

LOCAL GOVERNMENT (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Leighton Andrews AM on 9 June 2015.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
18	Section 1, page 1, after line 30, insert— (b) section [section to be inserted by amendment 26] makes changes to the duty of certain local authorities to have regard to recommendations of the Independent Remuneration Panel for Wales;.	Adran 1, tudalen 1, ar ôl llinell 32, mewnosoder— (b) mae adran [adran a fewnosodir gan welliant 26] yn gwneud newidiadau i'r ddyletswydd ar awdurdodau lleol penodol i roi sylw i argymhellion Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol;.	This amendment ensures section 1 (Overview) reflects the insertion of a new section to be inserted by amendment 26 This amendment is consequential to amendment 26.
19	Section 1, page 1, after line 31, leave out '36' and insert '[section inserted by amendment 27]'.	Adran 1, tudalen 1, llinell 33, hepgorer '36' a mewnosoder '[adran a fewnosodir gan welliant 27]'.	This amendment ensures section 1 (Overview) reflects the insertion of a new section to be inserted by amendment 27. This amendment is consequential to amendment 27.
20	There is no need to amend the English version. Nid oes angen diwygio'r fersiwn Saesneg.	Adran 15, tudalen 9, llinell 9, hepgorer 'bennir' a mewnosoder 'ddyferfir'.	The purpose of this amendment is to insert a more appropriate Welsh translation of the word "determined" in section 15(2) of the Welsh version of the Bill.
21	Section 20, page 12, leave out lines 38 to 39.	Adran 20, tudalen 12, hepgorer llinellau 40 hyd at 41.	The purpose of this amendment is to remove section 20(1)(a) from the Bill. The effect of this amendment is to remove the requirement for the Local Democracy and Boundary Commission for Wales ("the Commission") to

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			undertake an initial consultation with the mandatory consultees and other appropriate parties prior to making initial proposals as to the electoral arrangements for a new principal area.
22	Section 20, page 13, line 2, leave out 'consultation and'.	Adran 20, tudalen 13, llinell 2, hepgorer 'ymgyngoriad a'r'.	The amendment is consequential to amendment 21.
23	Section 20, page 13, line 14, leave out 'other person who submitted evidence to' and insert 'persons considered appropriate by'.	Adran 20, tudalen 13, llinell 14, hepgorer 'berson arall a gyflwynodd dystiolaeth i'r Comisiwn' a mewnosoder 'bersonau y mae'r Comisiwn yn eu hystyried yn briodol'.	This amendment is consequential to amendment 21 The effect of this amendment is to require the Commission to inform all appropriate persons how to obtain a copy of the report of its review and initial proposals for the electoral arrangements for a new principal area.
24	Section 20, page 13, line 17, leave out 'other person who submitted evidence to' and insert 'persons considered appropriate by'.	Adran 20, tudalen 13, llinell 17, hepgorer 'berson arall a gyflwynodd dystiolaeth i'r Comisiwn' a mewnosoder 'bersonau y mae'r Comisiwn yn eu hystyried yn briodol'.	This amendment is consequential to amendment 21 The effect of this amendment is to require the Commission to invite all appropriate persons to make representations (and to inform them of the period for doing so), on the report of its review and initial proposals for the electoral arrangements for a new principal area.
25	Section 23, page 14, line 36, leave out 'or 20'.	Adran 23, tudalen 14, llinell 40, hepgorer 'neu 20'.	This amendment is consequential to amendment 21.
26	Page 22, after line 9, to insert a new section— [] Changes to duty to have regard to Panel	Tudalen 22, ar ar ôl llinell 32, i fewnosod adran newydd—	The purpose of this amendment is to insert a new section into the Bill which, in turn, amends section 143A of the Local Government (Wales) Measure

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>recommendations about salaries</p> <p>(1) Section 143A of the Local Government (Wales) Measure 2011 (functions of Panel in relation to salaries of heads of paid service) is amended as follows.</p> <p>(2) After subsection (3) insert—</p> <p>“(3A) But a qualifying relevant authority that has consulted the Panel about a proposed reduction in salary may make the reduction before receiving a recommendation from the Panel if the contract under which the salary is payable does not prevent the authority from changing the salary after receiving a recommendation.</p> <p>(3B) A qualifying relevant authority that makes a change to the salary of its head of paid service in accordance with subsection (3A) and subsequently receives a recommendation from the Panel about the change—</p> <p>(a) must reconsider</p>	<p>‘[] Newidiadau i’r ddyletswydd i roi sylw i argymhellion y Panel ynghylch cyflogau</p> <p>(1) Mae adran 143A o Fesur Llywodraeth Leol (Cymru) 2011 (swyddogaethau’r Panel mewn perthynas â chyflogau penaethiaid gwasanaethau cyflogedig) wedi ei diwygio fel a ganlyn.</p> <p>(2) Ar ôl is-adran (3) mewnosoder—</p> <p>“(3A) Ond caiff awdurdod perthnasol cymwys sydd wedi ymgynghori â’r Panel ynghylch gostyngiad arfaethedig mewn cyflog wneud y gostyngiad cyn derbyn argymhelliad gan y Panel os nad yw’r contract y mae’r cyflog yn daladwy oddi tano yn atal yr awdurdod rhag newid y cyflog ar ôl derbyn argymhelliad.</p> <p>(3B) Pan fo awdurdod perthnasol cymwys yn newid cyflog ei bennaeth gwasanaeth cyflogedig yn unol ag is-adran (3A) ac yn derbyn argymhelliad gan y Panel ynghylch y newid wedi hynny—</p> <p>(a) rhaid iddo ailystyried y</p>	<p>2011.</p> <p>The effect of this amendment is to enable a local authority to reduce the salary payable to a head of paid service or another chief officer (in the period prior to merger in the case of the latter), before receiving a recommendation from the Independent Remuneration Panel for Wales (“the Panel”) in exercise of its functions under section 143A of the Local Government (Wales) Measure 2011, as amended by section 35 of the Bill. A local authority can only take advantage of this provision where the contract under which the salary is payable does not prevent a subsequent change in salary.</p> <p>Where a merging authority which has made a reduction in salary as above subsequently receives a recommendation from the Panel, the authority must reconsider the amount of salary having regard to the Panel’s recommendation.</p> <p>The effect of the amendment is also to provide that an authority must notify the Panel and the Welsh Ministers of its response to a recommendation made by the Panel within 14 days of determining its response. Where the Welsh Ministers consider an authority is, or will pay, a salary which is inconsistent with the Panel’s recommendation, the Welsh Ministers may direct the authority to reconsider the salary within a specified period.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>the salary, and</p> <p>(b) when doing so, must have regard to the recommendation.”</p> <p>(3) After subsection (4) insert—</p> <p>“(4A) The Panel must notify the Welsh Ministers of every recommendation it makes under this section.”</p> <p>(4) After subsection (5) insert—</p> <p>“(5A) A qualifying relevant authority—</p> <p>(a) must notify the Panel and the Welsh Ministers of its response to a recommendation made by the Panel about a change to the salary of its head of paid service before the end of the period of 14 days starting with the day on which the authority determines the response, and</p> <p>(b) must not make a change to the salary before—</p> <p>(i) the end of the period of eight weeks starting</p>	<p>cyflog, a</p> <p>(b) wrth wneud hynny, rhaid iddo roi sylw i'r argymhelliad.”</p> <p>(3) Ar ôl is-adran (4) mewnosoder—</p> <p>“(4A) Rhaid i'r Panel hysbysu Gweinidogion Cymru am bob argymhelliad y mae'n ei wneud o dan yr adran hon.”</p> <p>(4) Ar ôl is-adran (5) mewnosoder—</p> <p>“(5A) Rhaid i awdurdod perthnasol cymwys—</p> <p>(a) hysbysu'r Panel a Gweinidogion Cymru am ei ymateb i argymhelliad a wnaed gan y Panel ynghylch newid i gyflog ei bennaeth gwasanaeth cyflogedig cyn diwedd y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod y mae'r awdurdod yn penderfynu ar yr ymateb, a</p> <p>(b) peidio â newid y cyflog cyn—</p> <p>(i) diwedd y cyfnod o wyth wythnos sy'n</p>	

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>with the day on which the authority notifies the Welsh Ministers under paragraph (a), or</p> <p>(ii) if, before the end of that period, the Welsh Ministers notify the authority that they will not be giving the authority a direction under subsection (5B), the day on which that notice is received.</p> <p>(5B) If the Welsh Ministers consider that a qualifying relevant authority's response to a recommendation made by the Panel about a change of salary means that the authority will pay (or, under subsection (3A), is paying) a salary which is inconsistent with the recommendation, the Welsh Ministers—</p>	<p>dechrau â'r diwrnod y mae'r awdurdod yn hysbysu Gweinidogion Cymru o dan baragraff (a), neu</p> <p>(ii) os yw Gweinidogion Cymru, cyn diwedd y cyfnod hwnnw, yn hysbysu'r awdurdod na fyddant yn rhoi cyfarwyddyd i'r awdurdod o dan is-adran (5B), y diwrnod y derbynnir yr hysbysiad hwnnw.</p> <p>(5B) Os yw Gweinidogion Cymru yn ystyried bod ymateb awdurdod perthnasol cymwys i argymhelliad a wnaed gan y Panel ynghylch newid i gyflog yn golygu y bydd yr awdurdod yn talu (neu, o dan isadran (3A), ei fod yn talu) cyflog sy'n anghyson â'r argymhelliad, caiff</p>	

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>(a) may direct the authority to reconsider the salary, and</p> <p>(b) may specify in the direction the time by which the authority must do so.”.</p>	<p>Gweinidogion Cymru—</p> <p>(a) cyfarwyddo'r awdurdod i ailystyried y cyflog, a</p> <p>(b) pennu yn y cyfarwyddyd erbyn pryd y mae'n rhaid i'r awdurdod wneud hynny.”.</p>	
27	<p>Page 22, line 10, leave out section 36 and insert—</p> <p>[] Panel membership</p> <p>(1) Paragraph 1 of Schedule 2 to the Local Government (Wales) Measure 2011(membership of Panel) is amended as follows.</p> <p>(2) In sub-paragraph (1), for “five” substitute “not fewer than 3, and not more than 7,”.</p> <p>(3) Omit sub-paragraph (5) (employees of local authorities etc. not disqualified from membership).’.</p>	<p>Tudalen 22, llinell 10, hepgorer adran 36 a mewnosoder—</p> <p>[] Aelodaeth y Panel</p> <p>(1) Mae paragraff 1 o Atodlen 2 i Fesur Llywodraeth Leol (Cymru) 2011 (aelodaeth y Panel) wedi ei ddiwygio fel a ganlyn.</p> <p>(2) Yn is-baragraff (1), yn lle “Pum” rhodder “Dim llai na 3, a dim mwy na 7,”.</p> <p>(3) Hefgorer is-baragraff (5) (cyflogeion awdurdodau lleol etc. heb eu hanghymhwyso rhag bod yn aelodau).’.</p>	<p>The purpose of this amendment is to remove section 36 and replace it with a new section.</p> <p>The effect of this amendment is to amend Paragraph 1(1) of Schedule 2 to the Local Government (Wales) Measure 2011 to limit the number of persons who may be appointed by the Welsh Ministers as members of the Panel to between 3 and 7 members.</p> <p>The amendment also removes paragraph 1(5) of Schedule 2 to the 2011 Measure. The effect of this is to include a serving council officer among those persons who are disqualified from being able to act as a member of the Panel. This is a consequence of the Panel’s new functions under the Bill relating to the remuneration of chief officers.</p>