



Local Government (Wales) Measure 2009

2009 nawm 2

A MEASURE of the National Assembly for Wales to make provision about arrangements by local authorities and other authorities in Wales to secure continuous improvement in the exercise of their functions; to make provision for community strategies; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 28 April 2009 and approved by Her Majesty in Council on [10 June 2009];, enacts the following provisions:—

PART 1

LOCAL GOVERNMENT IMPROVEMENT

Meaning of “Welsh improvement authority”

1 Meaning of “Welsh improvement authority”

For the purposes of this Measure, a “Welsh improvement authority” is—

- ^{F1}(a)
- ^{F2}(b)
- (c) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.

Textual Amendments

- F1** S. 1(a) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. [113\(a\)](#), 175(7); S.I. 2021/297, reg. 2(b) (with regs. 4, 5, 7-9)
- F2** S. 1(b) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. [169\(a\)](#), 175(7); S.I. 2021/297, reg. 2(f) (with regs. 6-9)

Changes to legislation: Local Government (Wales) Measure 2009 is up to date with all changes known to be in force on or before 07 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

II S. 1 in force at 17.7.2009 by [S.I. 2009/1796](#), [art. 2\(a\)](#)

General duty

2 General duty in relation to improvement

- (1) A Welsh improvement authority must make arrangements to secure continuous improvement in the exercise of its functions.
- (2) In discharging its duty under subsection (1), an authority must have regard in particular to the need to improve the exercise of its functions in terms of—
 - (a) strategic effectiveness;
 - (b) service quality;
 - (c) service availability;
 - (d) fairness;
 - (e) sustainability;
 - (f) efficiency; and
 - (g) innovation.
- (3) For the meanings of paragraphs (a) to (g) of subsection (2), see section 4.

Commencement Information

I2 [S. 2\(1\)](#) in force at 1.4.2010 by [S.I. 2009/3272](#), [art. 3\(1\)](#), [Sch. 2](#)
I3 [S. 2\(2\)\(3\)](#) in force at 17.7.2009 by [S.I. 2009/1796](#), [art. 2\(b\)](#)

Improvement objectives

3 Improvement objectives

- (1) For each financial year, a Welsh improvement authority must set itself objectives for improving the exercise of its functions during that year (“improvement objectives”).
- (2) A Welsh improvement authority must make arrangements to secure achievement of its improvement objectives.
- (3) An improvement objective must be framed so as to improve the exercise of the function or functions to which it relates in terms of at least one of the following—
 - (a) strategic effectiveness;
 - (b) service quality;
 - (c) service availability;
 - (d) fairness;
 - (e) sustainability;
 - (f) efficiency; and
 - (g) innovation.
- (4) For the meanings of paragraphs (a) to (g) of subsection (3), see section 4.

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I4 S. 3 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2

Improvement: supplementary

4 Aspects of improvement

- (1) This section provides for the meanings of paragraphs (a) to (g) of—
 - (a) section 2(2);
 - (b) section 3(3); and
 - (c) section 8(5).
- (2) A Welsh improvement authority improves the exercise of its functions in terms of—
 - (a) strategic effectiveness, if it exercises its functions in a way which is reasonably likely to lead to the achievement of, or assist in achieving, any of its strategic objectives;
 - (b) service quality, if there is an improvement in the quality of services;
 - (c) service availability, if there is an improvement in the availability of services;
 - (d) fairness, if—
 - (i) disadvantages faced by particular groups in accessing, or taking full advantage of, services are reduced; or
 - (ii) social well-being is improved as a result of the provision of services or the way in which functions are otherwise exercised;
 - (e) sustainability, if services are provided or functions are otherwise exercised in a way which contributes towards the achievement of sustainable development in the authority's area;
 - (f) efficiency, if there is an improvement in the efficiency with which resources are used in the provision of services or in the way in which functions are otherwise exercised; and
 - (g) innovation, if the way in which services are provided or functions are otherwise exercised is altered in a manner which is reasonably likely to lead to any outcome described in paragraphs (a) to (f).
- (3) For the purposes of subsection (2)(a), a Welsh improvement authority's strategic objectives are—
 - ^{F3}(a)
 - ^{F4}(b)
 - (c) in the case of a Welsh fire and rescue authority—
 - (i) any relevant community strategy objectives; and
 - (ii) where the authority has decided to set itself objectives in response to guidance contained in the Fire and Rescue National Framework, those objectives.
- (4) For the purposes of this section—
 - (a) “current community strategy” (“*strategaeth gymunedol gyfredol*”) means the community strategy for a local authority's area published under section 39(4) or, where the strategy has been amended following a review under section 41, the strategy most recently published under section 41(6);

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- (b) “Fire and Rescue National Framework” (*“Fframwaith Cenedlaethol Tân ac Achub”*) means the Framework prepared by the Welsh Ministers and having effect under section 21 of the Fire and Rescue Services Act 2004 (including any revisions to the Framework which have effect under that section);
- ^{F5}(c)
- (d) “relevant community strategy objective” (*“amcan strategaeth gymunedol perthnasol”*) means an objective that—
 - (i) is contained within a current community strategy the production of which involved the authority as a community planning partner (within the meaning of section 38); and
 - (ii) is connected with the authority's functions;
- (e) a reference to services is to—
 - (i) services provided by the authority in the exercise of its functions;
 - (ii) services provided by any other person under arrangements made by the authority in the exercise of its functions.

Textual Amendments

- F3** S. 4(3)(a) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 113\(b\)](#), 175(7); [S.I. 2021/297](#), reg. 2(b) (with regs. 4, 5, 7-9)
- F4** S. 4(3)(b) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 169\(b\)](#), 175(7); [S.I. 2021/297](#), reg. 2(f) (with regs. 6-9)
- F5** S. 4(4)(c) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 169\(b\)](#), 175(7); [S.I. 2021/297](#), reg. 2(f) (with regs. 6-9)

Commencement Information

- I5** S. 4 in force at 17.7.2009 by [S.I. 2009/1796](#), [art. 2\(c\)](#)

5 Consultation about the general duty and improvement objectives

- (1) For the purpose of deciding how to fulfil the duties under section 2(1) and 3(1) a Welsh improvement authority must consult—
 - (a) representatives of persons resident in the authority's area;
 - (b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions;
 - (c) representatives of persons who use or are likely to use services provided by the authority; and
 - (d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.
- (2) For the purposes of subsection (1) “representatives” in relation to a group of persons means persons who appear to the authority to be representative of that group.

Commencement Information

- I6** S. 5 in force at 17.7.2009 by [S.I. 2009/1796](#), [art. 2\(d\)](#)

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6 The general duty, improvement objectives and consultation: guidance

In deciding—

- (a) how to discharge its duties under section 2(1), 3(1) and 3(2);
- (b) who to consult under section 5; or
- (c) the form, content and timing of consultations under section 5,

a Welsh improvement authority must have regard to any guidance issued by the Welsh Ministers.

Commencement Information

I7 [S. 6](#) in force at 17.7.2009 by [S.I. 2009/1796](#), [art. 2\(e\)](#)

7 Aspects of improvement: amendment

(1) The Welsh Ministers may by order—

- (a) amend or omit any paragraph of subsection (2) of section 4;
- (b) add additional paragraphs to that subsection;
- (c) amend or omit such additional paragraphs.

(2) Such an order may make such amendments of this Measure as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (1).

(3) Before making such an order, the Welsh Ministers must consult—

- (a) persons appearing to them to represent Welsh improvement authorities, and
- (b) such other persons (if any) as they think fit.

Commencement Information

I8 [S. 7](#) in force at 17.7.2009 by [S.I. 2009/1796](#), [art. 2\(f\)](#)

Performance indicators and standards

8 Performance indicators and standards

(1) The Welsh Ministers may by order specify—

- (a) factors (“performance indicators”) by reference to which a Welsh improvement authority's performance in exercising functions can be measured;
- (b) standards (“performance standards”) to be met by Welsh improvement authorities in relation to performance indicators specified under paragraph (a).

(2) An order may specify different performance indicators or standards—

- (a) for different functions;
- (b) for different authorities or descriptions of authority;
- (c) to apply at different times.

(3) Before specifying performance indicators or standards the Welsh Ministers must consult—