WELSH STATUTORY INSTRUMENTS

2002 No. 2880 (W.276)

LOCAL GOVERNMENT, WALES

The Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002

Made - - - -	*20th November 2002*
Coming into force - -	*25th November 2002*

The National Assembly for Wales makes the following Regulations in exercise of the powers given to it by sections 30(1), 33(7), 105(2) and 106(1) of the Local Government Act 2000(**1**).

Name, commencement, application and interpretation

1.—(1) The name of these Regulations is the Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002 and they shall come into force on 25th November 2002.

(2) These Regulations apply to Wales only.

(3) In these Regulations, "the 2000 Act" means the Local Government Act 2000.

Proposals

2.—(1) A local authority which is operating executive arrangements ("existing executive arrangements"), by virtue of a resolution under section 29(1) of the 2000 Act (operation of, and publicity for, executive arrangements), whether or not as applied by regulation 7(1) of these Regulations, may draw up proposals for the operation of executive arrangements ("different executive arrangements") which differ from the existing executive arrangements provided that the proposals do not involve a different form of executive.

(2) A local authority which is operating alternative arrangements ("existing alternative arrangements"), by virtue of a resolution under section 33(2) of the 2000 Act (operation of alternative arrangements), whether or not as applied by regulation 7(2) of these Regulations, may draw up proposals for the operation of alternative arrangements ("different alternative arrangements") which differ from the existing alternative arrangements provided that the proposals do not involve a form of alternative arrangements which is different from that specified in regulation 4 of the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001(**2**).

(**1**) 2000 c. 22.
(**2**) S.I.2001/2284 (W.173).

Drawing up proposals

3. In drawing up proposals under regulation 2, a 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.

Directions

4. A local authority must comply with any directions given by the National Assembly for Wales for the purpose of these Regulations.

Elected mayor's consent to proposals

5.—(1) Subject to paragraph (2), if a local authority draws up proposals under regulation 2(1) and under existing executive arrangements the executive takes the form specified in section 11(2) or (4) of the 2000 Act (mayor and cabinet executive or mayor and council manager executive), the local authority may not implement the proposals without the written consent of the elected mayor under the existing executive arrangements.

(2) The consent of the elected mayor is not required under paragraph (1) if the arrangements which are the subject of the proposals mentioned in that paragraph differ from the existing executive arrangements only in respect of the operation and functions of an overview and scrutiny committee or of a sub-committee of such a committee.

Consent of the National Assembly for Wales

6. Where proposals are drawn up under regulation 2 which involve an alteration to—

(a) the role or the responsibilities of the executive or the council, or

(b) the role or structure of overview and scrutiny committees,

the local authority must send to the National Assembly for Wales a copy of the proposals and must not implement them without the consent in writing of the National Assembly for Wales.

Requirements for a resolution

7.—(1) Subsection (1) of section 29 (operation of executive arrangements) shall apply for the purpose of operating different executive arrangements as it applies for the purpose of operating executive arrangements originally.

(2) Subsection (2) of section 33 (operation of alternative arrangements) shall apply for the purpose of operating different alternative arrangements as it applies for the purpose of operating alternative arrangements originally.

Publicity for arrangements

8. Where a local authority has resolved to operate different executive or alternative arrangements, the local authority must, as soon as practicable after passing such a resolution, secure that copies of a document setting out the provisions of the different arrangements are available at its principal office for inspection by members of the public at all reasonable hours.