

LOCAL GOVERNMENT AND HOUSING COMMITTEE

LOCAL GOVERNMENT ACT 2000: IMPLEMENTATION

Purpose

1. This paper is for information.

Summary

2. This paper is intended to provide the Committee with an explanation of the process for implementing the Local Government Act 2000, Parts 2 and 3, in Wales, including a timetable. It also proposes how the Committee will be involved in this process.

Timing

3. The paper is put forward at this meeting in order to involve the Committee at the earliest stage in the Assembly's legislative process. Consultation on the draft guidance and regulations for Parts 2 and 3 of the Act will take place over the next two months.

Background

4. The Local Government Act 2000 gained Royal Assent in July. Its provisions will automatically come into effect one year later in Wales unless the Assembly decides on an earlier timetable. It is proposed that the provisions for Wales come into effect in March 2001. The overall framework for the guidance and particular policy points were discussed at the Committee meeting in July. This paper puts forward the legislative timetable for the Assembly (see **Annex**) and explains the particular areas of policy on which the Assembly will have discretion to introduce distinctive requirements for Welsh authorities.

Consideration

5. There are four particular areas of policy on which the Assembly will be consulting with local authorities and others over the next two months.

Access to information

6. Section 22 of the Act allows local authority executives to meet in private or in public. The Assembly will be able to introduce regulations specifying under what circumstances executives must hold their meetings in public and when they must meet in private.
7. The DETR's Guidance indicates that the Secretary of State for Environment, Transport and the Regions will, by regulations, require executives to publish a four month forward plan programme of all "key decisions", require these to be made in public and make it a criminal offence on officers if they did not ensure compliance with this.
8. Discussions with local authorities in Wales have brought forward fears as to the practicability of these measures and were particularly concerned at the threat of criminal proceedings.
9. The draft Assembly guidance will propose measures on access to information as close to existing practices as possible. This anticipates the forthcoming Freedom of Information Act and is in keeping with recommendations of District Audit. This would apply existing rules on openness to council executives and also allow the right to meet in private if necessary for deliberations.
10. We propose also to make regulations on the recording and publication of executive decisions which do not make reference to a criminal offence.

Call in of decisions

11. DETR Guidance leaves local authorities to decide for themselves on protocols for the calling in of executive decisions by Overview and Scrutiny committees. We propose in the Guidance that there should be certain criteria governing when decisions can be called in. These are when the decision may be outside the policy and financial framework agreed by the council, where the decision may have failed to observe agreed protocols or which may breach statutory requirements.

Area committees

12. We will propose in regulations that the area committees in operation in Gwynedd, established under the Local Government (Wales) Act 1994, will be treated differently to area committees established under the 2000 Act. The powers which have been vested in these Area Committees will be deemed not to be executive powers.

Petitions for elected mayors

13. The Act states that, unless changed by regulations, the proportion of electors required on a petition in support of an elected mayor shall be at least 5%, in order to trigger a referendum on the issue. Due to the relatively low populations in many Welsh authority areas, we will propose that that proportion be raised to 10% of the electorate.

Compliance

14. Statutory guidance is issued under Section 38 of the Local Government Act 2000. Section 106 of the Act enables the Assembly to introduce regulations on the specified parts of the Act.

Action

15. The Committee is invited to accept the contents of this paper, agree to the commencement timetable attached and agree to timetable a further discussion on this issue on 29 November 2000, in order to receive a report on the results of the consultation exercise.

Contact

Frank Cuthbert, Local Government Modernisation Division

Annex

LOCAL GOVERNMENT ACT 2000 – COMMENCEMENT TIMETABLE

Target date	Milestone	Comments
March 1 st 2001	Commencement of all substantive secondary legislation	
March 1 st 2001	Commencement order 2 in force	Introduces powers from 1 st March 2001
November 1 st 2000	Commencement Order 1 in force	Brings the provisions of the Act into force in Wales
January 25 th 2001	Remaining legislation to have completed Plenary process	

January 23 rd or 25 th 2001	Commencement Order 2 to Plenary session	Agrees Commencement Order 2 enabling Assembly to introduce regulatory powers from 1 st March 2001.
December 12 th 2000	Remaining legislation to have completed Legislation Committee process	Agrees remaining legislative powers
December 12 th 2000	Commencement Order 2 to Legislation Committee	Receives and agrees Commencement Order 2
December 5 th 2000	Remaining legislation to have completed Business Committee process	Agrees remaining legislative powers
December 5 th 2000	Commencement Order 2 to Business Committee	Receives and agrees Commencement Order 2
November 24 th 2000	OCG to have drafted Commencement Order 2	
November 17 th 2000	OCG to have drafted all secondary legislation	
November 17 th 2000	Consultation exercise complete	
November 1 st 2000	Commencement Order 1 in force	

October 17 th or 19 th 2000	Commencement Order 1 to Plenary session	Agrees Commencement Order 1 enabling Assembly to introduce regulatory powers
October 10 th 2000	Timetable for remainder of secondary legislation to Business Committee	Receives and agrees timetable for introduction of orders and regs.
October 10 th 2000	Commencement Order 1 to Legislation Committee	Agrees Commencement Order 1

September 13 th 2000	Timetable for remainder of secondary legislation (including Commencement Order 2) to LGH Committee	Receives and agrees timetable for introduction of orders and regs.
September 12 th 2000	Commencement Order 1 to Business Committee	Receives and agrees Commencement Order 1