



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 2

#### ELECTORAL ARRANGEMENTS

#### CHAPTER 1

##### POWER OF DISTRICT COUNCILS IN ENGLAND TO CHANGE ELECTORAL SCHEME

##### *Power of district councils to change to whole-council elections*

#### **32 Resolution for whole-council elections**

- (1) A district council in England that is subject to a scheme for elections by halves or by thirds may resolve that it is to be subject instead to the scheme for whole-council elections under section 34.
- (2) A resolution under this section is referred to in this Chapter as a “resolution for whole-council elections”.

#### **Commencement Information**

**II** S. 32 in force at 30.12.2007, see s. 245(2)

#### **33 Resolution for whole-council elections: requirements**

- (1) A council must comply with this section in passing a resolution for whole-council elections.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Power of district councils to change to whole-council elections. (See end of Document for details)*

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- (2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.
- (3) The resolution must be passed—
  - (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
  - (b) by a majority of at least two thirds of the members voting on it.
- [<sup>F1</sup>(3A) The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected.
- (3B) In the case of a district council for a district in a county for which there is a county council, the year specified under subsection (3A) may not be a county-council-elections year; and here “county-council-elections year” means 2013 and every fourth year afterwards.]
- <sup>F2</sup>(4) . . . . .
- (5) In subsection (3) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.
- <sup>F3</sup>(6) . . . . .
- <sup>F3</sup>(7) . . . . .

#### Textual Amendments

- F1** S. 33(3A)(3B) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. **24(3)**, 240(2); S.I. 2012/57, art. 4(1)(d) (with arts. 6, 7, 9-11)
- F2** S. 33(4) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 24(2)(a), 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(d)(ee)(i) (with arts. 6, 7, 9-11)
- F3** S. 33(6)(7) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 24(2)(a), 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(d)(ee)(i) (with arts. 6, 7, 9-11)

#### Commencement Information

- I2** S. 33 in force at 30.12.2007, see s. 245(2)

### 34 Scheme for whole-council elections

- (1) On passing a resolution for whole-council elections, a council becomes subject to the following electoral scheme.
- (2) Ordinary elections of the councillors of the council are to be held in—
  - [<sup>F4</sup>(a) the year specified under section 33(3A) in the resolution, and
  - (b) every fourth year afterwards.]
- (3) All councillors are to be elected in each year in which ordinary elections are held.
- (4) On the fourth day after ordinary elections are held—
  - (a) the councillors elected in those elections are to come into office, and
  - (b) the sitting councillors are to retire.

**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Power of district councils to change to whole-council elections. (See end of Document for details)

[<sup>F5</sup>(4A) Ordinary elections of councillors of the council under the previous electoral scheme are to be held in accordance with that scheme in any year that—

- (a) is earlier than the year specified under section 33(3A) in the resolution for whole-council elections, and
- (b) is a year in which, under the previous electoral scheme, ordinary elections of councillors of the council are due to be held.

(4B) In subsection (4A) “the previous electoral scheme” means the scheme for the ordinary elections of councillors of the council that applied to it immediately before it passed the resolution for whole-council elections.]

<sup>F6</sup>(5) .....

<sup>F6</sup>(6) .....

#### Textual Amendments

- F4** S. 34(2)(a)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 24(4)**, 240(2); S.I. 2012/57, art. 4(1)(d) (with [arts. 6, 7, 9-11](#))
- F5** S. 34(4A)(4B) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 24(5)**, 240(2); S.I. 2012/57, art. 4(1)(d) (with [arts. 6, 7, 9-11](#))
- F6** S. 34(5)(6) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(ee)(i) (with [arts. 6, 7, 9-11](#))

#### Commencement Information

- I3** S. 34 in force at 30.12.2007, see s. 245(2)

## 35 Publicity

- (1) A council must comply with this section as soon as practicable after passing a resolution for whole-council elections.
- (2) The council must produce an explanatory document.
- (3) The council must make the explanatory document—
  - (a) available for public inspection at the council's principal office at all reasonable times, and
  - (b) available to the public by such other means as the council thinks appropriate.
- (4) The council must publicise these matters—
  - (a) that the council has become subject to the scheme for whole-council elections under section 34;
  - (b) when elections will first take place in accordance with the scheme;
  - (c) how the explanatory document is available in accordance with subsection (3);
  - (d) the address of the council's principal office.
- (5) It is for the council to decide how those matters are to be publicised.
- (6) An explanatory document is a document which sets out details of the new electoral scheme as it applies to the council.

*Changes to legislation:* There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Power of district councils to change to whole-council elections. (See end of Document for details)

**Commencement Information**

**I4** S. 35 in force at 30.12.2007, see s. 245(2)

**36 Notice to [F7Local Government Boundary Commission for England]**

- (1) A council must comply with this section as soon as practicable after passing a resolution for whole-council elections.
- (2) The council must give the [F8Local Government Boundary Commission] notice that it has passed the resolution.
- [F9(3) In this Chapter, “Local Government Boundary Commission” means the Local Government Boundary Commission for England.]

**Textual Amendments**

- F7** Words in s. 36 heading substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(3)(b), **Sch. 4 para. 21(2)**; S.I. 2009/3318, art. 4(ff)
- F8** Words in s. 36(2) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(3)(b), **Sch. 4 para. 21(3)**; S.I. 2009/3318, art. 4(ff)
- F9** S. 36(3) inserted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(3)(b), **Sch. 4 para. 21(4)**; S.I. 2009/3318, art. 4(ff)

**Commencement Information**

**I5** S. 36 in force at 30.12.2007, see s. 245(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Power of district councils to change to whole-council elections.