

Jane Hutt AC / AM
Y Gweinidog dros Cyllid ac Arweinydd y Tŷ
Minister for Finance and Leader of the House



Llywodraeth Cymru
Welsh Government

Our ref

Rosemary Butler AM
Presiding Officer
National Assembly for Wales

27 February 2012

Dear Rosemary,

THE LOCAL AUTHORITIES (ALTERATION OF REQUISITE CALCULATIONS) (WALES) REGULATIONS 2012

I am writing to inform you that in order to bring the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2012 into force in Wales, it has become necessary to breach the 21 day rule. These Regulations were made and laid in Table Office on 27 February 2012 and will come into force on 28 February 2012.

These Regulations amend the components of calculations set out in the Local Government Finance Act 1992, which make provision as to how local authorities and major precepting authorities are to calculate their budget requirements and council tax.

Sections 32 and 43 of the Local Government Finance Act 1992 set out respectively how a billing authority (county or county borough council) and a major precepting authority (police authority) are to calculate their budget requirements for a financial year. Sections 33 and 44 of the 1992 Act set out respectively how a billing authority (county or county borough council) and a major precepting authority (police authority) are to calculate the basic amount of their council tax.

These Regulations are made each year following the approval by the House of Commons of the annual Police Grant Report and the approval by the National Assembly for Wales of the annual Local Government Finance Report (No. 2) (Final Settlement – Police Authorities).

In relation to Wales, “police grant” is defined in section 43 of the 1992 Act by reference to the amount payable in accordance with the Police Grant Report, and the definition of “floor funding” is modified in these Regulations for the purposes of the calculation by local authorities of their budget requirement and basic amounts of council tax for 2012-13. The amounts of grant payable under the Police Grant Report and the “floor funding” affect these calculations. The definition of the sums payable in revenue support grant and redistributed non-domestic rates is modified in these Regulations by reference to the sums payable under Local Government Finance Report (No. 2) 2012-2013 (Final Settlement – Police

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Authorities) for the purposes of the calculation by local authorities of their budget requirement and basic amounts of council tax.

Local Authorities will be able to calculate their budget requirements and set their council taxes (under Chapters III and IV of Part 1 of the 1992 Act) once the Police Grant Report and the Local Government Finance Report (No. 2) 2012-2013 (Final Settlement – Police Authorities), have been approved.

These Regulations could not be made until after the Police Grant Report (England and Wales) 2012-2013 which is referred to in the Regulations, had been approved by the House of Commons and the Local Government Finance Report (No. 2) 2012-2013 (Final Settlement – Police Authorities), which is also referred to in these Regulations, had been approved by the National Assembly for Wales. Due to the nature of police funding in England and Wales (where the settlement for the Welsh police authorities comprises three elements, Revenue Support Grant provided by the Welsh Government, Police Grant and Floor Funding provided by the Home Office) the Police Grant Report, has to be approved before the Local Government Finance Report can be laid before the National Assembly for Wales. The Police Grant Report was approved by the House of Commons on 8 February 2012 and the Local Government Finance Report (No. 2) 2012-2013 (Final Settlement – Police Authorities) by the Assembly on 21 February 2012 .

As soon as the Police Grant Report and the Local Government Finance Report (No. 2) 2012-2013 (Final Settlement – Police Authorities) have been approved, local authorities will be able to calculate their budget requirements and set their council taxes. Billing authorities must calculate their budget requirements and set their council taxes before 11 March and major precepting authorities must issue their precepts to billing authorities by 1 March. As such it is necessary for the Instrument to breach the 21 day rule to allow authorities time to make the necessary calculations within these statutory limits.

Finally, regulation 6 of the Regulations rectifies a minor error in the drafting of the Localism Act 2011, a UK Act of Parliament, by substituting "Welsh Ministers" for "Secretary of State" in section 32(5)(b) of the 1992 Act.

These Regulations have been subject to a Regulatory Impact Assessment. An Explanatory Memorandum has also been prepared, which includes the Regulatory Impact Assessment and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to David Melding, Chair of the Constitutional and Legislative Affairs Committee and to Stephen George, Clerk to the Constitutional and Legislative Affairs Committee.



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Ein cyf:
Chwefror 2012

Rosemary Butler AC
Y Llywydd
Cynulliad Cenedlaethol Cymru

27 Chwefror 2012

Annwyl Rosemary,

RHEOLIADAU AWDURDODAU LLEOL (ADDASU CYFRIFIADAU ANGENRHEIDIOL) (CYMRU) 2012

Ysgrifennaf atoch i'ch hysbysu, er mwyn i Reoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol) (Cymru) 2012 ddod i rym yng Nghymru, bod yn rhaid torri rheol 21 diwrnod. Cafodd y Rheoliadau hyn eu gwneud a'u gosod yn y Swyddfa Gyflwyno ar 27 Chwefror 2012 a byddant yn dod i rym ar 28 Chwefror 2012.

Mae'r Rheoliadau hyn yn diwygio cydrannau'r cyfrifiadau a nodir yn Neddff Cyllid Llywodraeth Leol 1992, sy'n gwneud darpariaeth ynghylch sut y mae awdurdodau lleol a'r prif awdurdodau praeseptio i gyfrifo eu hanghenion cyllideb a'u treth gyngor.

Mae adrannau 32 a 43 o Ddeddf Cyllid Llywodraeth Leol 1992 yn gosod, yn y drefn honno, sut y mae awdurdod bilio (cyngor sir neu gyngor bwrdeistref sirol) a phrif awdurdod praeseptio (awdurdod yr heddlu) i gyfrifo eu hanghenion cyllideb ar gyfer blwyddyn ariannol. Mae adrannau 33 a 44 o Ddeddf 1992 yn gosod, yn y drefn honno, sut y mae awdurdod bilio (cyngor sir neu gyngor bwrdeistref sirol) a phrif awdurdod praeseptio (awdurdod yr heddlu) i gyfrifo swm sylfaenol eu treth gyngor.

Caiff y Rheoliadau hyn eu gwneud bob blwyddyn yn dilyn cymeradwyo Adroddiad Grant yr Heddlu, sy'n adroddiad blynyddol, gan Dŷ'r Cyffredin a chymeradwyo'r adroddiad blynyddol, Adroddiad Cyllid Llywodraeth Leol (Rhif 2) (Setliad Terfynol - Awdurdodau Heddlu) gan Gynulliad Cenedlaethol Cymru.

Mewn perthynas â Chymru, diffinnir grant yr heddlu ("police grant") yn adran 43 o Ddeddf 1992 drwy gyfeirio at y swm sy'n daladwy yn unol ag Adroddiad Grant yr Heddlu, a chaiff y diffiniad o arian gwaelodol ("floor funding") ei addasu yn y Rheoliadau hyn at ddibenion yr awdurdodau lleol yn cyfrifo eu hanghenion cyllideb a symiau sylfaenol eu treth gyngor ar gyfer 2012-2013. Mae symiau'r grant sy'n daladwy o dan Adroddiad Grant yr Heddlu a'r arian gwaelodol ("floor funding") yn effeithio ar y cyfrifiadau hyn. Mae'r diffiniad o'r symiau sy'n daladwy mewn grant cynnal refeniw ac ardrethi annomestig sydd wedi'u

hailddosbarthu wedi'i addasu yn y Rheoliadau hyn drwy gyfeirio at y symiau sy'n daladwy o dan Adroddiad Cyllid Llywodraeth Leol (Rhif 2) 2012-2013 (Setliad Terfynol - Awdurdodau'r Heddlu) at ddibenion yr awdurdodau lleol yn cyfrifo eu hanghenion cyllideb a symiau sylfaenol eu treth gyngor.

Gall Awdurdodau Lleol gyfrifo eu hanghenion cyllideb a phennu eu trethi cyngor (o dan Benodau III a IV o Ran 1 o Ddeddf 1992) unwaith y bydd Adroddiad Grant yr Heddlu ac Adroddiad Cyllid Llywodraeth Leol (Rhif 2) 2012-2013 (Setliad Terfynol - Awdurdodau'r Heddlu), wedi'u cymeradwyo.

Nid oedd yn bosibl gwneud y Rheoliadau hyn cyn i Adroddiad Grant yr Heddlu (Cymru a Lloegr) 2012 -13, y cyfeirir ato yn y Rheoliadau, gael ei gymeradwyo gan Dŷ'r Cyffredin a chyn i Adroddiad Cyllid Llywodraeth Leol (Rhif 2) 2012-2013 (Setliad Terfynol - Awdurdodau'r Heddlu), y cyfeirir ato hefyd yn y Rheoliadau hyn, gael ei gymeradwyo gan Gynulliad Cenedlaethol Cymru. Oherwydd natur cyllido'r heddlu yng Nghymru a Lloegr (lle mae'r setliad ar gyfer awdurdodau'r heddlu yng Nghymru yn cynnwys tair elfen, Grant Cynnal Refeniw a ddarperir gan Lywodraeth Cymru, Grant yr Heddlu ac Arian Gwaelodol a ddarperir gan y Swyddfa Gartref), rhaid i Adroddiad Grant yr Heddlu gael ei gymeradwyo cyn y gellir gosod yr Adroddiad Cyllid Llywodraeth Leol gerbron Cynulliad Cenedlaethol Cymru. Cymeradwywyd Adroddiad Grant yr Heddlu gan Dŷ'r Cyffredin ar 8 Chwefror 2012 ac Adroddiad Cyllid Llywodraeth Leol (Rhif 2) 2012-2013 (Setliad Terfynol - Awdurdodau'r Heddlu) gan y Cynulliad ar 21 Chwefror 2012.

Cyn gynted ag y bydd Adroddiad Grant yr Heddlu ac Adroddiad Cyllid Llywodraeth Leol (Rhif 2) 2012-2013 (Setliad Terfynol - Awdurdodau'r Heddlu) wedi'u cymeradwyo, gall awdurdodau lleol gyfrifo eu hanghenion cyllideb a phennu eu trethi cyngor. Rhaid i awdurdodau bilio gyfrifo eu hanghenion cyllideb a gosod eu trethi cyngor cyn 11 Mawrth a rhaid i'r prif awdurdodau praeseptio gyhoeddi eu praeseptau i'r awdurdodau bilio erbyn 1 Mawrth. Felly, mae angen i'r Offeryn dorri'r rheol 21 diwrnod i ganiatáu amser i'r awdurdodau wneud y cyfrifiadau angenrheidiol o fewn y cyfyngiadau statudol hyn.

Yn olaf, mae rheoliad 6 o'r Rheoliadau yn cywiro mân wall drafftio yn Neddf Lleoliaeth 2011, un o Ddeddfau Senedd y DU, drwy roi "Welsh Ministers" yn lle "Secretary of State" yn adran 32(5)(b) o Ddeddf 1992.

Mae'r Rheoliadau hyn wedi bod yn destun Asesiad Effaith Rheoleiddiol. Paratowyd Memorandwm Esboniadol hefyd, sy'n cynnwys yr Asesiad Effaith Rheoleiddiol, ac mae wedi cael ei osod, ynghyd â'r Rheoliadau, yn y Swyddfa Gyflwyno.

Mae copi o'r llythyr hwn yn cael ei anfon at David Melding, Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol ac at Stephen George, Clerc y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol.



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