
WELSH STATUTORY INSTRUMENTS

2001 No. 2293 (W. 181)

LOCAL GOVERNMENT, WALES

Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001

Made - - - - 21st June 2001
Coming into force - - 28th July 2001

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon it by sections 31(7), (8), (9), 105(2) and 106 of the Local Government Act 2000⁽¹⁾, and of all other powers enabling it in that behalf.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001 and shall come into force on 28th July 2001.

(2) These Regulations apply in relation to local authorities in Wales.

Interpretation

2. In these Regulations—

“the Act” (“y Ddeddf”) means the Local Government Act 2000;

“local authority” (“awdurdod lleol”) means a local authority to which section 31 of the Act (alternative arrangements in the case of certain local authorities) applies;

“proposals” (“cynigion”) means proposals under section 31 of the Act for the operation of alternative arrangements.

Proposals for Alternative Arrangements

3.—(1) For the purpose of drawing up proposals a local authority must take reasonable steps to consult the local government electors for, and other interested persons in, the authority’s area and shall comply with paragraphs (2) and (3) in undertaking that consultation.

(2) When undertaking the consultation required by paragraph (1) a local authority must, if more than one type of alternative arrangements is permitted by regulations under section 32 of the Act:

- (a) describe and represent in a fair and balanced way each of the types of alternative arrangements for the time-being permitted by regulations under section 32 of the Act;
 - (b) ensure that in responding to that consultation local electors for, and other interested parties in, the authority's area have an opportunity clearly to express their preference for any of those types of alternative arrangements; and
 - (c) use a combination of qualitative and quantitative methods of consultation.
- (3) When undertaking the consultation required by paragraph (1) a local authority must (whether or not more than one type of alternative arrangements is permitted by regulations under section 32 of the Act):
- (a) ensure that all local electors for, and other interested parties in, the authority's area have an opportunity to respond to that consultation; and
 - (b) not include in that consultation any consultation which the authority has determined to conduct for the purpose of making representations to the National Assembly for Wales to make a particular type of alternative arrangements available in regulations under section 32 of the Act.
- (4) In drawing up its proposals a local authority must—
- (a) decide which type of alternative arrangements is to be included in the proposals; and
 - (b) comply with any directions given by the National Assembly for Wales for the purposes of these Regulations.
- (5) A local authority must include in its proposals—
- (a) a statement (by reference to regulations made under section 32 of the Act) of the particular type of alternative arrangements involved in the proposals;
 - (b) a description of the roles of the authority itself under the proposed arrangements;
 - (c) a statement of the number of committees and sub-committees the authority intends to establish for the discharge of the functions which the authority intend will be discharged by those committees and sub-committees under the proposed alternative arrangements;
 - (d) a description of the proposed arrangements to be included in the proposed alternative arrangements for the operation of committees or sub-committees to review or scrutinise decisions made, or other action taken, in connection with the discharge of functions of the authority;
 - (e) a timetable with respect to the implementation of the proposals;
 - (f) details of any transitional arrangements which are necessary for the implementation of the proposals;
 - (g) a description of such other features of the proposed alternative arrangements as the authority may determine to include in the proposals; and
 - (h) any such other information as may be required by directions given by the National Assembly for Wales.
- (6) A local authority shall send to the National Assembly for Wales—
- (a) a copy of its proposals; and
 - (b) a statement which describes—
 - (i) the steps which the authority took to consult the local government electors for, and other interested persons in, the authority's area, both pursuant to section 31(5) of the Act and to paragraph (1) above;
 - (ii) the outcome of those consultations and the extent to which that outcome is reflected in the proposals;

- (iii) the reasons why the authority considers that its proposals will be more suitable for circumstances in that authority and its area than any form of executive specified in or under section 11 of the Act; and
- (iv) 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.

(7) A local authority must implement its proposals in accordance with the timetable included in those proposals.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

21st June 2001

D. Elis Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

Under Part II of the Local Government Act 2000 (“the Act”), local authorities are required to make arrangements for the discharge of their functions by executives which must take one of the forms specified in section 11(2) to (4) of the Act or in regulations under section 11(5). Section 25 of the Act requires local authorities to draw up proposals for executive arrangements. Section 31 of the Act permits a local authority to which that section applies to draw up proposals for alternative arrangements of a particular type permitted by regulations under section 32 of the Act. These regulations contain requirements as to those proposals for alternative arrangements.

Regulation 3(1) requires an authority to take reasonable steps to consult whilst the approach which the authority should take to its consultation is set out in regulation 3(2). Regulation 3(4) requires an authority to decide what form of alternative arrangements to include in its proposals and to comply with any directions given by the National Assembly. Regulation 3(5) specifies the matters which must be included in the proposals and regulation 3(6) requires that a copy of the proposals and accompanying information be sent to the National Assembly. The requirement for an authority to implement its proposals for alternative arrangements in accordance with the timetable included in those proposals is set out in regulation 3(7).