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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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## SCHEDULE 2

(introduced by section 141(2))

### THE PANEL

#### *Membership*

- 1
- (1) The Panel consists of five members appointed by the Welsh Ministers.
  - (2) The Welsh Ministers must appoint one of the members as Chairperson.
  - (3) The members of the Panel must elect one of their number as Vice-chairperson.
  - (4) The following are disqualified from being a member of the Panel—
    - (a) a member of the National Assembly for Wales;
    - (b) a member of the House of Commons;
    - (c) a member of the House of Lords;
    - (d) a member of the European Parliament;
    - (e) a member of a local authority or a community council;
    - (f) a person who is disqualified from being a member of a local authority or community council.
  - (5) Paragraph 1(4)(f) does not apply to a person who is disqualified merely as a result of section 80(1)(a) of the Local Government Act 1972 (employees of council, office-holders, etc.).

#### **Commencement Information**

**I1** Sch. 2 para. 1 in force at 31.8.2011 by S.I. 2011/2011, art. 2(t)

#### *Tenure*

- 2
- (1) Members of the Panel hold and must vacate office in accordance with the terms of their appointment, those terms being such as the Welsh Ministers decide.
  - (2) A person may not be appointed as a member of the Panel for a period exceeding four years.
  - (3) But a person who ceases to be a member of the Panel is eligible for re-appointment.
  - (4) A person appointed to fill a casual vacancy in the membership of the Panel serves as a member until the date on which the period of membership of the person whose place has been filled would have expired.
  - (5) A member of the Panel holding office as Chairperson or Vice-chairperson does so until the period of that person's membership expires.

#### **Commencement Information**

**I2** Sch. 2 para. 2 in force at 31.8.2011 by S.I. 2011/2011, art. 2(t)

#### *Meetings*

- 3
- (1) The Panel must meet at least once every calendar year.

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- (2) The quorum of the Panel is three and must include the Chairperson or the Vice-chairperson.
- (3) The Chairperson (or, in the absence of the Chairperson, the Vice-chairperson) presides at meetings of the Panel.
- (4) The members of the Panel may (subject to provision made by or by virtue of Part 8) regulate the Panel's procedures.
- (5) A question for decision by the Panel must be decided at a meeting of members of the Panel by a majority of the votes cast by those members present at the meeting.
- (6) If there is an equality of votes on a question for decision, the person presiding at the meeting has a second or casting vote.

**Commencement Information**

**I3** [Sch. 2 para. 3](#) in force at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(t\)](#)

*Information*

- 4 The Panel may, in connection with the performance of its functions, seek information or advice.

**Commencement Information**

**I4** [Sch. 2 para. 4](#) in force at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(t\)](#)

*Expenses, administrative support etc.*

- 5 (1) The Welsh Ministers must pay expenses incurred by the Panel (either collectively or by members individually) in carrying out functions of the Panel (or of members of the Panel in their capacity as such).
- (2) The Welsh Ministers may pay allowances to members of the Panel.
- (3) The Welsh Ministers must make administrative support available to the Panel.

**Commencement Information**

**I5** [Sch. 2 para. 5](#) in force at 31.8.2011 by [S.I. 2011/2011](#), [art. 2\(t\)](#)

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VALID FROM 30/04/2012

### SCHEDULE 3

*(introduced by section 160)*

#### PAYMENTS AND PENSIONS: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Local Government Act 1972*

- 1 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 94(5) (local authority allowances not to count as pecuniary interest for purposes of prohibiting voting where member has pecuniary interest), after “1989” insert “ or under any provision of Part 8 of the Local Government (Wales) Measure 2011 ”.
- (3) Sections 173 to 178 (allowances for members) cease to have effect.
- (4) In section 246(16) (application of provisions about local authority allowances to charter trustees), after “above” insert “ and (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011 ”.
- (5) In section 249(4)(b) (allowance not payable for attendance by honorary aldermen at civic ceremonies), at the end insert “ or Part 8 of the Local Government (Wales) Measure 2011 ”.

##### *Local Government and Housing Act 1989*

- 2 (1) Section 18 of the Local Government and Housing Act 1989 (schemes for allowances for local authority members) is amended as follows.
- (2) Omit subsections (1) to (3), (3B), (3D), (3E) and (3G) to (6).
- (3) For subsection (3A) (power of Welsh Ministers to make regulations enabling local authorities to determine entitlement to gratuities), substitute—
- “(3A) Regulations may be made by the Welsh Ministers to make provision for or in connection with—
- (a) enabling county councils or county borough councils to determine which members of the council are to be entitled to gratuities,
- (b) treating such payments relating to relevant matters (within the meaning of Part 8 of the Local Government (Wales) Measure 2011) as may be specified in the regulations as amounts in respect of which such gratuities are payable.”.

##### *Environment Act 1995*

- 3 In paragraph 11 of Schedule 7 to the Environment Act 1995 (application of provisions about local authority allowances to National Park authorities), omit sub-paragraphs (1) and (2).



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#### *School Standards and Framework Act 1998*

- 4 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 94(5C) (power to apply provisions about local authority allowances to admission appeal panels), after “1972” insert “ or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011 ”.
- (3) In section 95(3B) (power to apply provisions about local authority allowances to admission appeal panels in case of pupils excluded from two or more schools), after “1972” insert “ or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011 ”.

#### *Local Government Act 2000*

- 5 (1) The Local Government Act 2000 is amended as follows.
- (2) In section 99(1) (power to make provision about allowances etc. in regulations about local government pensions), at the end insert “; and for the purposes of the application of this subsection to Wales, the reference to pensions and allowances is to be ignored.”
- (3) Section 100 (power of Welsh Ministers to make provision about local authority allowances) ceases to have effect.

#### *Education Act 2002*

- 6 In section 52(6) of the Education Act 2002 (power to apply provisions about local authority allowances to panels dealing with exclusion of pupils), after “1972 (c. 70)” insert “ or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011 ”.

#### *Education and Skills Act 2008*

- 7 In section 48(4) of the Education and Skills Act 2008 (power to apply provisions about local authority allowances to attendance panels), after “1972 (c. 70)” insert “ or (in relation to Wales) Part 8 of the Local Government (Wales) Measure 2011 ”.

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## SCHEDULE 4

(introduced by section 176(2))

## REPEALS AND REVOCATIONS

VALID FROM 30/04/2012

**PART A:**

## STRENGTHENING LOCAL DEMOCRACY (PART 1 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal</i>
Local Government and Housing Act 1989	In section 2(1)(f), the word “and”.

**PART B:**

## AVAILABLE GOVERNANCE ARRANGEMENTS (PART 3 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Act 1972	In section 21(1A), the words “or a mayor and council manager executive”. In section 22(4A), the words “or a mayor and council manager executive”. In section 25A(3), the words “or a mayor and council manager executive”. In section 70(3), the words “or alternative arrangements”. In section 270(1)— (a) the definition of “alternative arrangements”; (b) in the definition “ “mayor and cabinet executive” and “mayor and council manager executive””, the words “and “mayor and council manager executive””.
Local Government and Housing Act 1989	In section 245(1A) and (4A), the words “or a mayor and council manager executive”. In section 5(3)(b), the words from “and, in a case where” to the end of paragraph (b). In section 5A(5)(b), the words from “and, where” to the end of paragraph (b). In section 13— (a) subsection (5A); (b) in subsection (9), the words “and “mayor and council manager executive””.

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	In section 21(3), the words “ “council manager”” and “and “mayor and council manager executive””.
Local Government Finance Act 1992	In section 106— (a) in subsection (1), the words “or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000”; (b) in subsection (2), the words “or a council manager”.
Local Government Act 2000	In section 11— (a) subsection (4), and (b) in subsection (10), the words “or an officer” and “or (4)(b)”. Section 16. Section 26(2)(b). Section 29. Section 33. In section 48(1), the definition of “council manager”. In Schedule 1, paragraph 3.
Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001 (S.I. 2001/2293)	The whole Regulations.
Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 (S.I. 2004/3158)	The whole Regulations
Local Authorities (Alternative Arrangements) (Wales) Regulations 2007 (S.I. 2007/397)	The whole Regulations.
Local Government (Wales) Measure 2011	Section 87(3).

## PART C:

### CHANGES TO EXECUTIVE ARRANGEMENTS (PART 4 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal</i>
Local Government Act 2000	Section 30.

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**PART D:**

OVERVIEW AND SCRUTINY (PART 6 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal</i>
Local Government Act 2000	In section 21(13)(aa), the final “and”. In section 21A(1)(c), the words “in the case of a local authority in England”. In section 21A(6)(a), the words “in England”. In section 21B(1), the words “in England”. In section 22, the words “in England”

**PART E:**

COMMUNITIES AND COMMUNITY COUNCILS (PART 7 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal</i>
Local Government Act 1972	Sections 28 to 29B.

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**PART F:**

MEMBERS: PAYMENTS AND PENSIONS (PART 8 OF THE MEASURE)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Act 1972	Sections 173 to 178.
Local Government and Housing Act 1989	Section 18(1) to (3), (3B), (3D), (3E) and (3G) to (6).
Environment Act 1995	In Schedule 7, paragraph 11(1) and (2).
Local Government Act 2000	Section 100.
Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 (S.I. 2002/1895)	The whole Regulations.

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Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (S.I. 2003/895)	The whole Regulations.
Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (S.I. 2004/2555)	The whole Regulations.
Local Authorities (Allowances for Members) (Wales) Regulations 2007 (S.I. 2007/1086)	The whole Regulations.

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