

Sue Essex AM

Minister for Finance, Local Government and Public Services

Y Gweinidog dros Gyllid, Llywodraeth Leol a Gwasanaethau Cyhoeddus

DEBATE ON THE LOCAL AUTHORITIES EXECUTIVE ARRANGEMENTS

23 NOVEMBER 2004

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Michael German AM

Leader of the Liberal Democrat Group

National Assembly for Wales

Cardiff Bay

8 December 2004

Dear Mike

### Functions and responsibilities regulations

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 which 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 unless otherwise provided for in regulations.

The answer to this is to be found in section 13 of the Local Government Act 2000. This provides that, unless otherwise specified in legislation, all local authority functions are to be executive functions. What this means is 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.



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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.

Best wishes,

Sue Essex