

LOCAL GOVERNMENT (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Changes to Executive Arrangements

Section 37 – Power to adopt a different form of executive

58. Makes new provision to simplify the procedure for a local authority already operating one form of permitted executive arrangements to change to another form of executive arrangements, but enable them to make such a change only once between ordinary elections. The new procedures mean that an authority will no longer need to formally consult local electors or prepare “fall-back” proposals.

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.

Section 46 – Changes of executive arrangements requiring approval in a referendum

62. This section provides that a change of executive arrangements requires approval in a referendum if either the existing model or the proposed model is a mayor and cabinet executive.

Section 47 – Interpretation

63. This section defines certain terms used in this Chapter of the Measure.

Section 48 – Power to vary the existing form of executive

Section 49 – Proposals for varying the form of executive

Section 50 – Contents of proposals

Section 51 – Implementing proposals

Section 52 – Powers under which executive arrangements may be varied

64. These sections introduce new provision to enable a local authority which is operating executive arrangements to vary the arrangements (so that these differ from the existing arrangements) but still operate with the same model.

Section 53 – Forms of executive

65. Clarifies that for the purposes of this Part there are two forms of executive in Wales.

Section 54 – Consequential provision etc

66. This section contains consequential amendments of sections of the 2000 Act relating to this Part of the Measure. Section 30 of the 2000 Act sets out the existing procedures for changing executive arrangements, which are superseded by the provisions in this Part about changing executive arrangements and varying them. The insertion of the new section 33ZA serves to direct readers to the provisions for changing governance arrangements in Wales to this part of the Measure. The amendment to section 45 of the 2000 Act expands the definition of referendum to accommodate the provisions inserted by this Measure.