



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.

Commencement Information

II S. 103 in force at 30.12.2007, see s. 245(2)

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—

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- (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;
 - (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

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- (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—
- (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.

Commencement Information

I2 S. 104 in force at 30.12.2007, see [s. 245\(2\)](#)

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.

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- (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
 - (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).

Commencement Information

I3 S. 105 in force at 30.12.2007, see s. 245(2)

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.

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Commencement Information

I4 S. 106 in force at 30.12.2007, see s. 245(2)

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.

Commencement Information

I5 S. 107 in force at 30.12.2007, see s. 245(2)

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.

Commencement Information

I6 S. 108 in force at 30.12.2007, see s. 245(2)

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.

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- (4) The power to make or revoke a designation under this section is exercisable by notice in writing to the responsible local authority.

Commencement Information

I7 S. 109 in force at 30.12.2007, see s. 245(2)

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.
- (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.

Commencement Information

I8 S. 110 in force at 30.12.2007, see s. 245(2)

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.

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- (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.
- (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.

Commencement Information

19 S. 111 in force at 30.12.2007, see s. 245(2)

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—

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- (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.

Commencement Information

110 S. 112 in force at 30.12.2007, see s. 245(2)

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

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Commencement Information

111 S. 113 in force at 30.12.2007, see s. 245(2)

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).”

Commencement Information

112 S. 114 in force at 30.12.2007, see s. 245(2)

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

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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”.
- (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)—

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- (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.”

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Commencement Information

113 S. 115 in force at 30.12.2007, see s. 245(2)

VALID FROM 01/04/2008

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.
- (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

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(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—

“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.

Commencement Information

I14 S. 117 in force at 30.12.2007, see s. 245(2)

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.

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- (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) ”.

Commencement Information

I15 S. 118 in force at 30.12.2007, see s. 245(2)

Status:

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