

Information Further to Ministerial Answers

Information further to the debate on the local authorities executive arrangements on 23 November 2004, issued by Sue Essex, the Finance Minister, on 8 December 2004

To Michael German:

I am writing in furtherance to my response to your questions raised during the debate on the Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2004 and the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2004.

You asked, firstly, when the further amendments needed to the existing regulations would be forthcoming and what provisions would be contained therein. No legislative timetable for these regulations has yet been produced but I am anxious that the fresh process of consultation should start as early in the new year as is practical. I do not think it would be useful, at this stage, to list the items that will be covered, as a fresh appraisal by my officials will be required before the consultation documents are prepared. I will ensure, of course, that you receive copies of any such documents or draft regulations at the earliest opportunity.

Secondly, you asked why it was necessary to amend these regulations so frequently and whether, rather than listing provisions which should not be functions only for the executive (or council board), they should commence from the premise that functions were to be allocated to the full council otherwise provided for in regulations.

The answer to this is to be found in section 13 of the Local Government Act 2000. This provides, unless otherwise specified in legislation, that all local authority functions are to be executive functions. This means that the regulations require amendment whenever it becomes clear that some existing or new function would preferably not be one only for the executive, and that this has not made clear within whatever legislation introduced the function. In the case of councils operating alternative arrangements, the Assembly regulations make similar provisions for the allocation of functions to the board of the council; hence the need to amend those also.

It should be remembered that the majority of significant council functions are allocated to the executive. Therefore, if the situation were reversed in the way you proposed, the provisions covered by regulations would be considerably more numerous and the need to address fresh functions would become more frequent and probably more urgent. I do not believe it would be a practical approach.

Information further to the debate on the Calculation of Council Tax Base Regulations on 23 November 2004, issued by Sue Essex, the Finance Minister, on 3 December 2004

To Michael German:

During the debate on 23 November 2004 on the above regulations I agree to write to you about how the discounts affect council tax base and on your query about the dates in the regulations.

The original legislation covering the calculation of the council's tax base was made on the 10 March 1992. This allowed authorities to take into account their estimates of the tax base all reductions that were likely in the following financial year, including all exemptions and discounts.

The intention was that local authorities should not lose out because of exemptions and discounts. This is because the local government finance system seeks to equalise for each authority's ability to raise funds from its own resources. This means that the less capacity an authority has to raise council tax, the more it receives in central support from the Assembly to compensate.

With regard to your question on the timing of the period calculating an authority's tax base, the 1995 regulations have a calculation period of 1 November to 31 December. The timing of the introduction of these regulations suggested it appropriate to set the calculation period from the date of coming into force 24 November to 31 January. The regulations state that after this year, the timing will revert to that in earlier regulations, namely 1 November to 31 December.

I hope this adequately addresses the points you raised.