

SCHEDULES

SCHEDULE 4

NEW ARRANGEMENTS FOR EXECUTIVES: TRANSITIONAL PROVISION

Modifications etc. (not altering text)

C1 Sch. 4 modified (29.8.2008) by The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 (S.I. 2008/2113), regs. 1, 9

PART 2

MAYOR AND COUNCIL MANAGER EXECUTIVE

Change in form of executive

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- (1) The local authority must make a change in governance arrangements of the kind set out in section 33A of the LGA 2000 (new form of executive).

(2) Sections 33E, 33F, 33I(2) and 33J of the LGA 2000 apply to a change in governance arrangements required by this paragraph as they apply to a change made under section 33A.

Commencement Information

II Sch. 4 para. 8 in force at 30.12.2007, see s. 245(2)

- 9
- (1) This paragraph applies if the proposals drawn up in accordance with section 33E provide for a change to a mayor and cabinet executive.

(2) The proposals must specify the day on which the authority is to cease operating the mayor and council manager executive and start operating the mayor and cabinet executive.

(3) The day specified in accordance with sub-paragraph (2) must fall before the day which is expected to be the last day of the relevant mayoral term.

(4) Any 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, and

(b) on or before 31 December 2008 or such later date as the Secretary of State may by order provide.

(5) The following sub-paragraphs apply if the local authority adopt the mayor and cabinet executive.

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**Changes to legislation:** *There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Change in form of executive. (See end of Document for details)*

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- (6) On the day specified in accordance with sub-paragraph (2), the local authority must—
  - (a) cease operating the mayor and council manager executive, and
  - (b) start operating the mayor and cabinet executive.
- (7) The council manager ceases to hold office when the local authority ceases to operate the mayor and council manager executive.
- (8) But—
  - (a) the mayor does not cease to hold office, and
  - (b) his term of office is not affected,
 by virtue of the local authority ceasing to operate the mayor and council manager executive.
- (9) Subject to sub-paragraph (6), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.
- (10) Any arrangements (including any enactment or subordinate legislation) which apply to the election of the mayor of the mayor and council manager executive—
  - (a) apply to the first election of the mayor of the mayor and cabinet executive as if it were the election of the mayor of the mayor and council manager executive, and
  - (b) subject to any order under Part 3, apply in the same way to subsequent elections of the mayor of the mayor and cabinet executive.

#### **Commencement Information**

**I2** Sch. 4 para. 9 in force at 30.12.2007, see s. 245(2)

- 10 (1) This paragraph applies if the proposals drawn up in accordance with section 33E provide for a change to a leader and cabinet executive (England).
- (2) Section 33K(2), (3), (5) and (6) of the LGA 2000 apply to the change as they would if the change were, by virtue of section 33M of the LGA 2000, subject to approval in a referendum.
- (3) Any resolution to make the change in governance arrangements must be passed on or before the earlier of these days—
  - (a) the last day of the period of 28 days that begins with the day when the referendum is held;
  - (b) 31 December 2008, or such later date as the Secretary of State may by order provide.
- (4) Section 45(1) of the LGA 2000 does not prevent a referendum from being held in accordance with section 33K of the LGA 2000 as applied by sub-paragraph (2).
- (5) The proposals must provide for the local authority to cease operating the mayor and council manager executive and start operating the leader and cabinet executive (England) on the day which is expected to be the last day of the relevant mayoral term.
- (6) The following sub-paragraphs apply if the local authority adopt the leader and cabinet executive (England).
- (7) On the day specified in accordance with sub-paragraph (5), the local authority must—

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Change in form of executive. (See end of Document for details)

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- (a) cease operating the mayor and council manager executive, and
  - (b) start operating the leader and cabinet executive (England).
- (8) Subject to sub-paragraph (7), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.
- (9) If the local authority has held its annual meeting in 2009 before changing to the leader and cabinet executive (England), the authority must hold a meeting within the 21 days following the day on which it changes to that form of executive.
- (10) For the purposes of section 44B of the LGA 2000, that meeting is to be treated as a relevant annual meeting.

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**Commencement Information**

**I3** Sch. 4 para. 10 in force at 30.12.2007, see s. 245(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Change in form of executive.