
WELSH STATUTORY INSTRUMENTS

2002 No. 810 (W.90)

LOCAL GOVERNMENT, WALES

**The Local Authorities (Alternative Arrangements)
(Amendment) (Wales) Regulations 2002**

Made - - - - 21st March 2002

Coming into force - - 1st April 2002

The National Assembly for Wales makes the following Regulations in exercise of the powers given to it by sections 31(1), 32 and 106(1) of the Local Government Act 2000⁽¹⁾.

Name, commencement, application and interpretation

1.—(1) The name of these Regulations is the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2002 and they shall come into force on 1st April 2002.

(2) These Regulations apply to Wales only.

(3) In these Regulations “the 2001 Regulations” (“*Rheoliadau 2001*”) means the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001⁽²⁾.

Form of alternative arrangements

2.—(1) Regulation 4(1) of the 2001 Regulations shall be amended as follows.

(2) The word “authority” in the first line shall be deleted and replaced with “authorities”.

(3) In paragraph (a) there shall be inserted after “Board” the words

“which, subject to regulation 4(2)(e), shall also be its social services committee in accordance with Section 2 of the Social Services Act 1970” ⁽³⁾.

3.—(1) Regulation 4(2) of the 2001 Regulations shall be amended as follows.

(2) At the end of paragraph (c) the word “and” shall be deleted and after paragraph (d) there shall be inserted:

“(e) a sub-committee of the Board to be its social services committee in accordance with Section 2 of the Social Services Act 1970 ;

(f) an employment appeals committee; and

(1) 2000 c. 22.

(2) S.I. 2001/2284 (W.173).

(3) 1970 c. 42.

- (g) a maximum of four other committees, for which the Standing Orders of the authority may provide, which shall only exercise functions which are not, in accordance with these Regulations or any other enactment, the responsibility of the Board of a local authority provided that any decision to establish such a committee shall be notified to the National Assembly for Wales within seven days of the date of the decision.”

Requirements for committees and sub-committees

- 4.—(1) Regulation 5(6) of the 2001 Regulations shall be amended as follows.
(2) There shall be inserted after the word “Board” the words:
“shall not include the chairperson or deputy chairperson of the local authority but”.

Functions which are not the responsibility of the Board

5.—(1) Schedule 1 (Functions not to be the responsibility of an authority’s board) to the 2001 Regulations shall be amended as follows.

- (2) There shall be added to the end of paragraph 14 in Part I (Miscellaneous Functions) in column (1)
“and to determine the terms and conditions on which they hold office (including procedures for their dismissal).”

- (3) There shall be added in Part I (Miscellaneous Functions) at the end:
- (a) in column (1):
“17. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.”.
 - (b) in column (2):
“Section 13(2) of the Criminal Justice and Police Act 2001 (c. 16).”(4);
 - (c) in column (1):
“18. Power to approve Young Peoples Partnership Strategic Plans.”.
 - (d) in column (2):
“Sections 123, 124 and 125 of the Learning and Skills Act 2000 (c. 21).”(5);
 - (e) in column (1):
“19. Power to approve a Children and Young Peoples Framework Partnership.”;
 - (f) in column (2):
“Sections 123, 124 and 125 of the Learning and Skills Act 2000.”.

(4) 2001 c. 16.
(5) 2000 c. 21.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁶⁾

21st March 2002

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 provides for the National Assembly for Wales to specify which local authorities may operate “alternative arrangements” (i.e. arrangements for the discharge of the authority’s functions which do not involve the creation and operation of an executive of the authority) (section 31(1)(b)) and what form those arrangements should take (section 32(1)). The National Assembly made the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 (“the 2001 Regulations”) under those provisions.

These Regulations, which use the same statutory provisions, amend the 2001 Regulations to make minor changes to the required form of the alternative arrangements and to determine how a council may discharge its function in relation to certain additional specified powers .

Regulation 2 amends regulation 4(1) of the 2001 Regulations so that the Board of a local authority must act as its social services committee unless a sub-committee of the Board is designated for that purpose. In Regulation 3 the amendment to regulation 4(2) of the 2001 Regulations also permits the creation of a sub-committee of the Board to undertake the social services committee role if the local authority so chooses, the creation of an employment appeals committee and upto four other committees (which are permitted only to exercise functions that are not the responsibility of the Board of a local authority).

The Regulation also requires that a local authority which makes a decision to establish a committee or a sub-committee in accordance with Regulation 4(2)(g) shall notify the National Assembly for Wales within seven days of the date of the decision.

Regulation 4 amends Regulation 5(6) of the 2001 Regulations to prohibit the chairperson or vice-chairperson of a local authority from being a member of the Board.

Schedule 1 of the 2001 Regulations is amended by Regulation 5. There is additional wording (at paragraph 14) in relation to the appointment of staff to clarify that determination of terms and conditions (including procedures for dismissal) are not to be the responsibility of the Board of a local authority. This amendment also means that the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption under section 13(2) of the Criminal Justice and Police Act 2001 is one that must not be exercised by the Board of a local authority. The approval of the Young Peoples Partnership Strategic Plans and Children and the Young Peoples Framework Partnerships under sections 123 to 125 of the Learning and Skills Act 2000 must be exercised by the full council and not by a Board of a local authority.