
EXPLANATORY NOTE

(This note is not part of the Regulations)

Following the commencement of Part II of the Local Government Act 2000 (“the 2000 Act”) in Wales, Welsh county and county borough councils drew up proposals for the operation of either executive arrangements (under which certain functions of such local authorities are the responsibility of an executive) or the operation of alternative arrangements. In the case of executive arrangements, the local authority’s executive must take one of the forms specified in section 11(2) to (4) of the 2000 Act.

These Regulations revoke the Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002 and enable a local authority in Wales, which is operating executive arrangements, to draw up proposals to change those executive arrangements or replace them with alternative arrangements. These Regulations also enable a local authority which is operating alternative arrangements to draw up proposals to change those alternative arrangements or to replace them with executive arrangements (regulation 2).

Regulation 3 makes provision, in respect of certain proposals, for consultation and for what must be included in the proposals. There is a requirement, in respect of all proposals, for the local authority to consider how the proposals may assist in securing continuous improvement in the way its functions are exercised, having regard to economy, efficiency and effectiveness.

Regulation 4 provides that a local authority must comply with any directions given by the National Assembly for Wales (“the Assembly”) for the purposes of these Regulations.

Regulation 5 sets out when a referendum is required before a local authority can take steps to implement its proposals. The Assembly must first approve those proposals.

Regulation 6 provides for certain information to be sent to the Assembly.

Regulation 7 provides for certain proposals, which do not require a referendum, to be implemented in accordance with the timetable included in the proposals. This is subject to the Assembly having first approved those proposals.

Where a referendum rejects proposals, the local authority must continue to operate its existing arrangements unless and until it is authorised or required to operate other arrangements. Where a referendum approves proposals, the local authority must implement them in accordance with the timetable included in the proposals (regulation 8).

Regulation 9 requires a resolution of the local authority in order for that authority to operate different arrangements.

After making a resolution under section 29(1) or 33(2) of the 2000 Act, as applied by regulation 9, copies of a document setting out the provisions of the proposed arrangements must be available for public inspection at the local authority’s principal office. For certain proposals, and for proposals that have been rejected by a referendum, specified information must be published in one or more newspapers (regulation 10).

Regulation 11 makes provision in respect of consultation undertaken by a local authority, for the purposes of regulation 3(1), prior to the coming into force of these Regulations.