



# Local Government (Wales) Measure 2011

2011 nawm 4

## PART 5

### LOCAL AUTHORITY FUNCTIONS: DISCHARGE BY COMMITTEES AND COUNCILLORS

#### *Exercise of functions by councillors*

#### **56 Exercise of functions by councillors**

- (1) The senior executive member of a local authority may make arrangements for a non-executive member of the authority to exercise a function of the local authority which is the responsibility of the executive.
- (2) A local authority may make arrangements for a non-executive member of the authority to exercise any other function of the authority.
- (3) Arrangements under this section may only provide for a non-executive member (N) to exercise functions—
  - (a) in relation to the electoral division for which N is elected, or
  - (b) in relation to N's official membership of a body other than the local authority.
- (4) No arrangements may be made under this section for the exercise of a function—
  - (a) if, or to the extent that, it is specified in an order made by the Welsh Ministers, or
  - (b) in a manner, or in circumstances, specified in an order made by the Welsh Ministers.
- (5) Arrangements made under this section for the exercise of a function do not prevent the ordinary exercise of the function.
- (6) In making arrangements under this section, the senior executive member, or local authority, must have regard to guidance given by the Welsh Ministers.
- (7) In this section—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) a reference to the exercise of a function includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the function;
  - (b) a reference to a function which is the responsibility of the executive of a local authority is to be construed in accordance with section 13(8) of the Local Government Act 2000;
  - (c) a reference to N's official membership of a body is a reference to membership of the body which N holds by virtue of—
    - (i) a local authority appointment,
    - (ii) an appointment, other than a local authority appointment, made on a local authority nomination or recommendation or with local authority approval, or
    - (iii) an appointment, other than a local authority appointment, made in compliance with a requirement to appoint a member of a local authority;
  - (d) a reference (in relation to N) to a local authority appointment, nomination or recommendation, or local authority approval, is a reference to an appointment, nomination or recommendation made by, or approval given by—
    - (i) the local authority of which N is a member, or
    - (ii) the executive of that local authority;
  - (e) a reference to the ordinary exercise of a function is a reference to its exercise by the person or persons by whom it is exercisable in the absence of arrangements made under this section.
- (8) References in this section to a local authority are references to a local authority which operates executive arrangements.
- (9) In this section—
- “non-executive member” (“*aelod nad yw'n aelod gweithrediaeth*”) means a member of a local authority who is not a member of the executive of the authority;
  - “senior executive member” (“*aelod gweithrediaeth hŷn*”) means—
    - (a) in the case of a local authority operating a leader and cabinet executive (Wales), the executive leader;
    - (b) in the case of a local authority operating a mayor and cabinet executive, the elected mayor.