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Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Measure 2011, SCHEDULE 1. (See end of Document for details)

PROSPECTIVE

SCHEDULE 1

(introduced by section 35)

CHANGE FROM ALTERNATIVE TO EXECUTIVE ARRANGEMENTS

PART 1

GENERAL PROVISIONS

Introduction

- 1 This Schedule applies to a local authority if it is required by section 35 to change from alternative arrangements to executive arrangements.

Proposals for moving to executive arrangements

- 2 (1) The local authority must draw up, and approve by resolution, proposals to change from alternative to executive arrangements.
- (2) In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (3) The local authority must send the Welsh Ministers—
- (a) a copy of the proposals that it has approved, and
 - (b) (with the copy of the proposals) a statement which describes 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.
- (4) The local authority must comply with sub-paragraphs (1) and (3) within the period of six months beginning with the day on which section 35 comes into force.

Contents of proposals

- 3 A local authority's proposals must include all of the following—
- (a) a statement of the extent to which functions specified in regulations under section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the executive under the proposed executive arrangements,
 - (b) a timetable with respect to the implementation of the proposals, and
 - (c) details of any transitional arrangements which are necessary for the implementation of the proposals.

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Referendums

- 4 (1) If the proposed form of executive is a mayor and cabinet executive, the proposals must provide for the change to executive arrangements to be subject to approval in a referendum.
- (2) If the proposed form of executive is a leader and cabinet executive (Wales), the proposals may not provide for the change to executive arrangements to be subject to approval in a referendum.
- (3) Section 45 of the Local Government Act 2000 (provisions with respect to referendums) has effect as if subsection (9) included a reference to a referendum on a change from alternative arrangements to executive arrangements in accordance with section 35.

Timetable for implementation of change to leader and cabinet executive (Wales)

- 5 (1) This paragraph applies to a local authority's proposals if the proposed form of executive is a leader and cabinet executive (Wales).
- (2) The timetable with respect to the implementation of the proposals must be such as to ensure that the local authority makes the change to executive arrangements no later than the end of the period of six months beginning with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

Timetable for implementation of change to mayor and cabinet executive

- 6 (1) This paragraph applies to a local authority's proposals if the proposed form of executive is a mayor and cabinet executive (and accordingly is subject to approval in a referendum).
- (2) The timetable with respect to the implementation of the proposals must comply with sub-paragraphs (3) and (4).
- (3) The timetable must be such as to secure that the local authority will hold the referendum within the period that—
- (a) begins two months after, and
 - (b) ends six months after,
- the day on which the local authority sends the Welsh Ministers the copy of the proposals.
- (4) The timetable must be such as to secure that, if the result of the referendum is to approve the change to executive arrangements, the local authority will make that change within the period of six months beginning with the day on which the referendum is held.

Publicity for proposals

- 7 (1) This paragraph applies to a local authority which has approved proposals by a resolution.
- (2) The local authority must secure that copies of a document setting out the provisions of the proposed executive arrangements are available at its principal office for inspection by members of the public at all reasonable times.

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- (3) The local authority must publish a notice which—
- (a) states that the local authority has resolved to operate the proposed executive arrangements,
 - (b) if the proposed form of executive is a mayor and cabinet executive, states—
 - (i) that it is subject to approval in a referendum, and
 - (ii) the date of the referendum,
 - (c) states the date on which the local authority intends to begin operating those arrangements,
 - (d) describes the main features of those arrangements,
 - (e) states that copies of a document setting out the provisions of those arrangements are available at the local authority's principal office for inspection by members of the public at such times as may be specified in the notice, and
 - (f) specifies the address of the local authority's principal office.
- (4) The local authority must comply with sub-paragraphs (2) and (3) as soon as practicable after it passes the resolution approving the proposals.

Implementing proposals

- 8 (1) A local authority must implement its proposals in accordance with the timetable included in the proposals.
- (2) But if the proposed form of executive—
- (a) is a mayor and cabinet executive, and
 - (b) is not approved in the referendum on the change to that form of executive, the local authority must not implement the change.

PART 2

OTHER PROVISIONS APPLICABLE WHERE REFERENDUM REQUIRED

Outline fall-back proposals in case referendum rejects change

- 9 (1) This paragraph applies to a local authority if the proposed form of executive is a mayor and cabinet executive (and accordingly is subject to approval in a referendum).
- (2) The local authority must draw up, and approve by resolution, an outline of the fall-back proposals (“outline fall-back proposals”) that it intends to implement if the proposals to change to a mayor and cabinet executive are rejected in the referendum.
- (3) Fall-back proposals are proposals for making a change to executive arrangements that provide for a leader and cabinet executive (Wales).
- (4) Paragraph 2(2) applies to the outline fall-back proposals as it applies to proposals under that paragraph.
- (5) The outline fall-back proposals must include a timetable with respect to the implementation (in accordance with paragraph 11) of detailed fall-back proposals in the event that the change to the mayor and cabinet executive is not approved in the referendum.

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- (6) The local authority must comply with sub-paragraph (2) at the time it complies with paragraph 2(1).
- (7) The local authority must send the Welsh Ministers a copy of the outline fall-back proposals that it has approved.
- (8) The local authority must comply with sub-paragraph (7) at the time it complies with paragraph 2(3).

Action if referendum rejects change

- 10 (1) This paragraph applies to a local authority if—
- (a) the proposed form of executive is a mayor and cabinet executive, and
 - (b) is not approved in the referendum on the change to that form of executive.
- (2) The local authority must publish a notice which—
- (a) summarises the local authority's proposals which were the subject of the referendum,
 - (b) states that a referendum on the local authority's proposals rejected those proposals,
 - (c) sets out the local authority's outline fall-back proposals, and
 - (d) states that, under the outline fall-back proposals, the local authority intends to operate a leader and cabinet executive (Wales).
- (3) The local authority must comply with sub-paragraph (2) as soon as practicable after the referendum.
- (4) The local authority must draw up, and approve by resolution, detailed fall-back proposals which are based on the outline fall-back proposals.
- (5) Paragraphs 2(2), 3 and 7(2) and (3) apply to the detailed fall-back proposals as they apply to proposals under paragraph 2.
- (6) The local authority must send a copy of the detailed fall-back proposals to the Welsh Ministers.
- (7) The local authority must comply with sub-paragraph (6) within the period of two months beginning with day of the referendum.

Timetable for implementation of detailed fall-back proposals

- 11 The timetable with respect to the implementation of the detailed fall-back proposals must be such as to secure that the local authority makes the change to the leader and cabinet executive (Wales) no later than the end of the period of six months beginning with the day on which the local authority sends the Welsh Ministers the copy of the proposals.

Implementing detailed fall-back proposals

- 12 The local authority must implement its detailed fall-back proposals in accordance with the timetable included in the proposals.

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PART 3

MISCELLANEOUS

Failure to cease operating alternative arrangements

- 13 (1) This paragraph applies if it appears to the Welsh Ministers that a local authority will fail to cease operating alternative arrangements and start operating executive arrangements in accordance with section 35.
- (2) The Welsh Ministers may, by order, provide for the local authority to—
- (a) cease to operate alternative arrangements, and
 - (b) start to operate executive arrangements of a form specified by the Welsh Ministers (“default executive arrangements”).
- (3) Default executive arrangements are to be treated as having been made by the local authority itself.
- (4) Paragraphs 7(2) and (3)(c) to (e) apply to default executive arrangements as they apply to executive arrangements in proposals under paragraph 2.
- (5) The local authority must comply with those provisions of paragraph 7 (as they apply by virtue of sub-paragraph (4)) as soon as practicable after the order providing for the default executive arrangements is made by the Welsh Ministers.

Arrangements to be treated as operated after passing of resolution

- 14 Executive arrangements which come into operation in accordance with section 35 and this Schedule are to be treated as being operated after the passing of a resolution of the local authority under section 38.

Interpretation

- 15 In this Schedule—
- “change to executive arrangements” (“*newid i drefniadau gweithrediaeth*”) means the change to executive arrangements proposed in proposals or in fall-back proposals;
 - “detailed fall-back proposals” (“*cynigion manwl wrth gefn*”) means proposals under paragraph 10(4);
 - “fall-back proposals” (“*cynigion wrth gefn*”) has the meaning given in paragraph 9(3);
 - “outline fall-back proposals” (“*cynigion amlinellol wrth gefn*”) means proposals under paragraph 9(2);
 - “proposals” (“*cynigion*”) (except in relation to fall-back proposals) means proposals under paragraph 2;
 - “proposed form of executive” (“*ffurf arfaethedig ar weithrediaeth*”) means the form of executive which a local authority is, in proposals under paragraph 2, or in fall-back proposals, proposing to begin operating.

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