

REGULATORY APPRAISAL

THE LOCAL AUTHORITIES (CONDUCT OF REFERENDUMS) (WALES) REGULATIONS 2004

Purpose and intended effect of the legislation

The purpose of The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 is to make provision for the organisation of a referendum in a local authority to decide whether that authority shall adopt a political structure including a directly elected mayor.

Part 2 of the Local Government Act 2000 enabled local authorities to introduce new political structures known as executive arrangements. These arrangements could include models which involved directly elected mayors. Mayoral elections may not take place without a referendum having been held which produced a majority in favour of such a model. A referendum may be triggered by an authority receiving a valid petition signed by at least 10 percent of the local electors. Such petition has been received by Ceredigion County Council and a referendum will therefore take place in 2004. These regulations must be in place before the referendum can take place.

Should the referendum result in a vote in favour of an elected mayor, regulations governing the timing of mayoral elections and connected issues will be brought forward. Regulations governing the conduct of mayoral elections are the responsibility of the Office of the Deputy Prime Minister under section 44 of the 2000 Act. Such regulations are already in force in England and Wales.

Risk Assessment

If the regulations are not made it will not be possible for a local authority to make arrangements for a referendum following the receipt of a valid petition. This could lead to problems of democratic accountability both for the authority concerned and the Assembly.

Options

The Assembly has no realistic option other than to introduce these regulations.

Benefits

Approval of the regulations will allow for the referendum to take place within two months of these regulations coming into force.

Costs

There are no direct costs for the Assembly implicit in the approval of these regulations. The costs of holding a referendum will be met by the local authority concerned.

Competition assessment

The introduction of these regulations will not have any impact on other sectors and no competition filter is necessary.

Consultation

Consultation with the Electoral Commission on these regulations is a statutory requirement. In addition, a consultation with local government and political parties took place in December 2003 and January 2004.

Review

The impact of this policy is predictable. It is not likely to need review in the foreseeable future. It is likely that any difficulties in administering the regulations would be reported by local authorities.

Summary

These particular regulations will only impact on local government and they will bear the costs.