



# Local Government Act 2000

## 2000 CHAPTER 22

### PART II

#### ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

##### *Local authority executives*

#### **11 Local authority executives.**

[<sup>F1</sup>(1) The executive of a local authority must take a form specified in subsections (2) to (5) that is applicable to the authority.]

- (2) [<sup>F2</sup>In the case of any local authority in England or Wales, the executive may consist of—]
- (a) an elected mayor of the authority, and
  - (b) two or more councillors of the authority appointed to the executive by the elected mayor.

Such an executive is referred to in this Part as a mayor and cabinet executive.

- [<sup>F3</sup>(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).]

- (3) [<sup>F4</sup>In the case of any local authority in Wales, 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 one of the following—

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- (i) the executive leader, or
- (ii) the authority.

Such an executive is referred to in this Part as a [<sup>F5</sup>leader and cabinet executive (Wales)].

- (4) [<sup>F6</sup>In the case of any local authority in Wales, the executive may consist of—]
- (a) an elected mayor of the authority, and
  - (b) an officer of the authority (referred to in this Part as the council manager) appointed to the executive by the authority.

Such an executive is referred to in this Part as a mayor and council manager executive.

- (5) [<sup>F7</sup>In the case of a local authority in England or Wales, the executive] may take any such form as may be prescribed in regulations made by the Secretary of State.
- (6) Regulations under subsection (5) may, in particular, provide for—
- (a) a form of executive some or all of the members of which are elected by the local government electors for the authority's area to a specified post in the executive associated with the discharge of particular functions,
  - (b) a form of executive some or all of the members of which are elected by those electors but not to any such post,
  - (c) the system of voting that will be used for elections under paragraph (a) or (b).
- (7) A local authority executive may not include the chairman or vice-chairman of the authority.
- (8) The number of members of a mayor and cabinet executive or a leader and cabinet executive may not exceed 10.
- (9) The Secretary of State may by regulations [<sup>F8</sup>specify] a different maximum number of members of an executive to which [<sup>F9</sup>subsection (8)] applies, but the power under this subsection may not be exercised [<sup>F10</sup>in relation to Wales] so as to provide for a maximum number which exceeds 10.

[<sup>F11</sup>(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) Section 101 of the <sup>M1</sup>Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the function of electing a leader under [<sup>F12</sup>subsection (2A)(a) or (3)(a)] or appointing councillors or an officer to the executive under subsection (3)(b)(ii) or (4)(b).

#### Textual Amendments

- F1** S. 11(1) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 62\(2\)](#), 245(2)
- F2** Words in s. 11(2) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 62\(3\)](#), 245(2)
- F3** S. 11(2A) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 62\(4\)](#), 245(2)

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- F4** Words in s. 11(3) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(5\)\(a\), 245\(2\)](#)
- F5** Words in s. 11(3) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(5\)\(b\), 245\(2\)](#)
- F6** Words in s. 11(4) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(6\), 245\(2\)](#)
- F7** Words in s. 11(5) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(7\), 245\(2\)](#)
- F8** Word in s. 11(9) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(8\)\(a\), 245\(2\)](#)
- F9** Words in s. 11(9) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(8\)\(b\), 245\(2\)](#)
- F10** Words in s. 11(9) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(8\)\(c\), 245\(2\)](#)
- F11** S. 11(9A) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(9\), 245\(2\)](#)
- F12** Words in s. 11(10) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 62\(10\), 245\(2\)](#)

#### **Modifications etc. (not altering text)**

- C1** Pt. II applied in part (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), arts. 1, 16\(7\)](#)
- C2** S. 11 applied (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), arts. 1, 16\(2\)](#)

#### **Commencement Information**

- I1** S. 11 wholly in force at 28.7.2001; s. 11 not in force at Royal Assent see s. 108; s. 11 in force at 7.8.2000 in so far as it confers power to make an order or regulations, gives directions, or issue guidance in relation to England only by [S.I. 2000/2187, arts. 1\(3\), 2\(b\)](#); s. 11 in force at 26.10.2000 in relation to England only except in so far as already in force by [S.I. 2000/2849, arts. 1\(3\), 2\(b\)](#); s. 11(5)(6)(9) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948, art. 2](#); s. 11 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

#### **Marginal Citations**

- M1** [1972 c. 70.](#)

## **12 Additional forms of executive.**

- (1) In deciding whether to make regulations under section 11(5) prescribing a particular form of executive, or which provision to make under section 17 in relation to that form of executive, the Secretary of State must have regard to—
- any proposals made to him under subsection (2),
  - the extent to which he considers that the operation by a local authority of executive arrangements involving that form of executive would be likely to ensure that decisions of the authority are taken in an efficient, transparent and accountable way,
  - the extent to which that form of executive differs from the forms of executive for the time being permitted by or under section 11,
  - the number and description of authorities for which he considers that that form of executive, if prescribed in regulations made under section 11(5), would be an appropriate form of executive to consider.

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- (2) For the purposes of subsection (1), a local authority may propose to the Secretary of State a form of executive in relation to which the authority consider that the conditions mentioned in subsection (3) are satisfied.
- (3) Those conditions are—
- (a) that the operation by the authority of executive arrangements involving that form of executive would be an improvement on the arrangements which the authority have in place for the discharge of their functions at the time that the proposal is made to the Secretary of State,
  - (b) that the operation by the authority of executive arrangements involving that form of executive would be likely to ensure that decisions of the authority are taken in an efficient, transparent and accountable way, and
  - (c) that that form of executive, if prescribed in regulations made under section 11(5), would be an appropriate form of executive for all local authorities, or for any particular description of local authority, to consider.
- (4) A proposal under subsection (2)—
- (a) must describe the form of executive to which it relates,
  - (b) must describe the provision which the authority consider should be made under section 17 in relation to that form of executive, and
  - (c) must explain why the authority consider that the conditions mentioned in subsection (3) are satisfied in relation to that form of executive.

#### **Commencement Information**

**12** S. 12 wholly in force at 28.7.2001; s. 12 not in force at Royal Assent see s. 108; s. 12 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 2\(a\)](#); s. 12(1) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 12 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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