



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 16

MISCELLANEOUS

Exercise of functions by members of local authorities in England

236 Exercise of functions by local councillors in England

- (1) Arrangements may be made in accordance with this section for the discharge of any function of a local authority by a member of the authority, to the extent that the function is exercisable in relation to the electoral division or ward for which the member is elected.
- (2) In the case of a function of a local authority operating executive arrangements which is the responsibility of the executive—
 - (a) it is for the senior executive member to make the arrangements; and
 - (b) arrangements under this section may not permit the discharge of the function by a member of the executive if it may be discharged by him by virtue of arrangements under section 14(2)(b)(ii) of the Local Government Act 2000 (c. 22) (discharge of functions: general).
- (3) In any other case it is for the local authority to make the arrangements.
- (4) No arrangements may be made under this section for the discharge by a member of a local authority of any function—
 - (a) which is, or to the extent that it is, specified in an order made by the Secretary of State; or
 - (b) in any manner or in circumstances so specified.
- (5) Any arrangements made under this section with respect to the discharge of any function are not to prevent its discharge—

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Exercise of functions by members of local authorities in England. (See end of Document for details)

- (a) by the person who made the arrangements; or
 - (b) in any other way in which the function is permitted to be discharged by or under any enactment.
- (6) In this section, “local authority” means—
- (a) the council of a county in England;
 - (b) a district council; or
 - (c) a London borough council.
- (7) In this section—
- “executive” and “executive arrangements” have the same meanings as in Part 2 of the Local Government Act 2000 (c. 22) (arrangements with respect to executives etc);
- “senior executive member” has the same meaning as in section 14 of that Act;
- and any reference to a function which is the responsibility of the executive of a local authority is to be construed in accordance with section 13(8) of that Act (functions which are the responsibility of an executive).
- (8) Any reference in this section to the discharge of any function includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of that function.

^{F1}(9)

Textual Amendments

F1 S. 236(9) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 4](#); S.I. 2012/1008, art. 4(c)

Commencement Information

I1 S. 236 in force at 12.12.2008 for specified purposes by [S.I. 2008/3110](#), [art. 2\(h\)](#)

I2 S. 236 in force at 1.4.2009 in so far as not already in force by [S.I. 2008/3110](#), [art. 4\(i\)](#)

237 Exercise of functions under section 236: records

- (1) After section 100E of the Local Government Act 1972 (c. 70) insert—

“100EA Inspection of records relating to functions exercisable by members

- (1) The Secretary of State may by regulations make provision for written records of decisions made or action taken by a member of a local authority, in exercise of a function of the authority by virtue of arrangements made under section 236 of the Local Government and Public Involvement in Health Act 2007, to be made and provided to the authority by the member.
- (2) Any written record provided to the authority under regulations under subsection (1) shall be open to inspection by members of the public at the offices of the authority for the period of six years beginning with the date on which the decision was made or action was taken.

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- (3) A statutory instrument containing regulations under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 100H of that Act (supplemental provisions and offences), in subsection (4), for “or 100C(1)” substitute “, 100C(1) or 100EA(2) ”.
- (3) In section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) (evidence of resolutions and minutes of proceedings etc)—
- (a) in subsection (2A)(a), after “that authority,” insert “ or a member of that executive ”;
 - (b) in subsection (2A)(b), after “as the case may be,” insert “ by the member of that executive or ”;
 - (c) after subsection (2A) insert—

“(2B) Subsection (2C) applies to a record if—

 - (a) it records a decision made or action taken by a member of a local authority or of a precursor of a local authority in exercise of a function of the authority or precursor by virtue of arrangements made under section 236 of the Local Government and Public Involvement in Health Act 2007, and
 - (b) it is required to be made by regulations under section 100EA of the Local Government Act 1972.

(2C) If a document which purports to be a copy of a record to which this subsection applies bears a certificate—

 - (a) purporting to be signed by—
 - (i) the proper officer of the local authority, or
 - (ii) a person authorised in that behalf by that officer or by the local authority, and
 - (b) stating that the decision was made or the action was taken by the member of the local authority on the date specified in the certificate,

the document shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the decision, or nature of the action, in question.”

Commencement Information

I3 S. 237 in force at 12.12.2008 by [S.I. 2008/3110](#), [art. 2\(i\)](#)

Changes to legislation:

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