



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—”.

^{F1}(4)

(5) In subsection (3)—

(a) for the words before paragraph (a) substitute—

“(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—”.

Status: Point in time view as at 05/05/2022.

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)

(7) In subsection (5) for “It” substitute “ In the case of a local authority in England or Wales, the executive ”.

^{F2}(8)

^{F3}(9)

(10) In subsection (10) for “subsection (3)(a)” substitute “ subsection (2A)(a) or (3)(a) ”.

Textual Amendments

F1 S. 62(4) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 4](#); S.I. 2012/57, art. 4(1)(ee)(i) (with arts. 6, 7, 9-11)

F2 S. 62(8) omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 7 para. 6\(2\)](#); S.I. 2021/231, art. 6(u)

F3 S. 62(9) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 4](#); S.I. 2012/57, art. 4(1)(ee)(i) (with arts. 6, 7, 9-11)

Commencement Information

I1 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 ”;

(b) for “the elected mayor” substitute “ the senior executive member ”.

^{F4}(8)

(9) In section 15—

(a) for the title substitute “ Discharge of functions: leader and cabinet executive (Wales) ”;

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- (b) in subsection (1) for “leader and cabinet executive” substitute “ leader and cabinet executive (Wales) ”.

Textual Amendments

F4 S. 63(8) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(c)

Commencement Information

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

F5 64 Changing governance arrangements

Textual Amendments

F5 S. 64 repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(ee)(i) (with arts. 6, 7, 9-11)

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 ”.
- (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.”

F6(4)

F6(5)

F6(6)

Textual Amendments

F6 S. 65(4)-(6) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(ee)(i) (with arts. 6, 7, 9-11)

Commencement Information

I3 S. 65 in force at 30.12.2007, see s. 245(2)

Status: Point in time view as at 05/05/2022.

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)

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

I4 S. 66 in force at 30.12.2007, see s. 245(2)

^{F7} **67 Leader and cabinet executives (England)**

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Textual Amendments

F7 S. 67 repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 4](#); S.I. 2012/1008, art. 4(c)

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—

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- “(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).
- (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

I5 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.”
- ^{F8}(3)
- (4) Section 45 as amended by subsection (1) applies to referendums held before, and referendums held after, this section comes into force.

Textual Amendments

F8 S. 69(3) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 4](#); S.I. 2012/57, art. 4(1)(ee)(i) (with arts. 6, 7, 9-11)

Commencement Information

I6 S. 69 in force at 30.12.2007, see s. 245(2)

Status: Point in time view as at 05/05/2022.

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)

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) ”.
- ^{F9}(3)
- ^{F9}(4)

Textual Amendments

F9 S. 70(3)(4) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 4](#); [S.I. 2012/1008](#), art. 4(c)

Commencement Information

I7 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,
 - describes the main features of the proposals,

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- (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

18 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—
 - (a) section 29(2)(a);

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

Commencement Information

I9 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

I10 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

I11 S. 74(2) in force at Royal Assent, see s. 245(1)

I12 S. 74(1) in force at 30.12.2007, see s. 245(2)

Status:

Point in time view as at 05/05/2022.

Changes to legislation:

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