

LOCAL GOVERNMENT AND PUBLIC SERVICES COMMITTEE

THE LOCAL GOVERNMENT ACT 2003 (COMMENCEMENT) (WALES) ORDER 2003

1. The Local Government Act 2003 contains many provisions which relate to local government finance and other matters. It covers, in particular, capital finance, financial administration, grants, revenue matters, business improvement districts, non-domestic rates, council tax, housing revenue, charging and trading and various miscellaneous matters including the 2004 elections and the repeal of the prohibition of promoting homosexuality.

The functions of the National Assembly

2. The Act gives the National Assembly powers in relation to (*section references are to the sections containing secondary powers*):

- Control of borrowing and credit – section 2, 3, 4, 8
- The use of capital receipts – section 9, 10, 11
- Security for money borrowed – section 13
- Issue of guidance on capital finance – section 15
- Treatment of capital expenditure – section 16
- Operation of local authority companies – section 18
- Application of capital finance provisions to community councils – section 19
- Local authority accounting practice – section 21
- Definition of local authority – section 23
- Specification of minimum reserves – section 26
- Determination of best value grants – section 35, 36
- Emergency financial assistance to fire authorities – section 37
- Loans by Public Works Loan Commissioners – section 38
- Payments to reduce local authority debts – section 39
- Producing local government finance reports – section 40
- Administration and finance of business improvement districts – sections 42, 47, 48, 49, 52, 53, 54, 55, 56
- Non-domestic rates, including relief to small businesses – section 60, 61, 62
- Rating of meters – section 66
- Removal of power to prescribe rateable values – section 69
- Local retention of non-domestic rates – section 70
- Adjustments for hardship relief – section 71
- Provision of information (on non-domestic rates) – section 72
- Second and empty homes – council tax – section 75

- Introduction of statutory revaluation cycle for council tax – section 77
- Power to change number of valuation bands – section 78
- Transitional arrangements – council tax – section 79
- Liability orders – council tax – section 81, 82
- Power to make fire authorities precepting authorities – section 83
- Reform of housing revenue accounts – sections 87, 88, 89, 90, 91
- Local housing authority rents – section 92
- Charging for discretionary services – sections 93, 94
- Regulation of trading powers – sections 95, 96, 97, 98
- Matters relating to staff transfers and pensions – section 101, 102
- Changing the date of the 2004 local elections – section 104
- Inspections of registered social landlords – section 109
- Standards committees and monitoring officers – section 113
- Local polls – section 116
- Generally accepted accounting practice – section 117
- Appropriate sum under s137 of the Local Government Act 1972 (expenditure by community councils) – section 118
- Use of income from fixed penalties (litter and dog fouling) – section 119
- Commencement powers – section 128

The Commencement Order

3. Section 128 of the 2003 Act provides for the bringing into force of the various provisions in the Act. In particular, section 128 (4) and (6) enable the Assembly to bring into force certain provisions on dates to be decided by the Assembly. The bringing into force of the provisions listed in the Order will enable the Assembly to consider items of secondary legislation under its powers in the Act.

Timetable

4. The Commencement Order was considered by Business Committee on 11th November and is due for consideration at plenary session of the Assembly on 26th November.