



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 3

#### EXECUTIVE ARRANGEMENTS FOR ENGLAND

#### **62 Executive arrangements for England**

- (1) Section 11 of the Local Government Act 2000 (c. 22) is amended in accordance with this section.
- (2) For subsection (1) substitute—
  - “(1) The executive of a local authority must take a form specified in subsections (2) to (5) that is applicable to the authority.”
- (3) In subsection (2) for the words before paragraph (a) substitute—
  - “(2) In the case of any local authority in England or Wales, the executive may consist of—”.
- (4) After subsection (2) insert—
  - “(2A) In the case of any local authority in England, the executive may consist of—
    - (a) a councillor of the authority (referred to in this Part as the executive leader) elected as leader of the executive by the authority, and
    - (b) two or more councillors of the authority appointed to the executive by the executive leader.

Such an executive is referred to in this Part as a leader and cabinet executive (England).”
- (5) In subsection (3)—
  - (a) for the words before paragraph (a) substitute—

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- “(3) In the case of any local authority in Wales, the executive may consist of—”;
- (b) in the words after paragraph (b)(ii), for “leader and cabinet executive” substitute “ leader and cabinet executive (Wales) ”.
- (6) In subsection (4) for the words before paragraph (a) substitute—
- “(4) In the case of any local authority in Wales, the executive may consist of—”.
- (7) In subsection (5) for “It” substitute “ In the case of a local authority in England or Wales, the executive ”.
- (8) In subsection (9)—
- (a) for “amend subsection (8) so as to provide for” substitute “ specify ”;
- (b) for “that subsection” substitute “ subsection (8) ”;
- (c) after “exercised” insert “ in relation to Wales ”.
- (9) After subsection (9) insert—
- “(9A) In this Part, a reference to a leader and cabinet executive is a reference to either or both of the following, as appropriate in the context—
- (a) a leader and cabinet executive (England);
- (b) a leader and cabinet executive (Wales).”
- (10) In subsection (10) for “subsection (3)(a)” substitute “ subsection (2A)(a) or (3)(a) ”.

#### **Commencement Information**

**II** S. 62 in force at 30.12.2007, see s. 245(2)

### **63 Discharge of functions**

- (1) The Local Government Act 2000 (c. 22) is amended as follows.
- (2) For the title of section 14 substitute “ Discharge of functions: general ”.
- (3) For section 14(1) substitute—
- “(1) Subject to any provision made under section 18, 19 or 20, any functions which, under executive arrangements, are the responsibility of—
- (a) a mayor and cabinet executive, or
- (b) a leader and cabinet executive (England),
- are to be discharged in accordance with this section.”
- (4) In section 14(2) and (3) for “elected mayor” substitute “ senior executive member ”.
- (5) In section 14(4)—
- (a) for “elected mayor” substitute “ senior executive member ”;
- (b) for “that member” substitute “ the member who may discharge the function ”.
- (6) In section 14(5) for “elected mayor” substitute “ senior executive member ”.
- (7) In section 14(6)—
- (a) for “an elected mayor” substitute “ a senior executive member ”;

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- (b) for “the elected mayor” substitute “ the senior executive member ”.
- (8) After section 14(6) insert—
- “(7) In this section “senior executive member” means—
- (a) in the case of a mayor and cabinet executive: the elected mayor;
  - (b) in the case of a leader and cabinet executive (England): the executive leader.”.
- (9) In section 15—
- (a) for the title substitute “ Discharge of functions: leader and cabinet executive (Wales) ”;
  - (b) in subsection (1) for “leader and cabinet executive” substitute “ leader and cabinet executive (Wales) ”.

#### **Commencement Information**

**I2** S. 63 in force at 30.12.2007, see s. 245(2)

## **64 Changing governance arrangements**

After section 33 of the Local Government Act 2000 (c. 22) insert—

*“Changing governance arrangements: general provisions*

### **33A Executive arrangements: different form of executive**

A local authority in England which is operating executive arrangements may—

- (a) vary the arrangements so that they provide for a different form of executive, and
- (b) if it makes such a variation, vary the arrangements in such other respects (if any) as it considers appropriate.

### **33B Executive arrangements: other variation of arrangements**

A local authority in England which is operating executive arrangements may vary the arrangements so that they—

- (a) differ from the existing arrangements in any respect, but
- (b) still provide for the same form of executive.

### **33C Alternative arrangements: move to executive arrangements**

A local authority in England which is operating alternative arrangements may—

- (a) cease to operate alternative arrangements, and
- (b) start to operate executive arrangements.

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### **33D Alternative arrangements: variation of arrangements**

A local authority in England which is operating alternative arrangements may vary the arrangements so that they differ from the existing arrangements in any respect.

### **33E Proposals by local authority**

- (1) This section applies to a local authority which wishes to make a change in governance arrangements.
- (2) The local authority must draw up proposals for the change.
- (3) The proposals must include—
  - (a) a timetable with respect to the implementation of the proposals, and
  - (b) details of any transitional arrangements which are necessary for the implementation of the proposals.
- (4) The following subsections apply if the proposed change is of the kind set out in—
  - (a) section 33A (different form of executive), or
  - (b) section 33C (move to executive arrangements).
- (5) The proposals may provide for the change in governance arrangements to be subject to approval in a referendum.
- (6) Before drawing up its proposals, the local authority must take reasonable steps to consult the local government electors for, and other interested persons in, the authority's area.
- (7) In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (8) After drawing up the proposals, the local authority must—
  - (a) secure that copies of a document setting out the proposals are available at their principal office for inspection by members of the public at all reasonable times, and
  - (b) publish in one or more newspapers circulating in its area a notice which—
    - (i) states that the authority has drawn up the proposals,
    - (ii) describes the main features of the proposals,
    - (iii) states that copies of a document setting out the proposals are available at their principal office for inspection by members of the public at such times as may be specified in the notice, and
    - (iv) specifies the address of their principal office.

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### **33F Resolution of local authority**

- (1) A resolution of a local authority is required in order for the authority to make a change in governance arrangements.
- (2) Section 29(2) applies to a resolution under this section as it applied to a resolution to operate executive arrangements.

### **33G Implementation: new executive or move to executive arrangements**

- (1) This section applies if a local authority passes a resolution which makes a change in governance arrangements of the kind set out in—
  - (a) section 33A (new form of executive), or
  - (b) section 33C (move to executive arrangements).
- (2) On the third day after the relevant elections, the local authority must—
  - (a) cease operating the old form of executive, or the alternative arrangements, and
  - (b) start operating the form of executive which the change in governance arrangements provides for.
- (3) Subject to subsection (2), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.
- (4) In this section “relevant elections” means, if the change in governance arrangements provides for the local authority to operate—
  - (a) a leader and cabinet executive (England): the appropriate elections of councillors;
  - (b) a mayor and cabinet executive: the first election of the mayor.
- (5) For the purposes of subsection (4)(a), the “appropriate elections of councillors” are the elections determined in accordance with whichever of the following paragraphs is applicable—
  - (a) if the local authority is currently operating a mayor and cabinet executive, the “appropriate elections of councillors” are the ordinary elections of councillors of the local authority held on the day on which the next ordinary election of a mayor was expected to be held when the resolution to make the change in governance arrangements was passed;
  - (b) if the local authority—
    - (i) is not currently operating a mayor and cabinet executive, and
    - (ii) is required to pass the resolution to make the change in governance arrangements during a permitted resolution period,the “appropriate elections of councillors” are the first ordinary elections of councillors of the local authority to be held after the end of the permitted resolution period in which the resolution is passed;
  - (c) if the local authority—
    - (i) is not currently operating a mayor and cabinet executive, and
    - (ii) is not required to pass the resolution to make the change in governance arrangements during a permitted resolution period,

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the “appropriate elections of councillors” are the first ordinary elections of councillors of the local authority to be held after the resolution is passed.

### **33H Implementation: other change in governance arrangements**

- (1) This section applies if a local authority passes a resolution which makes a change in governance arrangements of the kind set out in—
  - (a) section 33B (variation of executive arrangements), or
  - (b) section 33D (variation of alternative arrangements).
- (2) The local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.

### **33I General**

- (1) Except as provided for in sections 33A to 33D or in regulations under section 34, 35 or 36, a local authority which is operating executive arrangements or alternative arrangements may not vary, or cease to operate, those arrangements.
- (2) In making a change in governance arrangements, the local authority must comply with any directions given by the Secretary of State in connection with the making of such a change.
- (3) Sections 33J to 33N contain further requirements which, in certain cases, apply to proposals or resolutions.

#### *Further requirements for certain changes*

### **33J New form of executive or move to executive: general requirements**

- (1) This section applies to a change in governance arrangements of the kind set out in—
  - (a) section 33A (new form of executive), or
  - (b) section 33C (move to executive arrangements).
- (2) The proposals must state the extent to which the functions specified in regulations under section 13(3)(b) are to be the responsibility of the executive which will be operated if the proposals are implemented.
- (3) The proposals (particularly any provision about timetables and transitional matters included in accordance with section 33E(3)) must be such as to ensure that the proposed change can take effect (so far as required to) in accordance with section 33G(2).

### **33K Changes subject to approval in a referendum: additional requirements**

- (1) This section applies to a change in governance arrangements if—
  - (a) the change is of the kind set out in section 33A (new form of executive) or section 33C (move to executive arrangements), and

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- (b) the change is subject to approval in a referendum.
- (2) The local authority must hold a referendum on its proposals before taking any steps to implement them.
- (3) The local authority may not pass a resolution which makes the proposed change unless the result of the referendum is to approve the proposals.
- (4) Any such resolution must be passed within the period of 28 days beginning with the day when the referendum is held.
- (5) Any such resolution must be passed at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object.
- (6) If the result of the referendum is not to approve the proposals, the local authority must publish in one or more newspapers circulating in its area a notice which—
  - (a) summarises the proposals,
  - (b) states that the referendum did not approve the proposals,
  - (c) summarises the authority's existing executive arrangements, and
  - (d) states that the authority will be continuing to operate those arrangements.

### **33L Change not subject to approval in a referendum: additional requirements**

- (1) This section applies to a change of governance arrangements if—
  - (a) the change is of the kind set out in section 33A (new form of executive) or section 33C (move to executive arrangements), and
  - (b) the change is not subject to approval in a referendum.
- (2) Any resolution to make the change in governance arrangements must be passed during a permitted resolution period.
- (3) Subsection (4) applies if—
  - (a) the local authority is operating a mayor and cabinet executive, and
  - (b) the proposed new form of executive is a leader and cabinet executive (England).
- (4) In such a case—
  - (a) the consultation required by section 33E(6) must last for at least 12 weeks; and
  - (b) the local authority's proposals must include statements of the following things—
    - (i) the arguments in favour of making the proposed change;
    - (ii) any arguments against making the proposed change;
    - (iii) the local authority's reasons for wishing to make the proposed change.
- (5) Subsection (6) applies if—
  - (a) the local authority is operating a mayor and cabinet executive, and
  - (b) the proposed new form of executive is a form prescribed in regulations under section 11(5).

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- (6) In such a case, the resolution to make the change in governance arrangements must be passed—
- (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object;
  - (b) by a majority of at least two thirds of members voting on it.
- (7) In subsection (6) 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.

### **33M Cases in which change subject to approval in referendum**

- (1) For the purposes of sections 33K and 33L a change in governance arrangements is subject to approval in a referendum in either of the following cases.
- (2) The first case is where the proposals for implementing the local authority's current form of executive were themselves approved in a referendum.
- (3) The second case is where the local authority's proposals under section 33E provide for the change in governance arrangements to be subject to approval in a referendum.

### **33N Variation of mayoral executive**

- (1) This section applies to a change in governance arrangements of the kind set out in section 33B (variation of executive arrangements) if the local authority is operating a mayor and cabinet executive.
- (2) The local authority may not make any proposals for the change in governance arrangements unless the elected mayor has given written consent to the proposed change.

### *Miscellaneous*

### **33O Interpretation**

- (1) This section applies for the purposes of sections 33A to 33N.
- (2) References to a change in governance arrangements are references to any change of a kind set out in sections 33A to 33D.
- (3) References to a different form of executive are references to any of the following kinds of executive that a local authority is not operating—
  - (a) a leader and cabinet executive (England);
  - (b) a mayor and cabinet executive;
  - (c) a form of executive prescribed under section 11(5).
- (4) In sections 33A to 33N—
 

“permitted resolution period”, in relation to a local authority, means a period specified in the second column of the following table in relation to that type of authority;

“proposals” means proposals under section 33E;



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“proposed change” means the change in governance arrangements which is proposed in proposals.

(5) This is the table referred to in the definition of “permitted resolution period”—

<i>Type of local authority</i>	<i>Permitted resolution periods</i>
Metropolitan district	(1) The period ending with 31 December 2009. (2) The period in 2013, or in any fourth year afterwards, which— (a) starts with the day after that council's annual meeting, and (b) ends with 31 December.
County	(1) The period ending with 31 December 2008. (2) The period in 2012, or in any fourth year afterwards, which— (a) starts with the day after that council's annual meeting, and (b) ends with 31 December.
London borough	(1) The period ending with 31 December 2009. (2) The period in 2013, or in any fourth year afterwards, which— (a) starts with the day after that council's annual meeting, and (b) ends with 31 December.
Non-metropolitan district	(1) The period ending with 31 December 2010. (2) The period in 2014, or in any fourth year afterwards, which— (a) starts with the day after that council's annual meeting, and (b) ends with 31 December.

(6) The Secretary of State may by order provide that a permitted resolution period is to end later than the last day of that period specified in the table.”

**Commencement Information**

**I3** S. 64 in force at 30.12.2007, see s. 245(2)

**65 Referendum following petition**

- (1) Section 34 of the Local Government Act 2000 (c. 22) (referendum following petition) is amended in accordance with subsections (2) to (4).
- (2) In subsection (1) for the words from “operate” to the end substitute “operate a relevant form of executive”.

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(3) After subsection (1) insert—

“(1A) In this section “relevant form of executive” means—

- (a) in relation to England, an executive which takes such form permitted by or under section 11 as may be specified in the regulations;
- (b) in relation to Wales, executive arrangements involving a form of executive for which a referendum is required.”

(4) In subsection (3) after “33” insert “ or of any of sections 33A to 33O ”.

(5) In section 35(3) of the Local Government Act 2000 (c. 22) (referendum following direction) after “33” insert “ or of any of sections 33A to 33O ”.

(6) In section 36(3) of the Local Government Act 2000 (referendum following order) after “33” insert “ or of any of sections 33A to 33O ”.

#### **Commencement Information**

**I4** S. 65 in force at 30.12.2007, see s. 245(2)

## **66 Elected mayors**

(1) Section 39 of the Local Government Act 2000 (elected mayors etc) is amended as follows.

(2) For subsection (5) substitute—

“(5A) A reference in any enactment (whenever passed or made) to—

- (a) a member of a local authority, or
- (b) a councillor of a local authority,

does not include a reference to an elected mayor of the authority.

(5B) But subsection (5A) is subject to—

- (a) regulations made by the Secretary of State under this paragraph which provide that an elected mayor is to be treated as member or councillor of a local authority for the purposes of an enactment (whenever passed or made), and
- (b) any other contrary intention that appears in any enactment (whenever passed or made).

(5C) Sections 2(2A) and 21(1A) of, and paragraph 5C(1) of Schedule 2 to, the Local Government Act 1972 are not to be taken to indicate any contrary intention for the purposes of subsection (5B)(b).”

(3) For subsection (6) substitute—

“(6) Elections for the return of an elected mayor of a local authority in England are to take place on the ordinary day of election in each of the relevant election years.

(7) The term of office of an elected mayor of a local authority is to be four years.

(8) This section is subject to regulations under section 41.”

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#### Commencement Information

**I5** S. 66 in force at 30.12.2007, see s. 245(2)

## 67 Leader and cabinet executives (England)

After section 44 of the Local Government Act 2000 insert—

### *“Leader and cabinet executives (England)”*

#### **44A Election of leader: whole-council elections**

- (1) This section applies to a local authority if it—
  - (a) is subject to whole-council elections, and
  - (b) is, on the day of a post-election annual meeting, operating a leader and cabinet executive (England).
- (2) The executive leader is to be elected at the post-election annual meeting.
- (3) But if the council fails to elect the executive leader at the post-election annual meeting, an executive leader is to be elected at a subsequent meeting of the council.
- (4) For the purposes of this section and section 44D—
  - (a) a local authority is subject to whole-council elections if, under the scheme for the ordinary elections of its councillors, all of the councillors are elected in each year in which the elections are held;
  - (b) “post-election annual meeting” means the first annual meeting of a local authority to be held after ordinary elections take place.

#### **44B Election of leader: partial-council elections**

- (1) This section applies to a local authority if it—
  - (a) is subject to partial-council elections, and
  - (b) is, on the day of a relevant annual meeting, operating a leader and cabinet executive (England).
- (2) The executive leader is to be elected at the relevant annual meeting.
- (3) But if the council fails to elect the executive leader at the relevant annual meeting, the executive leader is to be elected at a subsequent meeting of the council.
- (4) For the purposes of this section and section 44E—
  - (a) a local authority is subject to partial-council elections if, under the scheme for the ordinary elections of its councillors, one-half or one-third (or, in either case, as nearly as may be) of the councillors are elected in each year in which the elections are held;
  - (b) “relevant annual meeting” means—
    - (i) the first annual meeting to be held after the local authority starts to operate the leader and cabinet executive (England), or

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- (ii) any subsequent annual meeting held on a day when an executive leader's term of office is to end by virtue of section 44E(3).

#### **44C Removal of leader**

- (1) Executive arrangements by a local authority which provide for a leader and cabinet executive (England) may include provision for the council to remove the executive leader by resolution.
- (2) If a council passes a resolution to remove the executive leader, a new executive leader is to be elected—
  - (a) at the meeting at which the leader is removed from office, or
  - (b) at a subsequent meeting.

#### **44D Term of office of leader: whole-council elections**

- (1) This section applies to the executive leader of a local authority which—
  - (a) is operating a leader and cabinet executive (England), and
  - (b) is subject to whole-council elections.
- (2) The executive leader's term of office starts on the day of his election as leader.
- (3) The executive leader's term of office ends on the day of the post-election annual meeting which follows his election as leader.
- (4) But if the executive leader is removed from office in accordance with section 44C, his term of office ends on the day of his removal.

#### **44E Term of office of leader: partial-council elections**

- (1) This section applies to the executive leader of a local authority which—
  - (a) is operating a leader and cabinet executive (England), and
  - (b) is subject to partial-council elections.
- (2) The executive leader's term of office starts on the day of his election.
- (3) The executive leader's term of office ends on the day when the council holds its first annual meeting after the leader's normal day of retirement as a councillor.
- (4) But that is subject to subsections (5) and (6).
- (5) If the executive leader is removed from office in accordance with section 44C, his term of office ends on the day of his removal.
- (6) If the local authority becomes subject to whole-council elections, the executive leader's term of office ends on the day of the annual meeting which follows the first whole-council elections.
- (7) For the purposes of this section an executive leader's normal day of retirement as a councillor is the day when the leader would next be required to retire as a councillor of the council if section 44F were disregarded.

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#### **44F Leader to continue to hold office as councillor**

- (1) The executive leader of a leader and cabinet executive (England) remains a member of the council during his term of office as leader.
- (2) Accordingly, any enactment which provides for his earlier retirement as a councillor does not apply.
- (3) This section does not affect anything by which the executive leader may cease to be a councillor otherwise than by retirement (including disqualification or resignation).

#### **44G No other means of electing or removing leader**

- (1) This section applies to a local authority which operate a leader and cabinet executive (England).
- (2) An executive leader may not be elected except in accordance with section 44A, 44B or 44C or regulations under section 44H.
- (3) An executive leader may not be removed from office except in accordance with section 44C or regulations under section 44H.

#### **44H Regulations**

- (1) The Secretary of State may by regulations make provision—
  - (a) as to the dates on which and years in which executive leaders of leader and cabinet executives (England) are to be elected by local authorities,
  - (b) as to the intervals between elections of executive leaders of leader and cabinet executives (England),
  - (c) as to the term of office of an executive leader of a leader and cabinet executive (England), and
  - (d) as to the filling of vacancies in the office of executive leader of a leader and cabinet executive (England).
- (2) Sections 44A to 44E are subject to regulations under this section.”

#### **Commencement Information**

**I6** S. 67 in force at 30.12.2007, see s. 245(2)

### **68 Power to make incidental, consequential provision etc**

- (1) Section 47 of the Local Government Act 2000 (power to make incidental, consequential provision etc) is amended as follows.
- (2) After subsection (3) insert—
  - “(4) The provision which may be made under subsection (1) includes provision relating to changes in local authority governance arrangements (including changes of the kinds set out in sections 33A to 33D).

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- (5) That includes—
- (a) provision relating to the old governance arrangements, the new governance arrangements, or both kinds of governance arrangements,
  - (b) provision as to the dates on which and years in which relevant elections may or must be held,
  - (c) provision as to the intervals between relevant elections, and
  - (d) provision as to the term of office of any member of any form of executive.
- (6) In subsection (5) “relevant election” means—
- (a) an election for the return of an elected mayor;
  - (b) the election by a local authority of the executive leader of a leader and cabinet executive (England).
- (7) Nothing in subsection (2), (3), (4) or (5) affects the generality of the power in subsection (1).”

#### Commencement Information

**I7** S. 68 in force at 30.12.2007, see s. 245(2)

### 69 Time limit for holding further referendum

- (1) Section 45 of the Local Government Act 2000 (c. 22) (provision with respect to referendums) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A local authority—
- (a) in England may not hold more than one referendum in any period of ten years;
  - (b) in Wales may not hold more than one referendum in any period of five years.”
- (3) In subsection (9) after “section 27” insert “ or 33K ”.
- (4) Section 45 as amended by subsection (1) applies to referendums held before, and referendums held after, this section comes into force.

#### Commencement Information

**I8** S. 69 in force at 30.12.2007, see s. 245(2)

### 70 Interpretation

- (1) Section 48 of the Local Government Act 2000 (c. 22) is amended as follows.
- (2) In subsection (1) in the definition of “executive leader”, for “section 11(3)(a)” substitute “ section 11(2A)(a) or (3)(a) ”.
- (3) In subsection (1) insert the following definition at the appropriate place—

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““ordinary day of election”, in relation to a local authority, means the day of ordinary elections of councillors of the authority.”.

(4) After subsection (1) insert—

“(1A) In this Part “relevant election years”, in relation to a local authority, means the years specified in the second column of the following table in relation to that type of authority.

<i>Type of local authority</i>	<i>Relevant election years</i>
Metropolitan district	2010 and every fourth year afterwards
County	2009 and every fourth year afterwards
London borough	2010 and every fourth year afterwards
Non-metropolitan district	2011 and every fourth year afterwards”

#### **Commencement Information**

**I9** S. 70 in force at 30.12.2007, see s. 245(2)

## **71 Larger authorities to cease operating alternative arrangements**

- (1) This section applies to a local authority if—
- the authority is operating alternative arrangements, and
  - the resident population of the authority's area on 30th June 1999 was 85,000 or more.
- (2) The local authority must draw up proposals for—
- ceasing to operate alternative arrangements, and
  - starting to operate executive arrangements which provide for a leader and cabinet executive (England).
- (3) The proposals must include all of the following—
- a statement of the extent to which the functions specified in regulations under section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the leader and cabinet executive (England);
  - a timetable with respect to the implementation of the proposals;
  - details of any transitional arrangements which are necessary for the implementation of the proposals.
- (4) The timetable must be such as to ensure that the local authority will make the proposed move to executive arrangements no later than the day of the authority's annual meeting in 2009.
- (5) After drawing up the proposals, the local authority must—
- secure that copies of a document setting out the proposals are available at the authority's principal office for inspection by members of the public at all reasonable times, and
  - publish in one or more newspapers circulating in its area a notice which—
    - states that the authority has drawn up the proposals,

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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, Part 3. (See end of Document for details)*

- (ii) describes the main features of the proposals,
  - (iii) states that copies of a document setting out the proposals are available at their principal office for inspection by members of the public at such times as may be specified in the notice, and
  - (iv) specifies the address of the principal office.
- (6) A resolution of the local authority is required in order for the authority to adopt the proposed leader and cabinet executive (England).
  - (7) Section 29(2) of the Local Government Act 2000 (c. 22) applies to a resolution under subsection (6) as it applied to a resolution to operate executive arrangements.
  - (8) If the local authority passes the resolution under subsection (6), the authority must make the move to the proposed leader and cabinet executive (England) in accordance with the timetable in the proposals.
  - (9) Executive arrangements which come into operation in accordance with this section are to be treated as being operated after the passing of a resolution of the local authority under section 33F of the Local Government Act 2000.
  - (10) In complying with this section, the local authority must comply with any directions given by the Secretary of State in connection with this section.
  - (11) For the purposes of this section the resident population of any area on 30th June 1999 is to be taken to be the Registrar General's estimate of that population on that date.

#### **Commencement Information**

**I10** S. 71 in force at 30.12.2007, see s. 245(2)

## **72 Failure to cease operating alternative arrangements**

- (1) This section applies if—
  - (a) section 71 applies to a local authority, and
  - (b) it appears to the Secretary of State that the local authority will fail to start to operate a leader and cabinet executive (England) by the day of the authority's annual meeting in 2009.
- (2) The Secretary of State may by order specify executive arrangements for the local authority which provide for a leader and cabinet executive (England).
- (3) The leader and cabinet executive (England) which is provided for under subsection (2) shall come into operation on the day of the local authority's annual meeting in 2009.
- (4) Arrangements which the Secretary of State specifies under subsection (2) are to be treated as having been made by the local authority itself.
- (5) Arrangements which come into operation in accordance with subsection (3) are to be treated as being operated after the passing of a resolution of the authority under section 33F of the Local Government Act 2000 (c. 22).
- (6) As soon as practicable after executive arrangements are specified under subsection (2), the local authority must comply with the following provisions of the Local Government Act 2000—



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- (a) section 29(2)(a);
- (b) section 29(2)(b)(ii) to (v).

**Commencement Information**

**I11** S. 72 in force at 30.12.2007, see s. 245(2)

**73 Sections 71 and 72: supplementary**

- (1) Section 33C of the Local Government Act 2000 does not apply to a local authority to which section 71 applies.
- (2) Section 33I(1) of the Local Government Act 2000 is subject to sections 71 and 72.
- (3) Subsection (4) applies to a local authority which—
  - (a) starts to operate a leader and cabinet executive (England) in accordance with section 71 or 72, and
  - (b) draws up proposals for a change in those governance arrangements of the kind set out in section 33A of the Local Government Act 2000 (new form of executive).
- (4) For the purposes of section 33L of the Local Government Act 2000, the first permitted resolution period is to be the period which—
  - (a) starts with 1 October 2010, and
  - (b) ends with 31 December 2010;(rather than the other period ending with 31 December 2010 that is specified in the table in section 33O(5) of the Local Government Act 2000).
- (5) Expressions used in section 71 or 72 that are also used in Part 2 of the Local Government Act 2000 have the same meanings in that section as in that Part.

**Commencement Information**

**I12** S. 73 in force at 30.12.2007, see s. 245(2)

**74 Further amendments & transitional provision**

- (1) Schedule 3 (executives: further amendments) has effect.
- (2) Schedule 4 (new arrangements for executives: transitional provision) has effect.

**Commencement Information**

**I13** S. 74(2) in force at Royal Assent, see s. 245(1)

**I14** S. 74(1) in force at 30.12.2007, see s. 245(2)

**Status:**

Point in time view as at 30/12/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 3.