



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 5

CO-OPERATION OF ENGLISH AUTHORITIES WITH LOCAL PARTNERS, ETC

CHAPTER 1

LOCAL AREA AGREEMENTS AND COMMUNITY STRATEGIES

103 Application of Chapter: responsible local authorities

For the purposes of this Chapter, each of the following is a responsible local authority—

- (a) a county council in England;
- (b) a district council in England, other than a council for a district in a county for which there is a county council;
- (c) a London borough council;
- (d) the Council of the Isles of Scilly;
- (e) the Common Council of the City of London in its capacity as a local authority.

104 Application of Chapter: partner authorities

(1) For the purposes of this Chapter, each of the following is a partner authority in relation to a responsible local authority—

- (a) any person mentioned in subsection (2) who acts or is established for an area which, or any part of which, coincides with or falls within the responsible local authority's area;

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- (b) any person mentioned in subsection (3) who provides services at or from a hospital or other establishment or facility which falls within the responsible local authority's area; and
 - (c) any person mentioned in subsection (4).
- (2) The persons referred to in subsection (1)(a) are—
- (a) any district council which is not a responsible local authority;
 - (b) a fire and rescue authority;
 - (c) a National Park authority;
 - (d) the Broads Authority;
 - (e) a police authority;
 - (f) a chief officer of police;
 - (g) a joint waste authority established under section 207(1);
 - (h) a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
 - (i) a metropolitan county passenger transport authority established by section 28 of the Local Government Act 1985 (joint arrangements);
 - (j) Transport for London;
 - (k) a Primary Care Trust;
 - (l) a development agency established by section 1 of the Regional Development Agencies Act 1998 (c. 45);
 - (m) a local probation board established by section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);
 - (n) a youth offending team established under section 39 of the Crime and Disorder Act 1998 (c. 37).
- (3) The persons referred to in subsection (1)(b) are—
- (a) a National Health Service trust;
 - (b) an NHS foundation trust.
- (4) The persons referred to in subsection (1)(c) are—
- (a) the Arts Council of England;
 - (b) the English Sports Council;
 - (c) the Environment Agency;
 - (d) the Health and Safety Executive;
 - (e) the Historic Buildings and Monuments Commission;
 - (f) the Learning and Skills Council for England;
 - (g) the Museums, Libraries and Archives Council;
 - (h) Natural England;
 - (i) the Secretary of State, but only in relation to—
 - (i) his functions under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees);
 - (ii) functions which he has as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66); and
 - (iii) functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).
- (5) In this section, “fire and rescue authority” means—

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- (a) a fire and rescue authority constituted by—
 - (i) a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21); or
 - (ii) a scheme to which section 4 of that Act applies;
 - (b) a metropolitan county fire and rescue authority; or
 - (c) the London Fire and Emergency Planning Authority.
- (6) In subsection (1)(a), references to the area for which a person acts or is established are references—
- (a) in the case of the Commissioner of Police of the Metropolis, to the metropolitan police district (within the meaning of the Police Act 1996 (c. 16));
 - (b) in the case of the Commissioner of the City of London Police, to the City of London police area (within the meaning of that Act);
 - (c) in the case of any other chief officer of police, to the police area listed in Schedule 1 to that Act for which his police force is maintained;
 - (d) in the case of Transport for London, Greater London.
- (7) The Secretary of State may by order—
- (a) amend subsection (2), (3) or (4) by—
 - (i) adding to it any person who has functions of a public nature;
 - (ii) removing from it any person for the time being mentioned in it; or
 - (iii) adding to subsection (4)(i) any function of the Secretary of State or removing from it any function for the time being mentioned in it; and
 - (b) make such other amendments of this section as appear to him to be necessary or expedient in consequence of provision made under paragraph (a).
- (8) Before making an order under subsection (7) the Secretary of State must consult such representatives of local government and such other persons (if any) as he considers appropriate.

105 “Local improvement targets”: interpretation

- (1) In this Chapter, “local improvement target” means a target for improvement in the economic, social or environmental well-being of the responsible local authority’s area which relates to any or all of the following—
- (a) the responsible local authority;
 - (b) one or more partner authorities;
 - (c) one or more other persons acting, or having functions exercisable, in the area of the responsible local authority.
- (2) For the purposes of this Chapter, a target specified in a local area agreement relates to the responsible local authority if the exercise by the authority of any of its functions, or anything done by the authority, could contribute to the attainment of the target.
- (3) For the purposes of this Chapter, a target specified in a local area agreement relates to a person other than the responsible local authority if—
- (a) the exercise by the person of any of his functions, or anything done by the person, could contribute to the attainment of the target; and

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- (b) the person has consented to the target being specified in the local area agreement (and, where the target has been amended under section 110 or 112, to the amendment).

106 Duty to prepare and submit draft of a local area agreement

- (1) When the Secretary of State so directs, a responsible local authority must prepare and submit to him a draft of a document (“a local area agreement”) specifying—
 - (a) local improvement targets;
 - (b) in relation to each local improvement target, the persons to whom the target is to relate; and
 - (c) the period for which the local area agreement is to have effect.
- (2) In preparing the draft local area agreement, the responsible local authority must—
 - (a) consult—
 - (i) each partner authority; and
 - (ii) such other persons as appear to it to be appropriate;
 - (b) co-operate with each partner authority in determining the local improvement targets relating to the partner authority which are to be specified in the draft local area agreement; and
 - (c) have regard to—
 - (i) its community strategy prepared under section 4 of the Local Government Act 2000 (c. 22) (strategies for promoting well-being); and
 - (ii) any guidance issued by the Secretary of State.
- (3) In determining the local improvement targets relating to it which are to be specified in the draft local area agreement, each partner authority must—
 - (a) co-operate with the responsible local authority; and
 - (b) have regard to any guidance issued by the Secretary of State.
- (4) Before issuing any guidance under this section, the Secretary of State must consult such representatives of local government (including representatives of partner authorities) and such other persons (if any) as he considers appropriate.
- (5) A direction under subsection (1) may specify the date by which a draft of a local area agreement must be submitted to the Secretary of State.
- (6) A direction under subsection (1) may be varied or revoked.

107 Approval of draft local area agreement by Secretary of State

- (1) Where a draft of a local area agreement has been submitted to him under section 106(1), the Secretary of State may by notice in writing to the responsible local authority—
 - (a) approve the draft; or
 - (b) require the responsible local authority to modify the draft.
- (2) Where the Secretary of State approves a draft local area agreement under subsection (1)(a), a local area agreement in the form of the draft has effect for the area of the responsible local authority for the period specified in the local area agreement by virtue of section 106(1)(c).

- (3) A requirement under subsection (1)(b) to modify a draft of a local area agreement operates for the purposes of section 106 as a direction under subsection (1) of that section to prepare and submit a further draft of a local area agreement.

108 Duty to have regard to local improvement targets

Where a local area agreement has effect under section 107(2)—

- (a) the responsible local authority, and
- (b) each partner authority,

must, in exercising its functions, have regard to every local improvement target specified in the local area agreement which relates to it.

109 Designated targets

- (1) Where the Secretary of State approves a draft of a local area agreement under section 107, he may, within one month beginning with the date on which he approved the draft, designate any local improvement target specified in the local area agreement.
- (2) Where the Secretary of State approves a revision proposal under section 112, he may, within one month beginning with the date on which he approved the revision proposal, designate any local improvement target which is added to the local area agreement by virtue of the approval.
- (3) A designation under this section may be revoked.
- (4) The power to make or revoke a designation under this section is exercisable by notice in writing to the responsible local authority.

110 Revision and addition of targets

- (1) A designated target may not be amended or removed from a local area agreement except in accordance with sections 111 and 112.
- (2) Any other local improvement target for the time being specified in a local area agreement may be—
- (a) amended, or
 - (b) removed from the local area agreement,
- by the responsible local authority, in accordance with subsection (4).
- (3) But subsection (2) does not apply—
- (a) during the period of one month beginning with the date on which a draft of the local area agreement was approved by the Secretary of State under section 107; or
 - (b) in relation to any local improvement target which is added to the local area agreement by virtue of the approval of a revision proposal, during the period of one month beginning with the date on which the revision proposal was approved by the Secretary of State under section 112.
- (4) A responsible local authority may amend or remove a local improvement target under subsection (2) only—
- (a) with the consent of each partner authority to which the target relates; and
 - (b) after consulting each other person to whom it relates.

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- (5) Local improvement targets may not be added to a local area agreement except in accordance with—
 - (a) subsection (6); or
 - (b) sections 111 and 112.
- (6) The responsible local authority may, with the consent of each person to whom the target in question is to relate, specify a new local improvement target in a local area agreement.

111 Designated targets: revision proposals

- (1) At any time while a local area agreement has effect, a responsible local authority—
 - (a) may prepare and submit to the Secretary of State a revision proposal; and
 - (b) must do so if the Secretary of State so directs.
- (2) In this Chapter, “revision proposal”, in relation to a local area agreement, means a document proposing any or all of the following—
 - (a) changes to designated targets specified in the local area agreement;
 - (b) the removal of designated targets from the local area agreement;
 - (c) that additional local improvement targets be specified in the local area agreement.
- (3) A revision proposal must—
 - (a) if it proposes changes to a designated target under subsection (2)(a), specify the persons to whom the target relates who have consented to the changes;
 - (b) if it proposes an additional local improvement target under subsection (2)(c), specify the persons to whom the target is to relate.
- (4) In preparing a revision proposal, the responsible local authority must—
 - (a) consult—
 - (i) each partner authority; and
 - (ii) such other persons as appear to it to be appropriate;
 - (b) co-operate with each partner authority in determining changes to or the removal of designated targets, or additional local improvement targets, relating to the partner authority which are to be proposed by the revision proposal; and
 - (c) have regard to—
 - (i) its community strategy prepared under section 4 of the Local Government Act 2000 (c. 22) (strategies for promoting well-being); and
 - (ii) any guidance issued by the Secretary of State.
- (5) In determining changes to or the removal of designated targets, or additional local improvement targets, relating to it which are to be proposed by the revision proposal, each partner authority must—
 - (a) co-operate with the responsible local authority; and
 - (b) have regard to any guidance issued by the Secretary of State.
- (6) Before issuing any guidance under this section, the Secretary of State must consult such representatives of local government (including representatives of partner authorities) and such other persons (if any) as he considers appropriate.

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- (7) A direction under subsection (1)(b) may specify the date by which a revision proposal must be submitted to the Secretary of State.
- (8) A direction under subsection (1)(b) may be varied or revoked.

112 Approval of revision proposal

- (1) Where a revision proposal relating to a local area agreement has been submitted to him under section 111(1), the Secretary of State may by notice to the responsible local authority—
 - (a) approve the revision proposal;
 - (b) if the revision proposal was submitted to him pursuant to a direction under section 111(1)(b), require the responsible local authority to modify the revision proposal; or
 - (c) reject the revision proposal.
- (2) If the Secretary of State approves the revision proposal, the local area agreement has effect subject to the changes set out in the revision proposal.
- (3) Where a designated target is modified by virtue of subsection (2), the designation under section 109 continues to apply to the target as so modified (until revoked under that section).
- (4) A requirement under subsection (1)(b) to modify a revision proposal operates for the purposes of section 111 as a direction under subsection (1)(b) of that section to prepare and submit a further revision proposal.

113 Duty to publish information about local area agreement

- (1) The responsible local authority must publish a memorandum relating to a local area agreement—
 - (a) whenever the Secretary of State—
 - (i) designates a local improvement target under section 109; or
 - (ii) revokes a designation under that section; and
 - (b) whenever the local area agreement is modified—
 - (i) under section 110(2) or (6); or
 - (ii) by virtue of section 112(2).
- (2) A memorandum under subsection (1) must state—
 - (a) the period for which the local area agreement has effect;
 - (b) the local improvement targets for the time being specified in the local area agreement;
 - (c) in relation to each of those targets—
 - (i) whether it is for the time being a designated target;
 - (ii) the persons who are required by section 108 to have regard to the target; and
 - (iii) any other persons to whom the target relates;and must take such form as the Secretary of State may direct.
- (3) Different directions may be given under subsection (2) in relation to different responsible local authorities or different descriptions of responsible local authority.

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- (4) A direction under subsection (2) may be varied or revoked.

114 Preparation of community strategy

- (1) Section 4 of the Local Government Act 2000 (c. 22) (strategies for promoting well-being) is amended as follows.

- (2) In subsection (3)(a), for “such persons as they consider appropriate, and” substitute “—

- (i) in the case of a responsible local authority, each partner authority and such other persons as the responsible local authority consider appropriate, or
- (ii) in any other case, such persons as the authority consider appropriate, and”.

- (3) At the end insert—

“(6) In subsection (3)(a), “responsible local authority” and “partner authority”, in relation to a responsible local authority, have the same meanings as in Chapter 1 (local area agreements) of Part 5 of the Local Government and Public Involvement in Health Act 2007 (see sections 103 and 104 of that Act).”

115 Orders under Part 1 of Local Government Act 2000: Wales

- (1) Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc) is amended as follows.

- (2) In section 3(7) (limits on power to promote well-being) and section 4(5) (strategies for promoting well-being), for “the National Assembly for Wales” substitute “the Welsh Ministers”.

- (3) In section 5 (power to amend or repeal enactments relating to power to promote well-being), for subsection (4) substitute—

“(4) In exercising the power under subsection (1), the Secretary of State must not make any provision which has effect in relation to Wales unless he has consulted the Welsh Ministers.

- (4A) In exercising the power under subsection (1), the Secretary of State—

- (a) must not make any provision amending, repealing or disapplying any Measure or Act of the National Assembly for Wales without the consent of the National Assembly for Wales, and
- (b) must not make any provision amending, revoking or disapplying subordinate legislation made by the Welsh Ministers (or the National Assembly for Wales established under the Government of Wales Act 1998) without the consent of the Welsh Ministers.

- (4B) Subsection (4A) does not apply to the extent that the Secretary of State is making incidental or consequential provision.”

- (4) In subsection (5) of that section, for “The National Assembly for Wales” substitute “The Welsh Ministers”.

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- (5) In section 6 (power to modify enactments concerning plans etc)—
- (a) in subsection (1), at the end insert “so far as that enactment has effect in relation to a local authority in England”;
 - (b) in subsection (2)(a) and (b), after “authorities” insert “in England”;
 - (c) in subsection (2)(c), after “authority” insert “in England”; and
 - (d) omit subsections (5) and (6).
- (6) In section 7 (power to modify enactments concerning plans etc: Wales)—
- (a) in subsection (1)—
 - (i) for “the National Assembly for Wales” substitute “the Welsh Ministers”; and
 - (ii) for “to which subsection (2) applies” substitute “(whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter”;
 - (b) omit subsection (2);
 - (c) in subsection (4), for “the National Assembly for Wales considers” substitute “the Welsh Ministers consider”; and
 - (d) omit subsection (6).
- (7) At the end of that section insert—
- “(8) An order under this section may not make a provision which, if it were a provision of a Measure of the National Assembly for Wales, would be outside the Assembly’s legislative competence.
 - (9) For the purposes of subsection (8), section 94(4) of the Government of Wales Act 2006 has effect as if paragraph (a) (matters within legislative competence) were omitted.
 - (10) Subject to subsection (11), a statutory instrument which contains an order under this section is not to be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.
 - (11) A statutory instrument containing an order under this section which is made only for the purpose of amending an earlier such order—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.
- (8) In section 9 (procedure for orders under section 5 or 6)—
- (a) in subsection (2), for “the National Assembly for Wales” substitute “the Welsh Ministers”; and
 - (b) in subsection (3)(d), for “the National Assembly for Wales” substitute “the Welsh Ministers”.
- (9) After section 9 insert—

“9A Procedure for orders under section 7

- (1) Before the Welsh Ministers make an order under section 7 they must consult—
 - (a) such local authorities in Wales,
 - (b) such representatives of local government in Wales, and
 - (c) such other persons (if any),
 as appear to them to be likely to be affected by their proposals.
- (2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 7 they must lay before the National Assembly for Wales a document which—
 - (a) explains their proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of consultation under subsection (1).
- (3) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (2), no draft of an order under section 7 to give effect to the proposals (with or without modifications) is to be laid before the National Assembly for Wales until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which the National Assembly is dissolved or is in recess for more than four days.
- (5) In preparing a draft order under section 7 the Welsh Ministers must consider any representations made during the period mentioned in subsection (3).
- (6) A draft order under section 7 which is laid before the National Assembly for Wales must be accompanied by a statement of the Welsh Ministers giving details of—
 - (a) any representations considered in accordance with subsection (5), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2).
- (7) Nothing in this section applies to an order under section 7 which is made only for the purpose of amending an earlier order under that section—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description.”

116 Health and social care: joint strategic needs assessments

- (1) An assessment of relevant needs must be prepared in relation to the area of each responsible local authority.
- (2) A further assessment of relevant needs in relation to the area of a responsible local authority—
 - (a) must be prepared if the Secretary of State so directs; and
 - (b) may be prepared at any time.

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- (3) A direction under subsection (2)(a) may be revoked.
- (4) It is for—
- (a) the responsible local authority, and
 - (b) each of its partner PCTs,
- to prepare any assessment of relevant needs under this section in relation to the area of the responsible local authority.
- (5) The responsible local authority must publish each assessment of relevant needs prepared under this section in relation to its area.
- (6) For the purposes of this section, there is a relevant need in relation to so much of the area of a responsible local authority as falls within the area for which a partner PCT acts if there appears to the responsible local authority and the partner PCT to be a need to which subsection (7) applies.
- (7) This subsection applies to a need—
- (a) which—
 - (i) is capable of being met to a significant extent by the exercise by the responsible local authority of any of its functions; and
 - (ii) could also be met, or could otherwise be affected, to a significant extent by the exercise by the partner PCT of any of its functions; or
 - (b) which—
 - (i) is capable of being met to a significant extent by the exercise by the partner PCT of any of its functions; and
 - (ii) could also be met, or could otherwise be affected, to a significant extent by the exercise by the responsible local authority of any of its functions.
- (8) In preparing an assessment under this section, the responsible local authority and each partner PCT must—
- (a) co-operate with one another;
 - (b) have regard to any guidance issued by the Secretary of State; and
 - (c) if the responsible local authority is a county council, consult each relevant district council.
- (9) In this section—
- “partner PCT”, in relation to a responsible local authority, means any Primary Care Trust which is a partner authority of the responsible local authority;
- “relevant district council” means—
- (a) in relation to a responsible local authority, any district council which is a partner authority of it; and
 - (b) in relation to a partner PCT of a responsible local authority, any district council which is a partner authority of the responsible local authority and whose district falls wholly or partly within the area for which the partner PCT acts.

117 Interpretation of Chapter

In this Chapter—

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“designated target” means a local improvement target designated by the Secretary of State under section 109;

“local area agreement” has the meaning given by section 106;

“local improvement target” has the meaning given by section 105;

“partner authority”, in relation to a responsible local authority, has the meaning given by section 104;

“responsible local authority” has the meaning given by section 103; and “the responsible local authority”, in relation to a local area agreement, means the responsible local authority required under section 106 to prepare a draft of the local area agreement;

“revision proposal” has the meaning given by section 111.

118 Transitional provision

- (1) Subsection (2) applies in relation to each responsible local authority when it is first directed by the Secretary of State under subsection (1) of section 106 to prepare and submit a draft of a local area agreement.
- (2) If the direction so provides—
 - (a) it is immaterial, for the purpose of satisfying the duty imposed by that subsection, whether the draft of the local area agreement was prepared before or after the direction was given; and
 - (b) subsections (2) and (3) of that section do not apply in relation to the preparation of that draft local area agreement.
- (3) The Offender Management Act 2007 (c. 21) is amended as follows.
- (4) In paragraph 5 of Schedule 3 (which adds functions of the Secretary of State in relation to probation services to the functions in relation to which the Secretary of State is a partner authority)—
 - (a) in sub-paragraph (1), for “Section 80” substitute “Section 104”;
 - (b) in sub-paragraph (2), for “subsection (3)(g)” substitute “subsection (4)(i)”; and
 - (c) in sub-paragraph (3), in the inserted subsection (5A), for “subsection (3)(g)(iv)” substitute “subsection (4)(i)(iv)”.
- (5) In Part 1 of Schedule 5 (repeals relating to probation services), in the entry relating to this Act—
 - (a) for “section 80(3)” substitute “section 104(4)”; and
 - (b) for “(g)(ii)” substitute “(i)(ii)”.

CHAPTER 2

OVERVIEW AND SCRUTINY COMMITTEES

119 Reference of matter by councillor to overview and scrutiny committee

After section 21 of the Local Government Act 2000 (c. 22) insert—

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“21A Reference of matters to overview and scrutiny committee etc

- (1) Executive arrangements by a local authority must include provision which—
 - (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee,
 - (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and
 - (c) in the case of a local authority in England, enables any member of the authority to refer to an overview and scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- (3) In considering whether to exercise the power which he has by virtue of subsection (1)(c) in any case, a member of an authority must have regard to any guidance for the time being issued by the Secretary of State.
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) Subsections (6) to (8) apply where a local government matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to subsection (1)(c).
- (6) In considering whether or not to exercise any of its powers under section 21(2) in relation to the matter, the committee may have regard to—
 - (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under section 21(2) in relation to the matter.
- (7) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of—
 - (a) its decision, and
 - (b) the reasons for it.
- (8) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under section 21(2) in relation to the matter.
- (9) Subsection (8) is subject to section 21D.
- (10) In this section “local government matter”, in relation to a member of a local authority, means a matter which—
 - (a) relates to the discharge of any function of the authority,

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- (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and
- (c) is not an excluded matter.

(11) In subsection (10)(c), “excluded matter” means any matter which is—

- (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) a matter of any description specified in an order made by the Secretary of State for the purposes of this section.”

120 Power of overview and scrutiny committee to question members of authority

(1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (13), before “and” immediately following paragraph (a) insert—

“(aa) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England),”.

(2) In subsection (14) of that section, for the words following “mentioned in” substitute “paragraph (a) or (aa) of subsection (13) to comply with any requirement mentioned in that paragraph”.

121 Powers to require information from partner authorities

(1) After section 22 of the Local Government Act 2000 insert—

“22A Overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities

(1) The Secretary of State may by regulations make provision, in relation to a relevant committee—

- (a) as to information which relevant partner authorities must provide to the relevant committee, and
- (b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.

(2) In subsection (1), references to information do not include information in respect of which provision may be made in exercise of the power conferred by—

- (a) section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters), or
- (b) section 244(2)(d) or (e) of the National Health Service Act 2006 (functions of overview and scrutiny committees).

(3) For the purposes of subsection (1), “relevant committee” and “relevant partner authority” have the meanings given by section 21C.

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- (4) The Secretary of State may also by regulations make provision, in relation to a relevant district council committee—
- (a) as to information which associated authorities must provide to the relevant district council committee, and
 - (b) as to information which may not be disclosed by an associated authority to the relevant district council committee.
- (5) In subsection (4), references to information do not include information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).
- (6) For the purposes of subsection (4)—
- “relevant district council committee” means—
- (a) an overview and scrutiny committee of a district council which is not a responsible local authority (“the district council”), or
 - (b) a sub-committee of such a committee;
- “associated authority”, in relation to a relevant district council committee, means—
- (a) the county council which is the responsible local authority in relation to the district council, or
 - (b) any person (other than the district council) which is a partner authority in relation to that county council, other than—
 - (i) a police authority, or
 - (ii) a chief officer of police;
- and for this purpose, “responsible local authority” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007.
- (7) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.
- (8) The power conferred by subsection (7) does not affect the power conferred by section 105(2)(b).”
- (2) In section 20 of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters), after subsection (6) insert—
- “(6A) In subsection (5)(c) and (d), references to information are, in relation to any crime and disorder committee, to information relating to—
- (a) the discharge, or decisions made or other action taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; or
 - (b) local crime and disorder matters in relation to which the committee has functions under or by virtue of section 19.”
- (3) In subsection (7) of that section, for “and “co-operating persons and bodies”” substitute “, “co-operating persons and bodies”, “crime and disorder functions” and “local crime and disorder matters””.
- (4) In section 244 of the National Health Service Act 2006 (c. 41) (functions of overview and scrutiny committees), after subsection (2) insert—

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“(2A) In subsection (2)(d) and (e), references to information are to information relating to matters relating to the health service in the authority’s area.”

122 Overview and scrutiny committees: reports and recommendations

- (1) After section 21A of the Local Government Act 2000 (c. 22) (inserted by section 119) insert—

“21B Duty of authority or executive to respond to overview and scrutiny committee

- (1) This section applies where an overview and scrutiny committee of a local authority in England makes a report or recommendations to the authority or the executive, otherwise than—
- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (b) by virtue of subsection (3)(a) of that section.
- (2) The overview and scrutiny committee may publish the report or recommendations.
- (3) The overview and scrutiny committee must by notice in writing require the authority or executive—
- (a) to consider the report or recommendations,
 - (b) to respond to the overview and scrutiny committee indicating what (if any) action the authority propose, or the executive proposes, to take,
 - (c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response,
 - (d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under section 21A(8), to provide the member with a copy of the response,
- and to do so within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.
- (4) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.
- (5) Subsections (2) and (4) are subject to section 21D and to any provision made under section 22(12A).
- (6) In this section—
- (a) references to an overview and scrutiny committee include references to a sub-committee of such a committee; and
 - (b) references to “the authority” or “the executive”, in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview and scrutiny committee is established or to the executive of that authority.

21C Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities

- (1) This section applies where—

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- (a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—
 - (i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (ii) by virtue of subsection (3)(a) of that section, and
 - (b) the report or any of the recommendations relates to a local improvement target which—
 - (i) relates to a relevant partner authority, and
 - (ii) is specified in a local area agreement of the authority.
- (2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions.
- (3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.
- (4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.
- (5) Subsection (2) does not apply if—
- (a) the relevant partner authority is a health service body, and
 - (b) by virtue of section 244 of the National Health Service Act 2006, the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).
- (6) In subsection (5), “health service body” means—
- (a) a National Health Service trust,
 - (b) an NHS foundation trust, or
 - (c) a Primary Care Trust.
- (7) Subsections (2) and (3) are subject to section 21D.
- (8) In this section—
- “the authority”, in relation to a relevant committee, means—
- (a) in the case of an overview and scrutiny committee, the local authority by which it is established, and
 - (b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,
- “the executive”, in relation to a relevant committee, means the executive of the authority,
- “local improvement target” and “local area agreement” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (local area agreements),
- “relevant committee” means—
- (a) any overview and scrutiny committee of—
 - (i) a county council in England,
 - (ii) a district council in England, other than a council for a district in a county for which there is a county council, or

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- (iii) a London borough council, or
- (b) a sub-committee of an overview and scrutiny committee within paragraph (a), and

“relevant partner authority”, in relation to a relevant committee, means any person who is a partner authority in relation to the authority for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than—

- (a) a police authority, or
- (b) a chief officer of police;

and references to a target relating to a relevant partner authority are to be construed in accordance with section 105(3) of the Local Government and Public Involvement in Health Act 2007.

21D Publication etc of reports, recommendations and responses: confidential and exempt information

- (1) This section applies to—
 - (a) the publication under section 21B of any document comprising—
 - (i) a report or recommendations of an overview and scrutiny committee, or
 - (ii) a response of a local authority to any such report or recommendations, and
 - (b) the provision of a copy of such a document—
 - (i) to a member of a local authority under section 21A(8) or section 21B, or
 - (ii) to a relevant partner authority under section 21C,
 by an overview and scrutiny committee or a local authority.
- (2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority—
 - (a) must exclude any confidential information, and
 - (b) may exclude any relevant exempt information.
- (3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.
- (4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, in publishing, or providing a copy of, the document—
 - (a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and
 - (b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.
- (5) If by virtue of subsection (2), (3) or (4) an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations—
 - (a) excludes information, or
 - (b) replaces part of the report or recommendations with a summary,

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it is nevertheless to be taken for the purposes of section 21B(3)(c) or (d) to have published or provided a copy of the report or recommendations.

(6) In this section—

“confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils),

“exempt information” has the meaning given by section 100I of that Act, and, in relation to—

- (a) any report or recommendations of an overview and scrutiny committee which has functions under section 21(2)(f), or
- (b) any response to such a report or recommendations,

also includes information which is exempt information under section 246 of the National Health Service Act 2006,

“relevant exempt information” means—

- (a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and
- (b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered, and

“relevant partner authority”, in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 21C, has the same meaning as in that section.

(7) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.”

(2) In section 22 of that Act (access to information etc), after subsection (12) insert—

“(12A) The Secretary of State may by regulations make provision, in relation to—

- (a) the publication by executives of local authorities in England under section 21B, or under any provision of regulations under section 21E which applies or reproduces (with or without modifications) any provision of section 21B, of responses to reports or recommendations of overview and scrutiny committees and sub-committees of such committees, or
- (b) the provision by such executives under that section of copies of such responses,

which applies or reproduces (with or without modifications) any provisions of section 21D.”

123 Joint overview and scrutiny committees: local improvement targets

(1) For the purposes of this section, “group of partner authorities” means—

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- (a) a county council in England; and
 - (b) one or more district councils which are partner authorities of it.
- (2) The Secretary of State may by regulations make provision under which a group of partner authorities may—
- (a) appoint a joint committee (a “joint overview and scrutiny committee”); and
 - (b) arrange for any functions of making reports and recommendations falling within subsection (3) to be exercisable by the committee.
- (3) A report or recommendation falls within this subsection if—
- (a) it concerns a matter which—
 - (i) relates to the attainment of any local improvement target specified for the time being in a relevant local area agreement; and
 - (ii) is not an excluded matter; and
 - (b) it is made to—
 - (i) the county council, or
 - (ii) the county council and one or more district councils,
 in the group of partner authorities.
- (4) In subsection (3)—
- (a) “excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations—
 - (i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (c. 48) (local authority scrutiny crime and disorder matters); or
 - (ii) by virtue of subsection (3)(a) of that section;
 - (b) the reference to a report or recommendations being made to a county council or district council is, in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22), to be read as a reference to a report or recommendations being made to the local authority or its executive.
- (5) Regulations under subsection (2) may in particular—
- (a) provide for arrangements to be made only in circumstances, or subject to conditions or limitations, specified by the regulations;
 - (b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—
 - (i) section 21(4) and (6) to (12) of the Local Government Act 2000 (c. 22),
 - (ii) sections 21A to 21D of that Act, or
 - (iii) section 246 of, and Schedule 17 to, the National Health Service Act 2006 (c. 41),
 with or without modifications;
 - (c) make provision—
 - (i) as to relevant information which associated authorities must provide to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee); and
 - (ii) as to information which may not be disclosed by an associated authority to a joint overview and scrutiny committee (or, if the

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regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee).

- (6) For the purposes of subsection (5)(c), in relation to a joint overview and scrutiny committee—

“associated authority” means—

- (a) the county council in the group of partner authorities which appointed the joint overview and scrutiny committee; or
- (b) any person which is a partner authority in relation to that council other than—
 - (i) a police authority; or
 - (ii) a chief officer of police;

“relevant information”, in relation to an associated authority, means information which is relevant to a local improvement target in a relevant local area agreement which relates to the associated authority;

and section 105(2) or (3) applies for the purpose of determining whether a local improvement target relates to an associated authority.

- (7) Regulations under this section may not make provision of a kind mentioned in subsection (5)(c) with respect to information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters).

- (8) In this section—

- (a) “relevant local area agreement”, in relation to a joint overview and scrutiny committee, means a local area agreement of the county council in the group of partner authorities which appointed the committee; and
- (b) “local area agreement”, “local improvement target” and “partner authority” have the same meanings as in Chapter 1 of this Part.

- (9) Any group of partner authorities and any joint overview and scrutiny committee must, in exercising or deciding whether to exercise any functions conferred on it by or by virtue of regulations under this section, have regard to any guidance issued by the Secretary of State.

124 Overview and scrutiny committees of district councils: local improvement targets

After section 21D of the Local Government Act 2000 (c. 22) (inserted by section 122) insert—

“21E Overview and scrutiny committees of certain district councils: functions with respect to partner authorities

- (1) This section applies to any district council which is a partner authority in relation to a county council (“the related county council”).
- (2) The Secretary of State may by regulations make provision under which a district council to which this section applies may confer on their overview and scrutiny committee, or any of their overview and scrutiny committees, power to make reports and recommendations to the related county council, or that council’s executive, which relate to any local improvement target which—

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- (a) relates to a relevant partner authority, and
 - (b) is specified in a local area agreement of the county council.
- (3) Regulations under subsection (2) may make provision applying or reproducing any provision of section 21B, 21C or 21D (with or without modifications).
- (4) For the purposes of this section—
- (a) “relevant partner authority”, in relation to a district council, means—
 - (i) the related county council, or
 - (ii) any other authority which are a partner authority in relation to that county council, other than—
 - (a) a police authority, or
 - (b) a chief officer of police,
 - (b) “local area agreement”, “local improvement target” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, and
 - (c) section 105(2) or (3) of that Act applies for the purpose of determining whether a local improvement target relates to a relevant partner authority.”

125 Guidance

In section 21 of the Local Government Act 2000 (overview and scrutiny committees: authorities operating executive arrangements), at the end insert—

- “(16) In exercising, or deciding whether to exercise, any of its functions—
- (a) an overview and scrutiny committee of a local authority in England, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State; and
 - (b) an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Welsh Ministers.
- (17) Guidance under subsection (16) may make different provision for different cases or for different descriptions of committee or sub-committee.”

126 Reference of local crime and disorder matters to crime and disorder committees etc

- (1) The Police and Justice Act 2006 (c. 48) is amended as follows.
- (2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute—
- “(3) A local authority must—
- (a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and

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- (b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.
- (4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.
- (5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).
- (6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—
 - (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.
- (7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—
 - (a) its decision, and
 - (b) the reasons for it.
- (8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—
 - (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and
 - (b) provide a copy of the report or recommendations to such of—
 - (i) the responsible authorities, and
 - (ii) the co-operating persons and bodies,as it thinks appropriate.
- (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—
 - (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
 - (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).
- (8B) Where this subsection applies—
 - (a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and
 - (b) the authority, body or person must—
 - (i) consider the report or recommendations;

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- (ii) respond to the committee indicating what (if any) action it proposes to take;
 - (iii) have regard to the report or recommendations in exercising its functions.”
- (3) In subsection (9)(b), for “subsection (1)(b) or (6)” substitute “this section”.
- (4) In subsection (11)—
- (a) after the definition of “crime and disorder functions” insert—
 - “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;”, and
 - (b) for the definition of “local crime and disorder matter” substitute—
 - “local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—
 - (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (b) the misuse of drugs, alcohol and other substances,
 which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.”
- (5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.
- (6) In subsections (1) and (2), after “under” insert “or by virtue of”.
- (7) In subsection (5), omit—
- (a) paragraph (f); and
 - (b) sub-paragraphs (i) to (iii) of paragraph (g).

127 Overview and scrutiny committees: consequential amendments

- (1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees)—
- (a) in subsection (2), after “their overview and scrutiny committees” insert “, and any joint overview and scrutiny committees;”;
 - (b) after that subsection insert—
 - “(2A) In subsection (2), “joint overview and scrutiny committee”, in relation to a local authority (“the authority concerned”), means—
 - (a) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 245 of the National Health Service Act 2006 appointed by the authority concerned and one or more other local authorities,
 - (b) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section,

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- (c) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 185 of the National Health Service (Wales) Act 2006 appointed by the authority concerned and one or more other local authorities,
 - (d) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or
 - (e) a joint overview and scrutiny committee within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 (joint overview and scrutiny committees: local improvement targets) appointed by a group of partner authorities (within the meaning of that section) which includes the authority concerned.”;
- (c) in subsection (4)—
- (i) after “this section” insert “, sections 21A to 21C”; and
 - (ii) at the end insert “or any functions which may be conferred on it by virtue of regulations under section 21E”; and
- (d) omit subsection (8).
- (2) For section 32(3) of that Act (alternative arrangements) substitute—
- “(3) Regulations under this section may make provision with respect to committees or sub-committees falling within subsection (1)(b), including—
- (a) in the case of regulations made by the Secretary of State, provision which applies or reproduces (with or without modifications)—
 - (i) any provision of sections 21 to 21D or paragraphs 7 and 9 to 11 of Schedule 1,
 - (ii) any provision made under section 21E or 22A,
 - (iii) any provision of section 246 of, or Schedule 17 to, the National Health Service Act 2006, or
 - (iv) any provision made under section 244 of that Act, and
 - (b) in the case of regulations made by the Welsh Ministers, provision which applies or reproduces (with or without modifications)—
 - (i) any provision of section 21 or 21A(1)(a) or (b) or (2) or paragraphs 8 to 11 of Schedule 1,
 - (ii) any provision of Schedule 17 to the National Health Service Act 2006,
 - (iii) any provision of section 186 of, or Schedule 11 to, the National Health Service (Wales) Act 2006, or
 - (iv) any provision made under section 184 of that Act.”.
- (3) In section 245(3)(b) of the National Health Service Act 2006 (c. 41) (joint overview and scrutiny committees etc)—
- (a) in sub-paragraph (i), for “(15)” substitute “(17)”; and
 - (b) after that sub-paragraph insert—
 - “(ia) sections 21A to 21D of that Act,
 - (ib) section 22A of that Act.”.

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- (4) In section 185(3)(b) of the National Health Service (Wales) Act 2006 (c. 42) (joint overview and scrutiny committees etc)—
- (a) in sub-paragraph (i), for “(15)” substitute “(17)”; and
 - (b) after that sub-paragraph insert—
“(ia) section 21A(1)(a) or (b) or (2) of that Act,”.

128 Transitional provision

- (1) Section 33E of the Local Government Act 2000 (c. 22) (proposals for change in governance arrangements) (which is inserted by section 64) applies (in addition to the cases mentioned in subsection (1) of that section) to a local authority which—
- (a) by virtue of the coming into force of any provision of this Chapter is required to vary its executive arrangements; or
 - (b) by virtue of the coming into force of any provision of regulations made under section 32 of that Act (alternative arrangements) by virtue of any provision of this Chapter is required to vary its alternative arrangements.
- (2) In this section, “alternative arrangements”, “executive arrangements” and “local authority” have the same meanings as in Part 2 of the Local Government Act 2000.