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WELSH STATUTORY INSTRUMENTS

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**2004 No. 3092 (W.266)**

**LOCAL GOVERNMENT, WALES**

**The Local Authorities (Alternative Arrangements)  
(Amendment) (Wales) Regulations 2004**

*Made* - - - - 23 November 2004

*Coming into force* - - 24 November 2004

The National Assembly for Wales makes the following regulations in exercise of the powers conferred on it by sections 32, 105 and 106 of the Local Government Act 2000<sup>(1)</sup>.

**Name, commencement and application**

1.—(1) These Regulations are called the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2004 and come into force on 24 November 2004.

(2) The Regulations apply to Wales only.

**Amendment of Regulations**

2. The Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2001<sup>(2)</sup> are amended —

- (a) in regulation 2, (in paragraph (i)) of the definition of “area committee” delete “with delegated powers to exercise some or all of the functions in part A of Schedule 1”;
- (b) in sub-paragraph (2)(b) of regulation 4 insert at the end “and sub committees”;
- (c) in paragraph (2)(a) of regulation 8 at the end delete “and” and insert “or”;
- (d) in sub-paragraph (9)(a) of regulation 10 insert at the beginning —  
“subject to the provisions in respect of calculation of council tax base in paragraph 22 of Schedule 2”;
- (e) in paragraph (1) of regulation 14 after “responsibility” insert —  
“of the local authority (other than those which must be discharged only by an authority as a whole) or”;

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(1) 2000 c. 22.

(2) S.I. 2001/2284 (W.173) as amended by the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 S.I. 2001/3711 (W.307), the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2002 S.I. 2002/810 (W.90) and the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2003 S.I. 2003/155 (W.25).

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- (f) in Schedule 1 (Functions not to be the responsibility of an authority's Board) in accordance with Part 1 of the Schedule to these Regulations;
- (g) in Schedule 2 (Functions which may (but need not be) the responsibility of an authority's Board) in accordance with Part 2 of the Schedule to these Regulations;
- (h) in Schedule 3 (Functions not to be the sole responsibility of an authority's Board) in accordance with Part 3 of the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

23 November 2004

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

SCHEDULE 1

Regulation 2

Part 1

Schedule 1 Amendments

1. In Part B insert after paragraph 66:

Function	Provision of Act or Statutory Instrument
67. Functions in respect of establishing a Licensing Committee.	Sections 6 of the Licensing Act 2003 (c. 17).

2. In Part I:

- (1) delete paragraphs 18 and 19; and
- (2) insert after paragraph 17:

Functions	Provision of Act or Statutory Instrument
18. Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c. 3).
19. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972.
20. Duty to designate an officer as the head of the authority’s paid service, and to provide staff etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42).
21. Duty to designate an officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
22. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c. 22).
23. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.
24. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c. 11).

PART 2

Schedule 2 Amendments

At the end add:

- “22. Functions in respect of the calculation of council tax base in accordance with any of the following —
  - (a) the determination of an amount for item T in section 33(1) and 44(1) of the Local Government Finance Act 1992;
  - (b) the determination of an amount for item TP in sections 34(3), 45(3), 48(3) and 48(4) of the Local Government Finance Act 1992;

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- (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.

23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.”

## PART 3

### Schedule 3 Amendments

1. In column (2) of the paragraph relating to the Local Transport Plan delete “92” and insert “108”.
2. Delete the entry relating to Food Law Enforcement Service Plan.
3. At the end add:

<b>(1) Plans and Strategies</b>	<b>(2) Reference</b>
Powers to approve Young Peoples Partnership Strategic Plans and a Children and Young Peoples Framework Partnership.	Sections 123, 124 and 125 of the Learning and Skills Act 2000.

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part II of the Local Government Act 2000 (“the 2000 Act”) provides for the National Assembly for Wales to specify which local authorities may operate 'alternative arrangements' i.e. arrangements for the discharge of an authority’s functions which do not involve the creation and operation of an executive in accordance with section 31(1)(b) and section 32(1) of the 2000 Act.

The Local Authority (Alternative Arrangements) (Wales) Regulations 2001 (“the 2001 Regulations”) (as amended) permit all county and county borough councils in Wales to operate alternative arrangements provided that those arrangements are in the form required by the 2001 Regulations (as amended).

The 2001 Regulations specified functions that are not to be the responsibility of an authority’s Board or are to be the responsibility of such a Board only to a limited extent or only in specified circumstances. In regulation 2 these regulations make changes to the 2001 Regulations in Schedule 1 by adding to the list of functions not to be the responsibility of an authority’s Board, by adding to the list of functions in Schedule 2 which may (but need not) be the responsibility of an authority’s Board and amending Schedule 3 by adding to functions not to be the sole responsibility of an authority’s Board.