot give a signature, a signature given on the individual’s behalf by a duly authorised individual

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- who, in giving that signature, declares that he or she is so authorised;
- (ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.
- (5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.
- (6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above—
- (a) need not include the individual’s name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and
- (b) need not include a signature in respect of the individual.
- (7) Where a notice is in electronic form, it is to be treated as given to a principal council when the notice is given in accordance with whatever requirements the council has set as to the giving of such notices under paragraph 30C(2) below.”.

**90 Facility for the provision of electronic notices of the convening of community meetings**

After paragraph 30B of Schedule 12 to the Local Government Act 1972 insert the following—

- “30C (1) A principal council must provide a facility so that notices under paragraph 30B(1)(b) above may be given to the council in electronic form (“electronic notices”).
- (2) The council must set and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices—
- (a) the authentication requirements to be met by an electronic signature included within an electronic notice, and
- (b) the other technical requirements to be met by and in relation to an electronic notice.”.

**91 Action following receipt of notice of the convening of a community meeting**

After paragraph 30C of Schedule 12 to the Local Government Act 1972 insert the following—

- “30D (1) Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider—
- (a) whether the group of individuals to whom the notice relates is comprised of—
- (i) at least 50 local government electors for the community in question, or

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- (ii) at least 10% of the local government electors for the community in question, and
- (b) whether the notice meets the requirements of paragraph 30B above.
- (2) If the council is of the opinion that—
  - (a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and
  - (b) the notice meets the requirements of paragraph 30B above,
 the council must give a public notice in accordance with paragraph 30E below.
- (3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.
- (4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6) (a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.
- (5) In sub-paragraph (4) above, "relevant registration officer" means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies."

## **92 Public notice of community meeting**

After paragraph 30D of Schedule 12 to the Local Government Act 1972 insert the following—

- "30E (1) The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.
- (2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.
- (3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.
- (4) The public notice must—
- (a) specify the time and place of the intended meeting;
  - (b) specify the business to be transacted at the meeting;
  - (c) be signed by the proper officer.
- (5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.

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- (6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.
- (7) Public notice of a community meeting shall be given—
  - (a) by posting a notice of the meeting in some conspicuous place or places in the community,
  - (b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.
- (8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

### **93 Demands for community polls**

For sub-paragraph (4) of paragraph 34 of Schedule 12 to the Local Government Act 1972 substitute the following—

- “(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless—
- (a) the poll is demanded by a majority of the local government electors present at the meeting, and
  - (b) the electors demanding a poll constitute not less than—
    - (i) 10% of the local government electors for the community, or
    - (ii) 150 of the electors (if 10% of the electors exceeds 150 electors).”.

### **94 Notice to be given by returning officer following taking of a poll consequent on a community meeting**

After paragraph 38 of Schedule 12 to the Local Government Act 1972 insert the following—

- “38A (1) This paragraph applies to a poll (other than a poll to which sub-paragraph (2) below refers) consequent on a community meeting where a majority of those voting were in favour of the question in relation to which the poll was taken.
- (2) This paragraph does not apply to a poll taken on a question of a type specified in regulations made by the Welsh Ministers.
  - (3) The returning officer in relation to the poll must give notice in writing to the monitoring officer (within the meaning of section 5 of the Local Government and Housing Act 1989) of the relevant principal council of—
    - (a) the question posed by the poll, and
    - (b) the fact that that a majority of those voting were in favour of that question.
  - (4) In sub-paragraph (3) above, “relevant principal council” means the principal council in whose area lies the community of the community meeting at which the poll was demanded.

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- (5) The power of the Welsh Ministers to make regulations under sub-paragraph (2) above is exercisable by statutory instrument.
- (6) A statutory instrument which contains regulations under sub-paragraph (2) above is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.

**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 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—

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- (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).”.

## **96 Consideration of result of community poll by community council**

After paragraph 26 of Schedule 12 to the Local Government Act 1972 insert the following—

- “26A (1) This paragraph applies where a community council has been given a notice under sub-paragraph (4) or (5)(b) of paragraph 38B below.
- (2) The community council must ensure that the question of what action (if any) the council should take in response to the community poll, or the part of the community poll, to which the notice relates is included within the business to be transacted at a meeting of the community council held within the relevant period.
- (3) If it is necessary for the chairman of the community council to exercise his power under paragraph 25(1) above to call an extraordinary meeting of a community council in order for the community council to comply with sub-paragraph (2) above, the chairman must so exercise that power.
- (4) In sub-paragraph (2) “relevant period” means the period of six weeks beginning with the day following that on which the notice referred to in sub-paragraph (1) was given.”.

## **97 Action to be taken following community council’s consideration of results of certain community polls**

After paragraph 29 of Schedule 12 to the Local Government Act 1972 insert the following—

- “29A (1) applies where—
- (a) a meeting of a community council has considered the question of what action (if any) the council is to take in response to a poll consequent on a community meeting,
  - (b) that question was included within the business to be transacted at the meeting in order to comply with paragraph 26A(2) above, and
  - (c) the poll was taken following a demand being made at a community meeting which was convened under paragraph 30A below.

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- (2) The council must take all reasonable steps to give notice to each of the individuals who convened the community meeting referred to in sub-paragraph (1) above of what action (if any) the council intends to take in response to the poll, or that part of the poll which was considered at the meeting.
- (3) Notice under sub-paragraph (2) above must be given—
- (a) subject to sub-paragraph (4) below, in writing by sending it to the address given in respect of an individual in the relevant convening notice, and
  - (b) as soon as is reasonably practicable after the meeting of the community council was held.
- (4) Where an individual falling within sub-paragraph (2) above is an anonymous registrant in the register of local government electors, sub-paragraph (3)(a) above does not apply and the notice must instead be given in writing to the principal council within whose area the community in question lies.
- (5) The notice under sub-paragraph (4) above must include the entry in respect of the individual which was included in the relevant convening notice.
- (6) Where a principal council is given notice under sub-paragraph (4)—
- (a) the council must, as soon as reasonably practicable, send the notice to the individual concerned, and
  - (b) for that purpose and for the purposes of paragraph 30D below, section 9B(8) of the Representation of the People Act 1983 (communications with anonymous registrants) shall have effect as if the council were an officer referred to in that section.
- (7) The relevant registration officer must supply the principal council with any information that it is necessary for the council to have in order to comply with the duty under sub-paragraph (6) above.
- (8) In this paragraph—
- “anonymous registrant in the register of local government electors” means an individual in respect of whom the relevant convening notice included an entry referred to in paragraph 30B(6) (a) below;
- “relevant convening notice” means the notice given to the council under paragraph 30B below which preceded the holding of the community meeting at which the poll in question was demanded;
- “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of electors for the local government area (within the meaning of that Act) in which the community in question lies.”.

## 98 **Consideration of result of community poll by principal council**

After section 33A of the Local Government Act 1972 insert the following—



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### **“33B Principal council’s response to a community poll**

- (1) This section applies where a principal council has been given a notice under paragraph 38B(3) or (5)(a) of Schedule 12 to this Act which contains a determination that a question in relation to which a poll consequent on a community meeting was taken relates to the council’s functions.
- (2) The council must, during the relevant period, perform one of the actions described in subsection (4).
- (3) If the council chooses to perform more than one action, the council may do so during or after the relevant period.
- (4) The actions referred to in subsection (2) are as follows—
  - (a) to exercise the council’s functions in accordance with the question in relation to which the poll was taken;
  - (b) to include the question of what action (if any) the council should take in response to the community poll within the business to be transacted at a meeting of the principal council held within the relevant period (and for this purpose a meeting of a committee or sub-committee of the council does not count);
  - (c) to initiate a consultation exercise which seeks the views of such members of the public as the council considers appropriate about what action (if any) the council should take in response to the community poll;
  - (d) to hold a meeting open to members of the public, at such venue as the council considers appropriate, for the purpose of seeking the views of members of the public about what action (if any) the council should take in response to the community poll;
  - (e) to initiate research for the purpose of assisting the council to decide what action (if any) it should take in response to the community poll;
  - (f) to refer the question of what action (if any) the council should take in response to the community poll to an overview and scrutiny committee with a request that the committee reports its conclusions to the council.
- (5) In this section the “relevant period” means the period of two months beginning on the day following that on which the notice referred to in subsection (1) was given.”.

## **99 Principal council’s explanation of its response to a community poll**

After section 33B of the Local Government Act 1972 insert the following—

### **“33C Principal council’s explanation of its response to a community poll**

- (1) As soon as is reasonably practicable following the end of the relevant period for the purposes of section 33B of this Act, a principal council must take all reasonable steps to give the chairman of, or person who presided at, the community meeting referred to in subsection (1) of that section a notice in writing which—

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- (a) describes what action the council has taken in response to the community poll to which the notice relates, and
  - (b) describes what further action (if any) the council intends to take.
- (2) If notice cannot be given to the chairman of, or person who presided at, the community meeting—
  - (a) in the case of a community meeting convened under paragraph 30 of Schedule 12 to this Act, the notice must instead be given to the chairman of the community council for the community;
  - (b) in the case of a community meeting convened under paragraph 30A of Schedule 12 to this Act, the principal council must instead take all reasonable steps to give notice to each of the individuals who convened the community meeting.
- (3) Subject to subsection (5), notice under subsection (2)(b) is to be given by sending the notice to the address given in respect of an individual in the relevant convening notice.
- (4) In subsection (3), “relevant convening notice” means the notice given to the council under paragraph 30B of Schedule 12 to this Act which preceded the holding of the community meeting at which the poll in question was demanded.
- (5) Where an individual is an anonymous registrant in the register of local government electors (within the meaning of paragraph 29A of Schedule 12 to this Act), the duty under subsection (3) does not apply and notice shall instead be given, and related functions performed, in accordance with sub-paragraphs (4) to (8) of paragraph 29A of Schedule 12 to this Act.
- (6) The council must publish the notice on its website for a period of at least six months, beginning with the day on which the notice was given.”.