

# **LOCAL GOVERNMENT (WALES) MEASURE 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4 – Changes to Executive Arrangements**

*Section 38 – Proposals for adopting a different form of executive*

*Section 39 – Contents of proposals*

*Section 40 – Referendums*

*Section 41 – Timetable for implementation of proposals: no referendum*

*Section 42 – Timetable for implementation of proposals: referendum*

*Section 43 – Publicity for proposals*

*Section 44 – Implementing proposals*

*Section 45 – Action if referendum rejects a change*

59. These sections make provision for and set out the procedures required of a local authority wanting to change from one form of executive arrangements to another and the contents of the proposals for the change which it must prepare and send to the Welsh Ministers (see section 38).
60. If the proposed change is to a form of executive arrangements which involves an elected mayor, the proposals must include provision for a referendum of local government electors in the authority concerned to approve the proposed change, but a referendum must not be held if the change is to any other form of executive arrangements (section 40). A requirement to hold a referendum is subject to the constraint in section 45 of the 2000 Act that a referendum on executive arrangements may not be held more than once in any five years. The timetables for implementing an agreed change are set out in sections 41 and 42. If an authority approves a change which does not require approval in a referendum it must publicise the proposed change as set out in section 43.
61. If a referendum must be held and the change is rejected by voters, the authority may not implement the change (section 44). It must follow the procedure in section 45 and continue to operate its existing executive arrangements.