
STATUTORY INSTRUMENTS

2018 No. 1128

The Local Government (Boundary Changes) Regulations 2018

PART 7

Statutory reviews, schemes, statements, rules and strategies

Reviews, schemes, statements, strategies and rules required not later than 24 months after the reorganisation date

- 18.**—(1) Where it is practicable to do so during the transitional period—
- (a) the shadow authority shall prepare for the whole of its area, and if required by the enactment concerned publish, a document of each of the following descriptions—
 - (i) an allocation scheme under section 166A of the Housing Act 1996⁽¹⁾;
 - (ii) a licensing statement (statement of licensing policy) under section 5 of the Licensing Act 2003⁽²⁾;
 - (iii) a statement of principles under section 349 (three-year licensing policy) of the Gambling Act 2005⁽³⁾;
 - (iv) a statement of the policy for the provision of assistance under article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002⁽⁴⁾;
 - (v) a council tax reduction scheme under section 13A(2) (reductions by billing authority) of the Local Government Finance Act 1992⁽⁵⁾; and
 - (vi) rules determined under section 47(1)(a) (discretionary relief) of the Local Government Finance Act 1988⁽⁶⁾; and
 - (b) the shadow authority shall—
 - (i) carry out for the whole of its area a homelessness review within the meaning of the Homelessness Act 2002⁽⁷⁾; and
 - (ii) based on the results of that review, formulate and publish a homelessness strategy within the meaning of that Act.
- (2) For the purposes of paragraph (1)(a)—
- (a) the Acts and Order referred to in paragraphs (i) to (vi) shall have effect in relation to a shadow authority as if the shadow authority were a district council; and

(1) 1996 c. 52. Section 166A was inserted by the Localism Act 2011 (c. 20) section 147(1).
(2) 2003 c. 17. Section 5 was amended by the Police Reform and Social Responsibility Act 2011 (c. 13), sections 98 and 122 and Schedule 15.
(3) 2005 c. 19.
(4) S.I. 2002/1860. As to the requirement for the policy, see article 4.
(5) 1992 c. 14. Section 13A was inserted by the Local Government Finance Act 2012 (c. 17) section 10(1).
(6) 1988 c. 41. Section 47(1) was amended by the Local Government Finance Act 1992, section 117(1) and Schedule 13 and by the Localism Act 2011, section 69(1).
(7) 2002 c. 7. Section 3 was amended by the Local Government Act 2003 (c.26), Schedule 7 and the Localism Act 2011, section 153. For the meaning of “homelessness review” see section 2. For the meaning of “homelessness strategy” see section 3. Section 4 contains other relevant definitions.

- (b) the statement referred to in paragraph (iii) shall be prepared in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006⁽⁸⁾.
- (3) For the purposes of paragraph (1)(b)—
- (a) section 1(3) of the Homelessness Act 2002 shall not have effect; and
- (b) section 1 of that Act (except subsection (3)) and sections 2 to 4 of that Act shall have effect as if—
- (i) references to a local housing authority included references to a shadow authority, and
- (ii) references to a local housing authority’s district (in whatever terms) included references to the shadow authority’s area.
- (4) Where a relevant document or review has not been carried out, formulated or prepared (as the case may be) and, where required by or under the enactment concerned, published, before the reorganisation date, the successor council shall take such steps as are necessary to secure that the relevant document or review is carried out, formulated or prepared (as the case may be) and, where required by or under the enactment concerned, published as soon as practicable and not later than the date that falls 24 months after the reorganisation date.
- (5) In the period beginning on the reorganisation date and ending on the date on which the successor council complies with paragraph (4), a relevant document or review that has been carried out, formulated or prepared (as the case may be) and, where required by or under the enactment concerned, published by a predecessor council shall be treated as if it had been carried out, formulated, prepared, and (where required) published by the successor council for the whole or such part of its area as corresponds to the area to which the relevant document or review relates.
- (6) Nothing in paragraph (5) shall affect the continued validity, after the date on which the successor council complies with paragraph (4), of a relevant document or review carried out, formulated, prepared and published as mentioned in paragraph (5), for any transitional purpose specified in the relevant document or review.
- (7) The requirements of section 5(1) of the Licensing Act 2003 shall be treated as satisfied, as regards the five year period beginning with 7th January 2021, or the five year period specified by the shadow authority or successor council under section 5(6C) of that Act⁽⁹⁾, and as regards a successor council, by a statement published in accordance with regulations under section 5(7) of that Act—
- (a) by the shadow authority by virtue of paragraph (1)(a) above; or
- (b) by the successor council under paragraph (4) above.
- (8) The requirements of section 349(1) of the Gambling Act 2005 shall be treated as satisfied, as regards the three year period beginning with 31st January 2019, and a successor council, by a statement published in accordance with regulations under subsection (4) of that Act—
- (a) by the shadow authority by virtue of paragraph (1)(a) above; or
- (b) by the successor council under paragraph (4) above.
- (9) Where a successor council is taking steps under paragraph (4) to prepare a council tax reduction scheme under section 13A(2) of the Local Government Finance Act 1992, paragraph 5(1) of Schedule 1A to that Act does not apply.

⁽⁸⁾ [S.I. 2006/636](#).

⁽⁹⁾ Section 5 of the Licensing Act 2003 requires a licensing authority to determine and publish its licensing policy for each five year period ending with 6th January 2016 and for each subsequent five year period. Section 5 was amended by section 122 of the Police Reform and Social Responsibility Act 2011 (c. 13) to substitute for the reference to three years in subsection (1) reference to a period of five years; to insert the definition of “five year period” and “licensing statement” in subsection (8) and to insert subsections (6A) to (6C) to allow an authority to replace its policy at any time within the five year period and to specify the five year period to which the policy relates. There are other amendments not relevant to this provision.

(10) In this regulation “relevant document or review” means a scheme, statement, rules, review or strategy of a description in paragraph (1).

Continuity in relation to plans, schemes, statements and strategies

19.—(1) Subject to paragraph (2) where, pursuant to a requirement imposed by or under any enactment (whether the requirement has direct effect in relation to the council concerned or because the enactment or provision that imposes the requirement applies to the council by virtue of an order or resolution), a plan, scheme, statement or strategy is prepared and, where required by the enactment or provision, published before the reorganisation date by a predecessor council, the plan, scheme, statement or strategy shall be treated, for the period specified in paragraph (3), as if it had been prepared and, if so required, published by the successor council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates.

(2) Paragraph (1) does not apply in relation a scheme, statement or strategy of a description referred to in regulation 18(1).

(3) The period referred to in paragraph (1) begins on the reorganisation date and ends on the date on which the successor council publishes a plan, scheme, statement or strategy which—

- (a) extends to the whole of its area; and
- (b) is prepared in substitution for the plan, scheme, statement or strategy prepared by the predecessor council (whether that substitution is made expressly or by necessary implication).

(4) Nothing in paragraph (1) shall affect the continued validity of a plan, scheme, statement or strategy after the end of the period specified in paragraph (2) for any transitional purpose specified in the plan, scheme, statement or strategy prepared by the successor council.