



# Local Government (Wales) Measure 2011

## 2011 nawm 4

### PART 4

#### CHANGES TO EXECUTIVE ARRANGEMENTS

#### CHAPTER 1

#### ADOPTING A DIFFERENT FORM OF EXECUTIVE

##### *General provisions*

#### **37 Power to adopt a different form of executive**

- (1) A local authority which is operating executive arrangements—
  - (a) may vary or replace the arrangements so that its executive arrangements provide for a different form of executive, and
  - (b) if it makes such a variation of the arrangements, may vary the arrangements in such other respects (if any) as it considers appropriate.
- (2) The powers conferred by subsection (1) are exercisable in accordance with the following provisions of this Chapter.
- (3) A local authority may not use the power conferred by subsection (1)(a) to vary or replace its executive arrangements more than once in any electoral cycle.
- (4) For that purpose, a local authority is to be taken to use the power conferred by subsection (1)(a) at the time when the authority passes a resolution under section 38.
- (5) In this section “electoral cycle”, in relation to a local authority, means each period that—
  - (a) begins with ordinary elections to the authority, and
  - (b) ends with the next ordinary elections to the authority.
- (6) For the definition of “form of executive”, see section 53.

### **38 Proposals for adopting a different form of executive**

- (1) The local authority must draw up, and approve by resolution, proposals to vary or replace its executive arrangements (if it is intended to use the powers conferred by section 37).
- (2) In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (3) The local authority must send the Welsh Ministers—
  - (a) a copy of the proposals that it has approved, and
  - (b) (with the copy of the proposals) a statement which describes the reasons why the authority considers that its proposals would be likely, if implemented, to ensure that decisions of the authority are taken in an efficient, transparent and accountable way.
- (4) The Welsh Ministers must decide whether to approve, or not approve, the proposals.
- (5) The Welsh Ministers must give the local authority notice in writing of their decision.
- (6) If the Welsh Ministers give notice of a decision not to approve the proposals, the local authority must not take any further steps to implement the proposals after the notice is given.

### **39 Contents of proposals**

A local authority's proposals must include all of the following—

- (a) a statement of the extent to which functions specified in regulations under section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the executive under the proposed executive arrangements,
- (b) a timetable with respect to the implementation of the proposals, and
- (c) details of any transitional arrangements which are necessary for the implementation of the proposals.

### **40 Referendums**

- (1) The proposals must provide for the change of executive arrangements to be subject to approval in a referendum if the change of executive arrangements is one that requires approval in a referendum.
- (2) But, in any other case, the proposals may not provide for the change of executive arrangements to be subject to approval in a referendum.
- (3) For provision about referendums under this section, see section 45 of the Local Government Act 2000.

### **41 Timetable for implementation of proposals: no referendum**

- (1) This section applies to a local authority's proposals if the change of executive arrangements is not subject to approval in a referendum.

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

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- (2) The timetable with respect to the implementation of the proposals must be such as to secure that the local authority makes the change of executive arrangements no later than the end of the period of six months beginning with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

#### **42 Timetable for implementation of proposals: referendum**

- (1) This section applies to a local authority's proposals if the proposed form of executive is subject to approval in a referendum.
- (2) The timetable with respect to the implementation of the proposals must comply with subsections (3) and (4).
- (3) The timetable must be such as to secure that the local authority will hold the referendum within the period that—
- (a) begins two months after, and
  - (b) ends six months after,
- the day on which the local authority sends the Welsh Ministers the copy of the proposals.
- (4) The timetable must be such as to secure that, if the result of the referendum is to approve the change of executive arrangements, the local authority will make that change within the period of six months beginning with the day on which the referendum is held.

#### **43 Publicity for proposals**

- (1) This section applies to a local authority which has approved proposals by a resolution.
- (2) The local authority must secure that copies of a document setting out the provisions of the proposed executive arrangements are available at its principal office for inspection by members of the public at all reasonable times.
- (3) The local authority must publish a notice which—
- (a) states that the local authority has resolved to operate the proposed executive arrangements,
  - (b) if the proposed form of executive is subject to approval in a referendum, states —
    - (i) that it is subject to such approval, and
    - (ii) the date of the referendum,
  - (c) states the date on which the local authority intends to begin operating those arrangements,
  - (d) describes the main features of those arrangements,
  - (e) states that copies of a document setting out the provisions of those arrangements are available at the local authority's principal office for inspection by members of the public at such times as may be specified in the notice, and
  - (f) specifies the address of the local authority's principal office.
- (4) The local authority must comply with subsections (2) and (3) as soon as practicable after it passes the resolution approving the proposals.

#### **44 Implementing proposals**

- (1) y must implement its proposals in accordance with the timetable included in the proposals.
- (2) But if the change of executive arrangements—
  - (a) is subject to approval in a referendum, and
  - (b) is not approved by the referendum,
 the local authority must not implement the change.

#### **45 Action if referendum rejects change**

- (1) This section applies to a local authority if the change of executive arrangements—
  - (a) is subject to approval in a referendum, and
  - (b) is not approved in the referendum.
- (2) The local authority must publish a notice which—
  - (a) summarises the local authority’s proposals which were the subject of the referendum,
  - (b) states that a referendum on the local authority’s proposals rejected those proposals, and
  - (c) states that the local authority will continue to operate the form of executive provided for by its existing executive arrangements.
- (3) The local authority must comply with subsection (2) as soon as practicable after the referendum.

#### *Interpretation*

#### **46 Changes of executive arrangements requiring approval in a referendum**

For the purposes of this Chapter, a change of executive arrangements requires approval in a referendum if—

- (a) the existing form of executive, or
  - (b) the proposed form of executive,
- is a mayor and cabinet executive.

#### **47 Interpretation**

In this Chapter—

“existing form of executive” (*“ffurf bresenol ar weithrediaeth”*) means the form of executive operated by a local authority which makes proposals;

“change of executive arrangements” (*“newid mewn trefniadau gweithrediaeth”*) means the change of executive arrangements proposed in proposals;

“proposals” (*“cynigion”*) means proposals under section 38;

“proposed form of executive” (*“ffurf arfaethedig ar weithrediaeth”*) means the form of executive which a local authority is, in proposals, proposing to begin operating.