

SCHEDULES

SCHEDULE 4

NEW ARRANGEMENTS FOR EXECUTIVES: TRANSITIONAL PROVISION

PART 1

OLD-STYLE LEADER AND CABINET EXECUTIVE

Application of Part

- 1 This Part applies to a local authority in England if, at the relevant time, the authority is operating an old-style leader and cabinet executive.

Continued operation of existing executive

- 2 (1) The coming into force of section 62(5) does not prevent the local authority from continuing to operate the old-style leader and cabinet executive until the end of the transitional period.
- (2) For as long as the local authority continues to operate the old-style leader and cabinet executive, any enactment amended or repealed by this Part of this Act continues to apply in relation to the local authority, and to the executive and its operation, as if the amendment or repeal had not been made.

Change in form of executive

- 3 (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, 33G, 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.
- (3) In the application of section 33G by virtue of this paragraph, “relevant elections” has the meaning given in paragraph 5.
- (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) during the permitted resolution period specified in the second column of the following table in relation to the authority.

<i>Type of local authority</i>	<i>Permitted resolution period</i>
Metropolitan district	The period ending with 31 December 2009

Status: This is the original version (as it was originally enacted).

<i>Type of local authority</i>	<i>Permitted resolution period</i>
County	The period ending with 31 December 2008
London borough	The period ending with 31 December 2009
Non-metropolitan district	The period ending with 31 December 2010

- (5) The Secretary of State may by order provide that a permitted resolution period is to end later than the last day of the period specified in the table.

Failure to change form of executive: automatic change

- 4 (1) This paragraph applies if the local authority does not make a change in governance arrangements in accordance with paragraph 3.
- (2) Before the end of the transitional period, the local authority must draw up and adopt executive arrangements which provide for a leader and cabinet executive (England).
- (3) But if it appears to the Secretary of State that the authority will fail to comply with sub-paragraph (2), the Secretary of State may by order specify executive arrangements which provide for a leader and cabinet executive (England).
- (4) The leader and cabinet executive (England) which is provided for under sub-paragraph (2) or (3) shall come into operation on the last day of the transitional period.
- (5) Arrangements which the Secretary of State specifies under sub-paragraph (3) are to be treated as having been made by the local authority itself.
- (6) Arrangements which come into operation in accordance with sub-paragraph (4) are to be treated as being operated after the passing of a resolution of the authority under section 33F of the LGA 2000.
- (7) As soon as practicable after executive arrangements are adopted under sub-paragraph (2), or specified under sub-paragraph (3), the local authority must comply with the duties set out in the following provisions of the LGA 2000—
- (a) section 29(2)(a);
 - (b) section 29(2)(b)(ii) to (v).

Interpretation

- 5 (1) In this Part—
- “LGA 2000” means the Local Government Act 2000 (c. 22);
- “old-style leader and cabinet executive” means a leader and cabinet executive of the form specified in section 11(3) of the LGA 2000;
- “relevant elections” means the first ordinary elections of councillors of the local authority which take place after the end of the permitted resolution period (within the meaning of paragraph 3(4)(b));
- “relevant time” means the time immediately before section 62(5) comes into force;
- “transitional period” means the period that—

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- (a) starts when section 62(5) comes into force, and
 - (b) ends with the third day after the day of the relevant elections.
- (2) Expressions used in this Part of this Schedule and in Part 2 of the LGA 2000 have the same meaning in this Part as in that Part.