

LORDS AMENDMENTS TO THE
LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL

[The page and line references are to HL Bill 74, the bill as first printed for the Lords.]

Clause 5

- 1 Page 4, line 28, leave out “not currently a local government area” and insert “currently outside all local government areas”

Clause 7

- 2 Page 5, line 34, leave out paragraph (b) and insert –
“(b) such other persons as he considers appropriate.”
- 3 Page 5, line 40, after “(1)(a)” insert “(or deciding not to)”
- 4 Page 5, line 40, leave out from “consult” to end of line 41 and insert “such other persons as he considers appropriate”
- 5 Page 5, line 41, at end insert –
- “(6) In any case where he has received an alternative proposal from the Boundary Committee under section 5, the Secretary of State may request the Boundary Committee to provide him with information or advice on any matter relating to the proposal.
 - (7) Where they receive such a request the Boundary Committee may provide the information or advice requested.”

Clause 8

- 6 Page 6, line 6, leave out subsection (2) and insert –
- “(2) Where they have conducted a review under this section the Boundary Committee may (subject to subsection (4)) recommend to the Secretary of State such boundary change as in consequence of the review seems to them desirable.”
- 7 Page 6, line 11, leave out “subsection (2)” and insert “this section”

- 8 Page 6, leave out line 16
- 9 Page 6, line 29, leave out “not currently a local government area” and insert “currently outside all local government areas”
- 10 Page 6, line 30, at end insert –
 “(e) a change whose effect would be that England (excluding the Isles of Scilly, the City of London, the Inner Temple and the Middle Temple) is no longer divided into areas each of which is –
 (i) a county divided into districts, or comprising one district; or
 (ii) a London borough.”
- 11 Page 6, line 30, at end insert –
 “(4A) Where the Boundary Committee have conducted a review under this section and consider that no boundary change is desirable, they may recommend to the Secretary of State that no boundary change should be made.
 (4B) In considering whether (and, if so, what) boundary change is desirable, the Boundary Committee must have regard to –
 (a) the need to secure effective and convenient local government; and
 (b) the need to reflect the identities and interests of local communities.”
- 12 Page 6, line 31, leave out “(1) or (2)” and insert “(1), (2), (4A) or (4B),”

Clause 10

- 13 Page 7, line 25, leave out “8” and insert “8(2)”
- 14 Page 7, line 29, at end insert –
 “(1A) Where the Boundary Committee make a recommendation to the Secretary of State under section 8(4A) the Secretary of State may –
 (a) make a request under section 8 for a further review; or
 (b) decide not to make such a request.”
- 15 Page 7, line 31, after “(1)” insert “or paragraph (a) or (b) of subsection (1A)”
- 16 Page 7, line 34, leave out “additional information or advice” and insert “information or advice on any matter relating to the recommendation”

Clause 11

- 17 Page 7, line 41, leave out from “purpose” to “for” in line 42 and insert “of implementing a proposal or recommendation or in connection with the implementation of a proposal or recommendation,”
- 18 Page 8, line 3, at end insert “and “implementation” is to be read accordingly”
- 19 Page 8, line 41, leave out “not currently a local government area” and insert “currently outside all local government areas”

Clause 12

- 20 Page 8, line 44, after “authority” insert “or parish council”
- 21 Page 9, line 7, leave out paragraph (g)

- 22 Page 9, line 11, leave out “existing councillors” and insert “members of an existing local authority”

Clause 15

- 23 Page 11, line 12, after “made” insert “at any time”

Clause 33

- 24 Page 19, line 17, after “meeting” insert “which is”
- 25 Page 19, line 17, after “purpose” insert “of deciding the resolution with notice of the object”
- 26 Page 19, line 19, at end insert –

“() In subsection (3) the reference to the members of the council includes in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.”

- 27 Page 19, line 24, leave out “1 October” and insert “the day after that council’s annual meeting”
- 28 Page 19, line 28, leave out “1 October” and insert “the day after that council’s annual meeting”

Clause 38

- 29 Page 21, line 21, after “meeting” insert “which is”
- 30 Page 21, line 21, after “purpose” insert “of deciding the resolution with notice of the object”
- 31 Page 21, line 23, at end insert –

“() In subsection (3) the reference to the members of the council includes in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.”

- 32 Page 21, line 25, leave out “1 October” and insert “the day after that council’s annual meeting”

Clause 40

- 33 Page 22, line 7, after “meeting” insert “which is”
- 34 Page 22, line 7, after “purpose” insert “of deciding the resolution with notice of the object”
- 35 Page 22, line 9, at end insert –

“() In subsection (3) the reference to the members of the council includes in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.”

- 36 Page 22, line 12, leave out “1 October” and insert “the day after that council’s annual meeting”
- 37 Page 22, line 15, leave out “1 October” and insert “the day after that council’s annual meeting”

Clause 54

- 38 Page 27, line 12, leave out “(1)(a)” and insert “(1)”

Clause 56

- 39 Page 29, line 6, leave out from “that” to end of line 8 and insert “each ward in the district returns an appropriate number of councillors.”
- 40 Page 29, line 17, leave out from “councillors” to “is” in line 18 and insert “returned by a ward”

Clause 57

- 41 Page 29, line 31, at end insert –

“() In section 15 (procedure on a review) –

(a) in subsection (1) –

(i) at the end of paragraph (a) insert “and”;

(ii) omit paragraph (c) and the word “and” immediately preceding it;

(b) omit subsection (2);

(c) in subsection (3) –

(i) omit paragraph (a);

(ii) in paragraph (b) after “prepare” insert “and publish”;

(iii) at the end of paragraph (b) insert “and”;

(iv) omit paragraph (c);

(d) for subsections (4) and (5) substitute –

“(4) In conducting a review, the Boundary Committee for England may at any time before publishing draft recommendations consult such persons as they consider appropriate.

(5) As soon as the Boundary Committee for England are in a position to submit recommendations to the Electoral Commission they must –

(a) submit them; and

(b) publish the recommendations and take such steps as they consider sufficient to secure that persons who may be interested in the recommendations are informed of them.”;

(e) in subsection (6) –

(i) for “the report on a review is” substitute “recommendations are”;

(ii) for “(4) above” substitute “(5) above”;

(iii) in paragraph (a), omit the words “a further report under subsection (4) containing”;

(iv) in paragraph (b), for “report relates” substitute “recommendations relate”;

(f) after subsection (6) insert –

“(6A) Where the Boundary Committee for England submit recommendations under subsection (6)(a), they must publish the recommendations and take such steps as they

consider sufficient to secure that persons who may be interested in the recommendations are informed of them.”;

(g) omit subsection (8).

() Omit section 15A.

() In section 17(2) (implementation of recommendations by order), omit the words “or the submission of a report”.

Clause 59

42 Page 30, line 9, at end insert—

“(1A) A local authority must comply with subsections (1B) to (3) in passing a resolution to change the name of an electoral area.

(1B) The local authority must not pass the resolution unless it has taken reasonable steps to consult such persons as it considers appropriate on the proposed name.”

43 Page 30, line 10, leave out from beginning to “at” and insert—

“(2) The resolution must be passed—

(a) ”

44 Page 30, line 12, at end insert “, and

(b) by a majority of at least two thirds of the members voting on it.”

45 Page 30, line 13, leave out “an” and insert “the”

46 Page 30, line 13, leave out “a resolution to change the name” and insert “the” resolution”

47 Page 30, line 33, at end insert—

“() In subsection (2) the reference to the members of the council includes in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.”

Clause 60

48 Page 31, leave out lines 23 and 24 and insert—

“(3) An order under subsection (1) must relate to a single year and must be made at least six months before—

(a) the local election day in that year, or

(b) if earlier, the date of the poll at the European Parliamentary general election in that year.

(3A) For this purpose “the local election day” in a particular year is—

(a) the first Thursday in May, or

(b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.”

49 Page 31, line 28, leave out “or bodies”

50 Page 32, leave out lines 12 and 13 and insert—

- “(3) An order under subsection (1) must relate to a single year and must be made at least six months before—
- (a) the local election day in that year, or
 - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (3A) For this purpose “the local election day” in a particular year is—
- (a) the first Thursday in May, or
 - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.”

51 Page 32, line 17, leave out “or bodies”

Clause 62

52 Page 33, line 28, leave out subsection (6)

53 Page 33, line 39, leave out subsection (9)

Clause 63

54 Page 34, line 17, at end insert “or”

55 Page 34, line 18, leave out from “(England),” to end of line 19

56 Page 34, leave out line 36

Clause 64

57 Page 35, leave out lines 16 to 31 and insert—

“33C Alternative arrangements: move to executive arrangements

A local authority in England which is operating alternative arrangements may—

- (a) cease to operate alternative arrangements, and
- (b) start to operate executive arrangements.”

58 Page 35, leave out lines 36 to 38

59 Page 35, line 41, leave out from “arrangements” to end of line 1 on page 36

60 Page 36, line 11, at end insert—

“(4A) The proposals may provide for the change in governance arrangements to be subject to approval in a referendum.”

61 Page 37, line 8, leave out from “(England):” to end of line 11 and insert “the appropriate elections of councillors;”

62 Page 37, leave out line 13

63 Page 37, line 13, at end insert—

- “(5) For the purposes of subsection (4)(a), the “appropriate elections of councillors” are the elections determined in accordance with whichever of the following paragraphs is applicable—

- (a) if the local authority is currently operating a mayor and cabinet executive, the “appropriate elections of councillors” are the ordinary elections of councillors of the local authority held on the day on which the next ordinary election of a mayor or elected executive was expected to be held when the resolution to make the change in governance arrangements was passed;
- (b) if the local authority –
 - (i) is not currently operating a mayor and cabinet executive, and
 - (ii) is required to pass the resolution to make the change in governance arrangements during a permitted resolution period,
 the “appropriate elections of councillors” are the first ordinary elections of councillors of the local authority to be held after the end of the permitted resolution period in which the resolution is passed;
- (c) if the local authority –
 - (i) is not currently operating a mayor and cabinet executive, and
 - (ii) is not required to pass the resolution to make the change in governance arrangements during a permitted resolution period,
 the “appropriate elections of councillors” are the first ordinary elections of councillors of the local authority to be held after the resolution is passed.”

- 64 Page 37, line 22, after “33D” insert “or in regulations under section 34, 35 or 36”
- 65 Page 37, line 31, after second “executive” insert “: general requirements”
- 66 Page 38, line 1, leave out from beginning to end of line 10
- 67 Page 38, leave out line 11 and insert “**Changes subject to approval in a referendum: additional requirements**”
- 68 Page 38, line 12, leave out from “arrangements” to end of line 17 and insert “if –
- (a) the change is of the kind set out in section 33A (new form of executive) or section 33C (move to executive arrangements), and
 - (b) the change is subject to approval in a referendum.”
- 69 Page 38, line 22, at end insert –
- “(3A) Any such resolution must be passed within the period of 28 days beginning with the day when the referendum is held.
- (3B) Any such resolution must be passed at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object.”
- 70 Page 38, line 32, leave out from beginning to end of line 41 and insert –
- “**33L Change not subject to approval in a referendum: additional requirements**
- (1) This section applies to a change of governance arrangements if –
 - (a) the change is of the kind set out in section 33A (new form of executive) or section 33C (move to executive arrangements), and
 - (b) the change is not subject to approval in a referendum.

- (1A) Any resolution to make the change in governance arrangements must be passed during a permitted resolution period.
- (1B) Subsection (2) applies if—
- (a) the local authority is operating a mayor and cabinet executive, and
 - (b) the proposed new form of executive is a leader and cabinet executive (England).
- (2) In such a case—”

71 Page 39, leave out lines 4 to 9 and insert—

- “(2A) Subsection (3) applies if—
- (a) the local authority is operating a mayor and cabinet executive, and
 - (b) the proposed new form of executive is a form prescribed in regulations under section 11(5).
- (2B) In such a case, the 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;
 - (b) by a majority of at least two thirds of members voting on it.
- (2C) In subsection (6) the reference to the members of the council includes in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.”

72 Page 39, line 9, at end insert—

“33LA Cases in which change subject to approval in referendum

- (1) For the purposes of sections 33K and 33L a change in governance arrangements is subject to approval in a referendum in either of the following cases.
- (2) The first case is where the proposals for implementing the local authority’s current form of executive were themselves approved in a referendum.
- (3) The second case is where the local authority’s proposals under section 33E provide for the change in governance arrangements to be subject to approval in a referendum.”

73 Page 39, line 10, leave out from beginning to end of line 15

74 Page 39, line 16, leave out “or elected”

75 Page 39, line 20, leave out from “executive” to end of line 21

76 Page 39, line 24, leave out from “mayor” to end of line 25

77 Page 39, line 28, leave out from beginning to end of line 10 on page 40.

78 Page 40, leave out line 19

79 Page 40, line 34, leave out “1 October” and insert “the day after that council’s annual meeting”

80 Page 40, line 39, leave out “1 October” and insert “the day after that council’s annual meeting”

81 Page 41, line 5, leave out “1 October” and insert “the day after that council’s annual

meeting”

- 82 Page 41, line 10, leave out “1 October” and insert “the day after that council’s annual meeting”

Clause 65

- 83 Page 41, line 17, leave out “as follows” and insert “in accordance with subsections (2) to (4)”

- 84 Page 41, line 22, leave out from “England,” to end of line 24 and insert “an executive which takes such form permitted by or under section 11 as may be specified in the regulations;”

- 85 Page 41, line 26, at end insert –

“(4) In subsection (3) after “33” insert “or of any of sections 33A to 33P”.

(5) In section 35(3) of the Local Government Act 2000 (c. 22) (referendum following direction) after “33” insert “or of any of sections 33A to 33P”.

(6) In section 36(3) of the Local Government Act 2000 (c. 22) (referendum following order) after “33” insert “or of any of sections 33A to 33P”.

Clause 66

- 86 Page 41, line 30, leave out subsection (2)

- 87 Page 41, line 30, at end insert –

“() 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).”

Clause 67

- 88 Leave out Clause 67

Clause 68

- 89 Leave out Clause 68

Clause 69

90 Leave out Clause 69

Clause 70

91 Leave out Clause 70

Clause 71

92 Leave out Clause 71

Clause 72

93 Page 48, line 12, at end insert –

- “(za) as to the dates on which and years in which executive leaders of leader and cabinet executives (England) are to be elected by local authorities,
- (zb) as to the intervals between elections of executive leaders of leader and cabinet executives (England),”

After Clause 72

94 Insert the following new Clause –

“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 –
 - “(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).”

Clause 73

- 95 Page 48, line 18, at end insert –
“(A1) Section 45 of the Local Government Act 2000 (c. 22) (provision with respect to referendums) is amended as follows.”
- 96 Page 48, leave out lines 19 and 20 and insert “For subsection (1) substitute –”
- 97 Page 48, line 25, at end insert –
“(1A) In subsection (9) after “section 27” insert “or 33K”.”

Clause 74

- 98 Page 48, line 31, leave out paragraph (a)
- 99 Page 48, line 35, leave out paragraphs (c) and (d)
- 100 Page 48, leave out line 40
- 101 Page 49, leave out lines 1 and 2

After Clause 74

- 102 Insert the following new Clause –

“Larger authorities to cease operating alternative arrangements

- (1) This section applies to a local authority if –
 - (a) the authority is operating alternative arrangements, and
 - (b) 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 –
 - (a) ceasing to operate alternative arrangements, and
 - (b) starting to operate executive arrangements which provide for a leader and cabinet executive (England).
- (3) The proposals must include all of the following –
 - (a) 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);
 - (b) a timetable with respect to the implementation of the proposals;
 - (c) 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 –
 - (a) 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
 - (b) publish in one or more newspapers circulating in its area a notice which –

- (i) states that the authority has drawn up the proposals,
 - (ii) describes the main features of the proposals,
 - (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 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."

103 Insert the following new Clause –

“Failure to cease operating alternative arrangements

- (1) This section applies if –
 - (a) section (*Larger authorities to cease operating alternative arrangements*) 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 sub-paragraph (2) are to be treated as having been made by the local authority itself.
- (5) Arrangements which come into operation in accordance with sub-paragraph (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.
- (6) As soon as practicable after executive arrangements are specified under sub-paragraph (2), the local authority must comply with the following provisions of the Local Government Act 2000 –

- (a) section 29(2)(a);
- (b) section 29(2)(b)(ii) to (v)."

104 Insert the following new Clause –

“Sections (Larger authorities to cease operating alternative arrangements) and (Failure to cease operating alternative arrangements): supplementary

- (1) Section 33C of the Local Government Act 2000 does not apply to a local authority to which section (*Larger authorities to cease operating alternative arrangements*) applies.
- (2) Section 33I(1) of the Local Government Act 2000 is subject to sections (*Larger authorities to cease operating alternative arrangements*) and (*Failure to cease operating alternative arrangements*).
- (3) Subsection (4) applies to a local authority which –
 - (a) starts to operate a leader and cabinet executive (England) in accordance with section (*Larger authorities to cease operating alternative arrangements*) or (*Failure to cease operating alternative arrangements*), 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 33P(5) of the Local Government Act 2000).
- (5) Expressions used in section (*Larger authorities to cease operating alternative arrangements*) or (*Failure to cease operating alternative arrangements*) that are also used in Part 2 of the Local Government Act 2000 have the same meanings in that section as in that Part.”

Clause 75

105 Page 49, line 14, leave out “Schedule 5” and insert “Schedule (*New arrangements for executives: transitional provision*)”

Clause 76

106 Leave out Clause 76

Clause 77

107 Page 51, line 5, at end insert –

“11B De-grouping: alternative styles

- (1) This section applies if –
 - (a) the parishes in a group of parishes have an alternative style, and
 - (b) an order under section 11(4) dissolves the group or separates one or more parishes from the group.

- (2) The order under section 11(4) must provide for each de-grouped parish to continue to have the alternative style.
- (3) In subsection (2) “de-grouped parish” means—
 - (a) in the case of dissolution of the group, each parish in the group;
 - (b) in the case of separation of one or more parishes from the group, each parish that is separated.”

108 Page 51, line 28, at end insert—

“12B Groups of parishes: alternative styles

- (1) This section applies to a group of parishes.
- (2) The common parish council of the group may resolve that each of the grouped parishes shall have the same alternative style.
- (3) If each of the grouped parishes has an alternative style, the common parish council of the group may resolve that each of the grouped parishes shall cease to have that style.
- (4) A single resolution may provide for each of the grouped parishes—
 - (a) to cease to have an alternative style, and
 - (b) to have the same one of the other alternative styles instead.
- (5) If the common parish council passes a resolution under this section for each of the grouped parishes to have an alternative style, the group of parishes shall have the appropriate one of the following styles—
 - (a) “group of communities”;
 - (b) “group of neighbourhoods”;
 - (c) “group of villages”.
- (6) As soon as practicable after passing a resolution under this section, the common parish council of a group must give notice of the change of style to all of the following—
 - (a) the Secretary of State;
 - (b) the Electoral Commission;
 - (c) the Office of National Statistics;
 - (d) the Director General of the Ordnance Survey;
 - (e) any district council, county council or London borough council within whose area the group lies.”

109 Page 52, line 13, at end insert—

- “(2D) If parishes are grouped under a common parish council—
 - (a) subsection (2), (2A), (2B) or (2C) (as appropriate) applies to that council as the subsection would apply in the case of the council of an individual parish; but
 - (b) the names of all of the parishes, communities, neighbourhoods or villages in the group are to be included in the name of the common council.”

110 Page 52, line 27, at end insert—

- “(14) If parishes which have an alternative style are grouped under a common parish council, subsection (11), (12) or (13) (as

appropriate) applies to the chairman and vice-chairman of that council as the subsection would apply in the case of the council of an individual parish.””

111 Page 52, line 34, at end insert –

“(9) If parishes which have an alternative style are grouped under a common parish council, subsection (6), (7) or (8) (as appropriate) applies to the councillors of that council as the subsection would apply in the case of the council of an individual parish.””

112 Page 53, line 5, at end insert “or 12B”

113 Page 53, line 8, after “12A” insert “or 12B”

114 Page 53, line 9, after “12A” insert “or 12B”

Clause 82

115 Page 55, line 23, leave out “area to which the petition relates” and insert “petition area”

116 Page 55, line 26, leave out “area to which the petition relates” and insert “petition area”

117 Page 55, line 29, leave out “area to which the petition relates” and insert “petition area”

Clause 85

118 Page 56, line 29, leave out paragraphs (a) and (b) and insert –

- “(a) a principal council is not in the course of undertaking a community governance review;
- (b) the council receives a community governance petition which relates to the whole or part of the council’s area.”

Clause 86

119 Page 57, line 3, leave out paragraphs (a) to (c) and insert –

- “(a) a principal council is in the course of undertaking a community governance review of part of the council’s area (“the current review”);
- (b) the council receives a community governance petition which relates to part of the council’s area;
- (c) the petition area is wholly outside the area under review.”

Clause 87

120 Page 58, line 4, leave out subsection (4) and insert –

- “(4) The third case is where these conditions are met –
 - (a) a principal council is in the course of undertaking a community governance review of part of the council’s area;
 - (b) the council receives a community governance petition which relates to part of the council’s area;
 - (c) the petition area is not wholly outside the area under review.

- (5) The fourth case is where these conditions are met—
- (a) a principal council is in the course of undertaking a community governance review of part of the council’s area;
 - (b) the council receives a community governance petition which relates to the whole of the council’s area.
- (6) The fifth case is where these conditions are met—
- (a) a principal council is in the course of undertaking a community governance review of the whole of the council’s area;
 - (b) the council receives a community governance petition which relates to the whole or part of the council’s area.”

Clause 88

- 121** Page 58, line 21, after “revoke” insert “a provision of”

Clause 89

- 122** Page 58, line 39, leave out “available” and insert “unparished”
- 123** Page 58, line 40, leave out from “aggregating” to end of line 41 and insert “one or more unparished areas with one or more parished areas.”
- 124** Page 59, line 3, at end insert—
 “but the aggregation of one or more unparished areas with a single parish is not the constitution of a new parish.”
- 125** Page 59, line 4, after “(2)” insert—
 ““parished area” means an area which—
 (a) is a parish, or
 (b) is part of a parish,”
- 126** Page 59, line 4, leave out “available” and insert “unparished”

Clause 90

- 127** Page 59, line 16, at end insert “(if any)”
- 128** Page 59, line 34, at end insert—
 “(b) references to the alteration of an area of a parish are references to any alteration which is not the constitution of a new parish (within the meaning of section 89(2)).”

Clause 95

- 129** Page 61, line 23, at end insert—
 “(6A) As soon as practicable after making any recommendations, the principal council must—
 (a) publish the recommendations; and
 (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.”

Clause 96

- 130 Page 61, line 36, at end insert –
- “() But subsection (3) does not apply if any part of the parish mentioned in subsection (1) is currently –
- (a) a parish which has a council, or
 - (b) part of such a parish.”
- 131 Page 61, line 37, leave out “In any other case” and insert “If neither subsection (2) nor (3) applies”

Clause 98

- 132 Page 62, line 40, leave out subsections (2) and (3) and insert –
- “() As soon as practicable after a principal council has decided to what extent it will give effect to the recommendations made in a community governance review, the council must –
- (a) publish –
 - (i) that decision, and
 - (ii) the council’s reasons for making that decision; and
 - (b) take such steps as the council considers sufficient to secure that persons who may be interested in the review are informed of that decision and those reasons.”
- 133 Page 63, line 5, leave out “gives effect to the review” and insert “makes a reorganisation order”
- 134 Page 63, line 6, at beginning insert “As soon as practicable after making the order,”
- 135 Page 63, line 12, leave out from “publicise” to end of line 13
- 136 Page 63, line 16, leave out “a reorganisation” and insert “the”

Clause 102

- 137 Page 65, line 17, after “to” insert “recommendations made in”

Clause 104

- 138 Page 66, line 24, leave out “the notice required by 98(3)” and insert “the recommendations made in the review”

Clause 117

- 139 Page 74, line 14, after “England;” insert –
- “() in subsection (2)(a) and (b), after “authorities” insert “in England”;
 - () in subsection (2)(c), after “authority” insert “in England”;
- 140 Page 75, line 7, at end insert –
- “() 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.””

Clause 120

141 Page 76, line 26, leave out “This section” and insert “Subsection (2)”

142 Page 76, line 34, at end insert—

“() The Offender Management Act 2007 (c. 21) is amended as follows.

- () 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 106”;
 - (b) in sub-paragraph (2), for “subsection (3)(g)” substitute “subsection (4)(i)”;
 - (c) in sub-paragraph (3), in the inserted subsection (5A), for “subsection (3)(g)(iv)” substitute “subsection (4)(i)(iv)”.
- () 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 106(4)”;
 - (b) for “(g)(ii)” substitute “(i)(ii)”.

Clause 123

- 143** Page 79, line 35, leave out from “matters” to end of line 36 and insert “in relation to which the committee has functions under or by virtue of section 19.”

Clause 124

- 144** Page 80, line 10, leave out “under subsection (6)” and insert “by virtue of subsection (3)(a)”
- 145** Page 81, line 4, leave out “under subsection (6)” and insert “by virtue of subsection(3)(a)”

Clause 125

- 146** Page 84, line 29, leave out “under subsection (6)” and insert “by virtue of subsection (3)(a)”

After Clause 127

- 147** Insert the following new Clause—

“Reference of local crime and disorder matters to crime and disorder committees etc

- (1) The Police and Justice Act 2006 (c. 48) is amended as follows.
- (2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute—
 - “(3) A local authority must—
 - (a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and
 - (b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.
 - (4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the

matter is included in the agenda for, and discussed at, a meeting of the committee.

- (5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).
- (6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—
 - (a) any powers which the member may exercise in relation to the matter by virtue of section 235 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.
- (7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—
 - (a) its decision, and
 - (b) the reasons for it.
- (8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—
 - (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and
 - (b) provide a copy of the report or recommendations to such of—
 - (i) the responsible authorities, and
 - (ii) the co-operating persons and bodies,as it thinks appropriate.
- (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—
 - (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
 - (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).
- (8B) Where this subsection applies—
 - (a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and
 - (b) the authority, body or person must—
 - (i) consider the report or recommendations;
 - (ii) respond to the committee indicating what (if any) action it proposes to take;

- (iii) have regard to the report or recommendations in exercising its functions.”
- (3) In subsection (9)(b), for “subsection (1)(b) or (6)” substitute “this section”.
- (4) In subsection (11)—
 - (a) after the definition of “crime and disorder functions” insert—
 - “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;”,
 - and
 - (b) for the definition of “local crime and disorder matter” substitute—
 - “local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—
 - (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment),
 - or
 - (b) the misuse of drugs, alcohol and other substances,
 which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.”
- (5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.
- (6) In subsections (1) and (2), after “under” insert “or by virtue of”.
- (7) In subsection (5), omit—
 - (a) paragraph (f); and
 - (b) sub-paragraphs (i) to (iii) of paragraph (g).”

Clause 128

- 148** Page 86, line 42, at end insert—
- “() in subsection (2), after “their overview and scrutiny committees” insert “, and any joint overview and scrutiny committees,”;
 - () after that subsection insert—
 - “(2A) In subsection (2), “joint overview and scrutiny committee”, in relation to a local authority (“the authority concerned”), means—
 - (a) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 245 of the National Health Service Act 2006 appointed by the authority concerned and one or more other local authorities,
 - (b) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section,

- (c) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 185 of the National Health Service (Wales) Act 2006 appointed by the authority concerned and one or more other local authorities,
- (d) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or
- (e) a joint overview and scrutiny committee within the meaning of section 125 of the Local Government and Public Involvement in Health Act 2007 (joint overview and scrutiny committees: local improvement targets) appointed by a group of partner authorities (within the meaning of that section) which includes the authority concerned.”;

Clause 152

149 Page 106, line 1, leave out “inspector” and insert “auditor”

Clause 176

150 Page 120, line 40, at end insert –

“(1ZA) A Local Commissioner may include in a report on a matter under subsection (1) any recommendations that he could include in a further report on the matter by virtue of section 31(2A) to (2BA).”

151 Page 121, line 21, at end insert –

“() Before subsection (3) insert –

“(2B) Subsections (3) to (8) apply in the case of a report under subsection (1).”

152 Page 121, line 23, leave out paragraph (a)

153 Page 121, line 27, leave out subsections (6) and (7)

Clause 178

154 Page 122, line 27, after “of” insert “all or part of”

155 Page 122, line 35, after “of” insert “all or part of”

156 Page 122, line 38, leave out “a summary mentioned in subsection (1)(d) of this section” and insert “ –

(a) any part of a statement under section 30, and

(b) any part of a summary of a matter,

that is published, or a copy of which is supplied, under this section”

157 Page 122, line 39, leave out “or statement”

158 Page 122, line 40, leave out “that section” and insert “section 30”

Clause 184

159 Page 124, leave out lines 21 to 23 and insert –

- “(2A) An order under subsection (1) must provide as respects each specified principle –
- (a) that it applies to a person only when acting in an official capacity; or
 - (b) that it applies to a person only when not acting in an official capacity;
- but the order may provide as mentioned in paragraph (b) only as respects a principle within subsection (2B).
- (2B) A principle is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.
- (2C) An order under subsection (1) may define, for the purposes of the order –
- “official capacity”; and
 - “criminal offence”.
- (2D) An order under subsection (2) –
- (a) may specify principles which are to apply to a person at all times;
 - (b) may specify principles which are to apply to a person otherwise than at all times.”

160 Page 124, leave out lines 25 to 27 and insert –

- “(4A) A model code of conduct issued under subsection (1) must provide, as respects each provision of the code which relates to the conduct expected of the persons mentioned in that subsection –
- (a) that the provision applies to a person only when acting in an official capacity; or
 - (b) that it applies to a person only when not acting in an official capacity;
- but the code may provide as mentioned in paragraph (b) only as respects a provision within subsection (4B).
- (4B) A provision is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence.
- (4C) A model code of conduct issued under subsection (1) may define for the purposes of the code –
- “official capacity”; and
 - “criminal offence”.
- (4D) Provision included under subsection (4A) or (4C) in a model code of conduct –
- (a) must be consistent with the provision for the time being included in an order under section 49(1) by virtue of section 49(2A) or (2C);
 - (b) is to be mandatory except to the extent that it relates to an optional provision;

- (c) to the extent that it relates to an optional provision, is to be mandatory where that optional provision is incorporated in a code of conduct under section 51.

- (4E) A model code of conduct issued under subsection (2) may include—
 - (a) provisions which are to apply to a person at all times;
 - (b) provisions which are to apply to a person otherwise than at all times.””

161 Page 124, leave out lines 30 to 32 and insert—

- “(4A) Where under subsection (4)(c) a provision relating to the conduct expected of persons is included in the code of a relevant authority in England or police authority in Wales, the code must provide—
- (a) that the provision applies to a person only when acting in an official capacity (within the meaning given by the code); or
 - (b) that it applies to a person only when not acting in an official capacity (within that meaning);
- but the code may provide as mentioned in paragraph (b) only as respects a provision within subsection (4B).
- (4B) A provision of a code is within this subsection if it prohibits particular conduct (or conduct of a particular description) where that conduct would constitute a criminal offence within the meaning of the code.
- (4C) The provisions which may be included under subsection (4)(c) by a relevant authority in Wales other than a police authority include—
- (a) provisions which are to apply to a person at all times;
 - (b) provisions which are to apply to a person otherwise than at all times.””

162 Page 125, line 10, leave out “49 or 50” and insert “49(2) or 50(2)”

163 Page 125, line 12, at end insert “in Wales other than a police authority”

Clause 192

164 Page 133, line 38, at end insert—

- “(5) In section 105(6) of that Act (instruments subject to affirmative procedure) after “49” insert “, 63(1)(j)”.”

Clause 210

165 Page 146, line 41, leave out subsections (1) to (6)

166 Page 147, line 47, at end insert—

- “() Schedule (*Consequential amendments relating to joint waste authorities*) (other consequential amendments) has effect.”

Clause 213

167 Page 149, line 1, leave out subsection (6)

Clause 214

168 Page 149, line 45, leave out subsection (4)

Clause 215

169 Page 150, line 45, at end insert –

“(5A) Where an order under section 213 –

- (a) makes provision in relation to entities of a particular description, or
- (b) makes provision in relation to the trustees of trusts of a particular description,

it may provide for any expression used in identifying that description of entity or trust to have the meaning for the time being given by a relevant document identified by the order.

(5B) In subsection (5A) “relevant document” –

- (a) means a document that (at the time the power under subsection (5A) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 by regulations made under that provision; and
- (b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).”

170 Page 151, leave out line 6

171 Page 151, line 8, at end insert –

“and references to a trust connected with a local authority have the same meaning as in section 214.”

Clause 217

172 Page 151, line 38, leave out from “by” to end of line 40 and insert “a relevant document identified by such provision.

(5) In subsection (4) “relevant document” –

- (a) means a document that (at the time the power under subsection (4) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 by regulations made under that provision; and
- (b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).”

Clause 218

173 Page 152, line 37, leave out from “by” to end of line 39 and insert “a relevant document identified by the order.

(4) In subsection (3) “relevant document” –

- (a) means a document that (at the time the power under subsection (3) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 by regulations made under that provision; and
- (b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).”

Clause 219

174 Page 153, line 25, leave out from “by” to end of line 27 and insert “a relevant document identified by the order.

- (4) In subsection (3) “relevant document” –
- (a) means a document that (at the time the power under subsection (3) is exercised) is a document identified for the purposes of section 21(2)(b) of the Local Government Act 2003 by regulations made under that provision; and
 - (b) includes a document so identified by virtue of section 21(5) of that Act (documents not yet existing).”

Clause 222

175 Page 154, line 34, leave out “, and review,” and insert “for the purposes of their consideration of matters mentioned in subsection (2A), and to review for those purposes,”

176 Page 154, line 41, leave out “might” and insert “could or ought to”

177 Page 154, line 43, at end insert –

- “(2A) The matters referred to in subsection (2)(b) are –
- (a) the standard of provision of local care services;
 - (b) whether, and how, local care services could be improved;
 - (c) whether, and how, local care services ought to be improved.”

Clause 223

178 Page 155, line 23, leave out “a local authority” and insert –

- “(a) a local authority;
- (b) a National Health Service trust;
 - (c) an NHS foundation trust;
 - (d) a Primary Care Trust; or
 - (e) a Strategic Health Authority.”

179 Page 155, line 33, at end insert –

- “() The arrangements may (in particular) make provision as respects co-operation between a local involvement network and any English network or English networks.”

180 Page 155, line 36, at end insert –

- “() In this section “English network” means a person who, in pursuance of arrangements made under section 222(1) by any local authority, is to carry on activities specified in section 222(2).”

After Clause 223

181 Insert the following new Clause –

“Arrangements: power to make further provision

- (1) The Secretary of State must make regulations which provide that arrangements made under section 222(1) (“local authority arrangements”)

must require prescribed provision to be included in local involvement network arrangements.

- (2) The regulations may in particular provide that local authority arrangements must require local involvement network arrangements to include—
- (a) prescribed provision relating to the way in which certain decisions of a local involvement network are to be taken;
 - (b) prescribed provision relating to the authorisation of individuals as authorised representatives within the meaning of section 225(5);
 - (c) prescribed provision relating to the use by a local involvement network of money derived from the arrangements;
 - (d) prescribed provision relating to the consequences of contravention by a local involvement network of any provision of the arrangements.
- (3) In this section—
- “a local involvement network” means a person who is to carry on activities specified in section 222(2);
- “local involvement network arrangements”, in relation to local authority arrangements, means arrangements—
- (a) which are made in pursuance of the local authority arrangements; and
 - (b) under which a person is to carry on activities specified in section 222(2);
- “prescribed provision” means provision prescribed or of a description prescribed by the regulations.”

Clause 225

182 Page 156, line 25, at end insert—

- “(za) providing for a duty to apply in relation to premises owned or controlled by a services-provider only if, or not to apply in relation to any such premises if, the premises are of a particular description;
- (zb) providing for a duty, so far as applying in relation to any premises, to apply in relation to activities carried on on the premises only if, or not to apply in relation to any such activities if, the activities are of a particular description;”

Clause 227

183 Page 158, line 42, after “State” insert “that may be in force at the time”

184 Page 160, line 3, leave out “, or issue guidance,”

185 Page 160, leave out line 4

186 Page 160, line 5, leave out “, or guidance issued,”

After Clause 227

187 Insert the following new Clause—

“Transitional arrangements

- (1) When a local authority becomes subject to the duty in section 222(1), it also becomes subject to the following duty.
- (2) That duty (“the temporary duty”) is to ensure until the relevant time that there are means by which the activities specified in section 222(2) can be carried on in the local authority’s area.
- (3) The Secretary of State may by regulations –
 - (a) define “the relevant time” for the purposes of subsection (2);
 - (b) make provision about the ways in which the temporary duty may or may not be complied with;
 - (c) impose on a services-provider duties as respects –
 - (i) responding to requests for information made by a relevant person;
 - (ii) dealing with reports or recommendations made by a relevant person;
 - (d) make provision for the purpose of imposing on a services-provider a duty to allow individuals authorised by relevant persons to enter and view, and observe the carrying-on of activities on, premises owned or controlled by the services-provider;
 - (e) make provision relating to the referral by a relevant person of matters relating to social care services to an overview and scrutiny committee of a local authority;
 - (f) make provision requiring a relevant person to prepare prescribed reports and to send them to prescribed persons;
 - (g) make provision about the publication of such reports.
- (4) Regulations under subsection (3)(d) may include –
 - (a) provision corresponding to any provision that could be included in regulations under section 225(1) by virtue of section 225(2) or (3);
 - (b) provision corresponding to section 225(4).
- (5) Regulations under subsection (3)(e) may include provision corresponding to –
 - (a) any provision of section 226(2) to (5);
 - (b) any provision that could be included in regulations under section 226(6).
- (6) References in subsection (3) to a “relevant person” are to be read as follows –
 - (a) for the purposes of subsection (3)(c) and (e), a request, report, recommendation or referral is made by a “relevant person” if it is made by a person in carrying on section 222 activities in pursuance of temporary arrangements;
 - (b) for the purposes of subsection (3)(d), an individual is authorised by a “relevant person” if the individual is authorised for the purposes of regulations under subsection (3)(d), in accordance with any applicable provision of those regulations, by a person carrying on section 222 activities in pursuance of temporary arrangements;
 - (c) in subsection (3)(f) “relevant person” means –
 - (i) a person who is or has been carrying on section 222 activities in pursuance of temporary arrangements; or

- (ii) a local authority which is or has been subject to the temporary duty.
- (7) In this section—
- “overview and scrutiny committee” has the same meaning as in section 226;
 - “section 222 activities” means activities specified in section 222(2);
 - “services-provider” means (subject to subsection (8))—
 - (a) a National Health Service trust;
 - (b) an NHS foundation trust;
 - (c) a Primary Care Trust; or
 - (d) a local authority;
 - “social care services” has the same meaning as in section 226;
 - “temporary arrangements” means the arrangements made by a local authority to comply with the temporary duty.
- (8) In subsection (3)(d) “service provider” also includes a person prescribed by regulations made by the Secretary of State under section 225(7)(e).”

Clause 228

- 188 Page 160, line 12, leave out “227” and insert “(*Transitional arrangements*)”
- 189 Page 160, line 21, leave out “227” and insert “(*Transitional arrangements*)”

Clause 232

- 190 Page 162, line 20, leave out “follows” and insert “mentioned in subsections (2) to (4) below”
- 191 Page 162, line 35, leave out “are, directly or through representatives, consulted on” and insert “, whether directly or through representatives, are involved (whether by being consulted or provided with information, or in other ways) in”
- 192 Page 162, line 37, leave out “significant”
- 193 Page 162, line 39, leave out “significant”
- 194 Page 162, line 41, leave out from beginning to “if” in line 42 and insert “Subsection (1B)(b) applies to a proposal only”
- 195 Page 162, line 43, leave out “a substantial” and insert “an”
- 196 Page 163, line 4, leave out from beginning to “if” in line 5 and insert “Subsection (1B)(c) applies to a decision only”
- 197 Page 163, line 6, leave out “a substantial” and insert “an”
- 198 Page 163, leave out lines 20 to 24 and insert—
- (a) guidance given by the Secretary of State as to when, or how often, involvement under arrangements under subsection (1B) is to be carried out;
 - (b) guidance given by the Secretary of State as to the form to be taken by such involvement in any case specified by the guidance.”
- 199 Page 163, line 29, at end insert—
- “() After that section insert—

“242A Strategic Health Authorities: further duty to involve users

- (1) The Secretary of State must by regulations require each Strategic Health Authority to make arrangements which secure that health service users are, directly or through representatives, involved (whether by being consulted or provided with information, or in other ways) in prescribed matters.
- (2) In this section “health service users” means persons to whom health services are being or may be provided in the area of the Strategic Health Authority.
- (3) A Strategic Health Authority must have regard to any guidance given by the Secretary of State as to the discharge of the authority’s duty under regulations under this section.
- (4) The guidance mentioned in subsection (3) includes (in particular) –
 - (a) guidance given by the Secretary of State as to when, or how often, involvement under arrangements under the regulations is to be carried out;
 - (b) guidance given by the Secretary of State as to the form to be taken by such involvement in any case specified by the guidance.
- (5) Any duty of a Strategic Health Authority under regulations under this section is in addition to the authority’s duty under section 242(1B).

242B Directions in cases where Strategic Health Authority arranges involvement

- (1) The Secretary of State may make regulations enabling a Strategic Health Authority, in circumstances mentioned in subsection (2), to direct a Primary Care Trust that persons who would otherwise be involved in a particular matter under arrangements made by the Primary Care Trust under section 242 are not to be involved in that matter under those arrangements.
- (2) The circumstances referred to in subsection (1) are where the persons concerned are to be involved (whether by the Strategic Health Authority, by the Strategic Health Authority and the Primary Care Trust acting jointly, or otherwise) under arrangements made or to be made by the Strategic Health Authority.
- (3) Regulations under this section may include provision –
 - (a) for the consequences of compliance with a direction, including provision that a Primary Care Trust is not to be taken to have failed to comply with its duty under section 242(1B) by reason of compliance with a direction,
 - (b) enabling a direction to be given where involvement under arrangements made by the Primary Care Trust has already begun, and as to the provision that may be made by the direction in such a case,
 - (c) requiring prescribed information to be provided by a Primary Care Trust to a Strategic Health Authority,
 - (d) requiring prescribed information to be provided by a Strategic Health Authority to a Primary Care Trust,

- (e) enabling a Strategic Health Authority to direct a Primary Care Trust to act jointly with the Strategic Health Authority in carrying out involvement.””

Clause 233

200 Page 163, line 30, at end insert –

“() In Chapter 1 of Part 2 of the National Health Service Act 2006 (c. 41) (Strategic Health Authorities), after section 17 insert –

“17A Reports on consultation

- (1) Each Strategic Health Authority must, at such times as the Secretary of State may direct, prepare a report –
 - (a) on the consultation it has carried out, or proposes to carry out, before making commissioning decisions, and
 - (b) on the influence that the results of consultation have on its commissioning decisions.
- (2) In subsection (1) “commissioning decisions”, in relation to a Strategic Health Authority, means (subject to any directions under subsection (5)(e)) decisions as to the carrying-out of functions exercisable by it for the purpose of securing, by arrangement with any person or body, the provision of services as part of the health service.
- (3) Each Strategic Health Authority must also, at such times as the Secretary of State may direct, prepare a report –
 - (a) on any relevant consultation carried out by the authority, and
 - (b) on the influence that the results of any relevant consultation have had on such matters as may be specified in the direction.
- (4) In subsection (3) “relevant consultation” means consultation in relation to matters specified by the direction under that subsection.
- (5) The Secretary of State may give directions as to –
 - (a) the periods to be covered by reports under this section;
 - (b) the matters to be dealt with by reports under this section;
 - (c) the form and content of reports under this section;
 - (d) the publication of reports under this section;
 - (e) decisions that are to be treated as being, or that are to be treated as not being, commissioning decisions for the purposes of subsection (1).””

201 Page 163, line 36, leave out from “consultation” to “commissioning” in line 37 and insert “carried out, or proposed to be carried out, before the making by the Primary Care Trust of”

Clause 235

202 Page 164, line 16, leave out “any member of a local” and insert “a member of the”

Clause 239

- 203** Page 169, line 14, leave out subsections (4) and (5) and insert—
- “(4) A statutory instrument containing an order made by the Welsh Ministers under section 211 or 219, other than an instrument to which subsection (5) applies, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (5) A statutory instrument containing—
 an order under section 211 which includes provision amending an enactment, or
 an order made by the Welsh Ministers under section 213, may not be made unless a draft of the order has been laid before and approved by a resolution of the National Assembly for Wales.”
- 204** Page 169, line 21, after “order” insert “made by the Secretary of State”
- 205** Page 169, line 21, leave out “or 40” and insert “, 40 or 213”
- 206** Page 169, line 21, leave out “or 8” and insert “, 9(4)(b) or 10(3)(b) of Schedule (*New arrangements for executives: transitional provision*)”

Clause 243

- 207** Page 170, line 39, after “10,” insert “13,”
- 208** Page 170, line 39, after “10,” insert “(*Consequential amendments relating to joint waste authorities*),”
- 209** Page 170, line 39, after second “9,” insert “14,”

Clause 244

- 210** Page 171, line 7, after “sections” insert “75(2),”
- 211** Page 171, line 7, after “245” insert “, and Part 3 of Schedule (*New arrangements for executives: transitional provision*),”
- 212** Page 171, line 12, after “Part 3” insert “(to the extent that it does not come into force in accordance with subsection (1))”
- 213** Page 171, line 18, leave out “and (4)” and insert “to (5)”
- 214** Page 171, line 19, at end insert—
- “() The following provisions come into force in relation to Wales on such day as the Welsh Ministers may by order appoint—
 section (*Reference of local crime and disorder matters to crime and disorder committees etc*);
 the entry in Part 6 of Schedule 18 relating to the Police and Justice Act 2006 (c. 48);
 section 240 so far as relating to that entry.”

Schedule 1

- 215** Page 172, line 18, leave out from “omit” to end of line 20
- 216** Page 172, line 32, after “words” insert ““and the order of retirement” and”

217 Page 176, line 11, leave out from “for” to end of line 13 and insert ““, section 58 of the Local Government Act 1972 or section 17 of the Local Government Act 1992” substitute “or section 58 of the Local Government Act 1972””

218 Page 176, leave out lines 22 to 27 and insert –
 “This Act shall have effect as if the amendments of the Local Government Act 1992 made by the Local Government and Public Involvement in Health Act 2007 had not been made.””

Schedule 3

219 Leave out Schedule 3

Schedule 4

220 Page 178, line 15, at end insert –

“*Local Government Act 1972 (c. 70)*

- 1 The Local Government Act 1972 is amended as follows.
- 2 (1) Section 2 (constitution of principal councils in England) is amended as follows.
 - (2) After subsection (2A) insert –
 - “(2B) In such a case, a reference in this Act to a member of a council is a reference to –
 - (a) the elected mayor of the council,
 - (b) the chairman of the council, or
 - (c) a councillor of the council.”
- 3 (1) Section 3 (chairman) is amended as follows.
 - (2) In subsection (4A) omit “or a mayor and council manager executive”.
- 4 (1) Section 21 (constitution of principal councils in Wales) is amended as follows.
 - (2) After subsection (1A) insert –
 - “(1B) In such a case, a reference in this Act to a member of a council is a reference to –
 - (a) the elected mayor of the council,
 - (b) the chairman of the council, or
 - (c) a councillor of the council.”
- 5 (1) Section 79 (qualifications for election and holding office) is amended as follows.
 - (2) In subsection (1) omit “, or be qualified to be elected and to be an elected mayor,”.
- 6 (1) Section 80 (disqualification for election and holding office) is amended as follows.
 - (2) In subsection (1) in the words before paragraph (a) omit “, and be disqualified for being elected or being an elected mayor,”.

- 7 (1) Section 100G (principal councils to publish additional information) is amended as follows.
- (2) In subsection (1)(a) for the second “and” substitute “together with, in the case of a councillor,”.
- 8 (1) Section 100J (application of Part 5A to new authorities, Common Council, etc) is amended as follows.
- (2) In subsection (4)(a) –
- (a) for “from “ward” onwards” substitute “after “together with””;
- (b) before “name” insert “the”.
- (3) In subsection (4)(aa) –
- (a) for “from “ward” onwards” substitute “after “together with””;
- (b) before “name” insert “the”.
- (4) In subsection (4)(b) for “from “and the ward” onwards” substitute “after “for the time being””.
- (5) In subsection (4)(c) –
- (a) before “ward” insert “, in the case of a councillor, the”;
- (b) before “constituent” insert “the”.
- (6) In subsection (4A) –
- (a) before “the ward” insert “together with, in the case of a councillor,”;
- (b) before the first “whether” insert “and”.
- 9 (1) Section 249 (honorary aldermen and freemen) is amended as follows.
- (2) In subsection (1) for “councillors” substitute “members”.
- (3) In subsection (2) for “councillor” substitute “member”.
- 10 (1) Section 270 (general provisions as to interpretation) is amended as follows.
- (2) In subsection (1) for the definition of “leader and cabinet executive” substitute –
- ““leader and cabinet executive means” –
- (a) in relation to England: a leader and cabinet executive (England);
- (b) in relation to Wales: a leader and cabinet executive (Wales);”.
- (3) In subsection (1) insert the following definitions at the appropriate places –
- ““leader and cabinet executive (England)” has the same meaning as in Part 2 of the Local Government Act 2000;”;
- ““leader and cabinet executive (Wales)” has the same meaning as in Part 2 of the Local Government Act 2000;”.
- (4) In subsection (4A) omit “or a mayor and council manager executive”.
- 11 (1) Schedule 2 (constitution and membership of London borough councils) is amended as follows.
- (2) For paragraph 5C substitute –

“5C (1) The council shall consist of an elected mayor, a chairman and councillors.

(2) A reference in this Act to a member of the council is a reference to –

- (a) the chairman of the council,
- (b) a councillor of the council, or
- (c) the elected mayor of the council.”

12 (1) Schedule 12 (meetings and proceedings of local authorities) is amended as follows.

(2) In paragraph 5(5) (who presides over meeting of council operating mayoral executive) omit “or a mayor and council manager executive”.

Local Government Act 1974 (c. 7)

13 The Local Government Act 1974 is amended as follows.

14 (1) Section 30 (reports on investigation) is amended as follows.

(2) In subsection (2AB) omit “or mayor and council manager executive”.

15 (1) Section 34 (Interpretation of Part 3) is amended as follows.

(2) In the definition of “mayor and cabinet executive” and “mayor and council manager executive” for “and “mayor and council manager executive” have” substitute “has”.

Representation of the People Act 1983 (c. 2)

16 The Representation of the People Act 1983 is amended as follows.

17 In section 24 (returning officers: England and Wales) in subsection (1)(dd) omit “or a mayor and council manager executive”.

Local Government Act 1985 (c. 51)

18 The Local Government Act 1985 is amended as follows.

19 (1) Section 35 (disqualification) is amended as follows.

(2) In subsection (4) for ““executive leader” and “leader and cabinet executive”” substitute “and executive leader”.

(3) After subsection (4) insert –

“(5) In this section “leader and cabinet executive” means –

- (a) in relation to England: a leader and cabinet executive (England);
- (b) in relation to Wales: a leader and cabinet executive (Wales);

and for this purpose “leader and cabinet executive (England)” and “leader and cabinet executive (Wales)” have the same meanings as in Part 2 of the Local Government Act 2000.”

Local Government Finance Act 1988 (c. 41)

20 The Local Government Finance Act 1988 is amended as follows.

- 21 (1) Section 111 (interpretation of Part 8) is amended as follows.
- (2) In subsection (3A) omit “leader and cabinet executive,”.
- (3) After subsection (3A) insert—
- “(3B) In this Part, “leader and cabinet executive” means—
- (a) in relation to England: a leader and cabinet executive (England);
- (b) in relation to Wales: a leader and cabinet executive (Wales);
- and for this purpose “leader and cabinet executive (England)” and “leader and cabinet executive (Wales)” have the same meanings as in Part 2 of the Local Government Act 2000.”

- 221 Page 178, line 16, leave out “in accordance with this Schedule” and insert “as follows”
- 222 Page 178, line 27, leave out paragraph (a)
- 223 Page 178, line 32, leave out “33J(5),”
- 224 Page 179, line 34, leave out paragraph 9

After Schedule 4

- 225 Insert the following new Schedule—

“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
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—
 - (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.

PART 2

MAYOR AND COUNCIL MANAGER EXECUTIVE

Application of Part

- 6 This Part applies to a local authority in England if, at the relevant time, the authority is operating a mayor and council manager executive.

Continued operation of existing executive

- 7 (1) The coming into force of section 62(6) does not prevent the local authority from continuing to operate the mayor and council manager executive.
- (2) For as long as the local authority continues to operate the mayor and council manager 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

- 8 (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, 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.
- 9 (1) This paragraph applies if the proposals drawn up in accordance with section 33E provide for a change to a mayor and cabinet executive.

- (2) The proposals must specify the day on which the authority is to cease operating the mayor and council manager executive and start operating the mayor and cabinet executive.
 - (3) The day specified in accordance with sub-paragraph (2) must fall before the day which is expected to be the last day of the relevant mayoral term.
 - (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) on or before 31 December 2008 or such later date as the Secretary of State may by order provide.
 - (5) The following sub-paragraphs apply if the local authority adopt the mayor and cabinet executive.
 - (6) On the day specified in accordance with sub-paragraph (2), the local authority must –
 - (a) cease operating the mayor and council manager executive, and
 - (b) start operating the mayor and cabinet executive.
 - (7) The council manager ceases to hold office when the local authority ceases to operate the mayor and council manager executive.
 - (8) But –
 - (a) the mayor does not cease to hold office, and
 - (b) his term of office is not affected,by virtue of the local authority ceasing to operate the mayor and council manager executive.
 - (9) Subject to sub-paragraph (6), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.
 - (10) Any arrangements (including any enactment or subordinate legislation) which apply to the election of the mayor of the mayor and council manager executive –
 - (a) apply to the first election of the mayor of the mayor and cabinet executive as if it were the election of the mayor of the mayor and council manager executive, and
 - (b) subject to any order under Part 3, apply in the same way to subsequent elections of the mayor of the mayor and cabinet executive.
- 10
- (1) This paragraph applies if the proposals drawn up in accordance with section 33E provide for a change to a leader and cabinet executive (England).
 - (2) Section 33K(2), (3), (5) and (6) of the LGA 2000 apply to the change as they would if the change were, by virtue of section 33M of the LGA 2000, subject to approval in a referendum.
 - (3) Any resolution to make the change in governance arrangements must be passed on or before the earlier of these days –
 - (a) the last day of the period of 28 days that begins with the day when the referendum is held;

- (b) 31 December 2008, or such later date as the Secretary of State may by order provide.
- (4) Section 45(1) of the LGA 2000 does not prevent a referendum from being held in accordance with section 33K of the LGA 2000 as applied by sub-paragraph (2).
- (5) The proposals must provide for the local authority to cease operating the mayor and council manager executive and start operating the leader and cabinet executive (England) on the day which is expected to be the last day of the relevant mayoral term.
- (6) The following sub-paragraphs apply if the local authority adopt the leader and cabinet executive (England).
- (7) On the day specified in accordance with sub-paragraph (5), the local authority must –
 - (a) cease operating the mayor and council leader executive, and
 - (b) start operating the leader and cabinet executive (England).
- (8) Subject to sub-paragraph (7), the local authority must implement the change in governance arrangements in accordance with the timetable in the proposals.
- (9) If the local authority has held its annual meeting in 2009 before changing to the leader and cabinet executive (England), the authority must hold a meeting within the 21 days following the day on which it changes to that form of executive.
- (10) For the purposes of section 44B of the LGA 2000, that meeting is to be treated as a relevant annual meeting.

Failure to change form of executive: automatic change

- 11 (1) This paragraph applies if the local authority does not make a change in its executive arrangements in accordance with paragraph 8.
- (2) Before the end of the transitional period, the local authority must draw up and adopt executive arrangements which provide for a mayor and cabinet executive.
- (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 mayor and cabinet executive.
- (4) The mayor and cabinet executive 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

- 12 (1) In this Part –
- “LGA 2000” means the Local Government Act 2000 (c. 22);
 - “relevant election day” means the day in 2009 on which an ordinary election of a mayor would take place if the local authority continued to operate a mayor and council manager executive;
 - “relevant mayoral term”, in relation to proposals, means the term of office of the person who is mayor when the proposals are drawn up;
 - “relevant time” means the time immediately before section 62(6) comes into force;
 - “transitional period” means the period that –
 - (a) starts when section 62(6) comes into force, and
 - (b) ends with the third day after the relevant election day.
- (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.

PART 3

OTHER TRANSITIONAL PROVISION

- 13 (1) The Secretary of State may by order make transitional, saving or transitory provision for the purposes of –
- (a) supplementing or giving full effect to Part 3 of this Act; or
 - (b) making provision consequential on the passing of Part 3 of this Act.
- (2) An order under sub-paragraph (1) may, in particular, make –
- (a) provision as to the dates on which and years in which relevant elections may or must be held;
 - (b) provision as to the intervals between relevant elections;
 - (c) provision as to the term of office of any member of any form of executive;
 - (d) provision as to when sections 33A to 33D of the LGA 2000 are to begin to apply in relation to a local authority;
 - (e) provision as to when section 39(6) and (7) of the LGA 2000 are to begin to apply in relation to a local authority.
- (3) An order under sub-paragraph (1) may, in particular, make provision to supplement any provision made in Part 1 or 2 of this Schedule.
- (4) An order under sub-paragraph (1) may not make provision of the kind that may be made under section 242.
- (5) In this paragraph “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).”

Schedule 5

226 Leave out Schedule 5

Schedule 6

227 Page 186, line 42, at end insert –

“() In subsection (1), after “each parish” insert “council”.”

228 Page 187, line 13, leave out “11” and insert “7 or 10”

229 Page 187, line 36, after ““Part” insert “1 or”

Schedule 13

230 Page 206, line 11, at end insert –

“() In subsection (5) –

(a) for “a complaint” substitute “a matter”;

(b) in paragraph (a) –

(i) for “the complaint has” substitute “the matter has”;

(ii) for “the person aggrieved” substitute “the person affected”;

(iii) for “the complaint relates” substitute “it relates”;

(iv) for “to investigate, and reply to, the complaint” substitute “to investigate the matter and to respond”;

(c) in paragraph (b) –

(i) for “the complaint to be” substitute “the matter to be”;

(ii) for “to investigate, and reply to, the complaint” substitute “to investigate the matter and to respond”.”

231 Page 208, line 13, at end insert –

“() In subsection (1)(ba), for “any officer of the Commission,” substitute “any person discharging or assisting in the discharge of a function of a Local Commissioner”.”

232 Page 209, line 8, at end insert –

“8A (1) Section 33ZA (collaborative working between Local Commissioners and other Commissioners) is amended as follows.

(2) In subsection (1), for “the complaint relates partly to” substitute “the matters which are the subject of the investigation include”.

(3) In subsection (2) –

(a) for “the person aggrieved” substitute “the person affected”;

(b) for “any person acting on his behalf in accordance with subsection (2) of section 27 of this Act” substitute “the complainant (if any)”.

(4) In subsection (4), omit “of a complaint”.”

233 Page 209, line 32, leave out “sub-paragraph (5)” and insert “sub-paragraphs (5) and (6)”

234 Page 209, line 36, at end insert –

“Parliamentary Commissioner Act 1967 (c. 13)

11A (1) The Parliamentary Commissioner Act 1967 is amended as follows.

- (2) In section 3(2A) (administrative provisions) for “any officer or member of staff of the Commission for Local Administration in England” substitute “any person discharging or assisting in the discharge of a function of a Local Commissioner, but only if the person is”.
- (3) In section 11 (provision for secrecy of information), in subsection (2)(aa) for “a complaint” substitute “a matter”.
- (4) In section 11ZAA (collaborative working between Parliamentary Commissioner and other Commissioners) –
 - (a) in subsection (3) –
 - (i) for “a complaint which is being investigated” substitute “matters which are the subject of an investigation”;
 - (ii) for “relates partly to” substitute “include”;
 - (iii) after “investigation” insert “of that matter”;
 - (b) in subsection (4) –
 - (i) for “a complaint” substitute “a matter”;
 - (ii) for “the complaint” substitute “a complaint about the matter”;
 - (c) in subsection (5), omit “of a complaint”.

235 Page 209, line 39, leave out from “officer),” to end of line 40 and insert “in subsection (2) –

- (a) after paragraph (a) insert –
 - “(aa) any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners), or”;
- (b) in paragraph (b), omit “Part III of the Local Government Act 1974 (Local Commissioners) or”.

236 Page 209, line 43, at end insert –

“Health Service Commissioners Act 1993 (c. 46)

12A (1) The Health Service Commissioners Act 1993 is amended as follows.

- (2) In section 15 (confidentiality of information), in subsection (1)(aa) for “a complaint” substitute “a matter”.
- (3) In section 18ZA (collaborative working between the Commissioner and other Commissioners) –
 - (a) in subsection (3) –
 - (i) for “a complaint which is being investigated” substitute “matters which are the subject of an investigation”;
 - (ii) for “relates partly to” substitute “include”;
 - (iii) after “investigation” insert “of that matter”;
 - (b) in subsection (4), omit “of a complaint”;
 - (c) in subsection (5), for “the interests of the complainant and of persons other than the complainant” substitute “the interests of the complainant (if any) and of other persons”.
- (4) In Schedule 1 (the English Commissioner), in paragraph 12A –

- (a) after “performed by” insert “ –
(a) ”;
- (b) for “the Commission for Local Administration in England” substitute –
“(b) any person discharging or assisting in the discharge of a function of a Local Commissioner, who is”.

After Schedule 13

237 Insert the following new Schedule –

“SCHEDULE

CONSEQUENTIAL AMENDMENTS RELATING TO JOINT WASTE AUTHORITIES

PART 1

AMENDMENTS OF LOCAL GOVERNMENT ACT 1972

- 1 The Local Government Act 1972 (c. 70) is amended in accordance with this Part of this Schedule.
- 2 In section 70 (restriction on promotion of Bills for changing local government areas), in subsections (1) and (3), for “or joint authority” substitute “, joint authority or joint waste authority”.
- 3 In section 80(2) (disqualifications for election and holding office as member of local authority), after “joint authority” insert “, joint waste authority”.
- 4 In section 85(4) (vacation of office by failure to attend meetings), at the end insert “and a joint waste authority”.
- 5 In section 86(2) (declaration by local authority of vacancy in office), at the end insert “and a joint waste authority”.
- 6 In section 92 (proceedings for disqualification), after subsection (7) insert –
 - “(7A) In this section “local authority” also includes a joint waste authority.
 - (7B) The reference in subsection (1) above to a local government elector for the area concerned shall –
 - (a) in relation to a joint waste authority established for an area that includes a local government area, be construed as including a reference to a local government elector for that local government area;
 - (b) in relation to a joint waste authority established for an area that includes the City of London, be construed as including a reference to a person whose name appears in a ward list published under section 7 of the City of London (Various Powers) Act 1957;
 - (c) in relation to a joint waste authority established for an area that includes the Inner Temple or the Middle Temple, be construed as including a reference to a person

whose name appears in the ward list published with respect to the ward of Farrington Without in the City under section 7 of the City of London (Various Powers) Act 1957.”

- 7 In section 98(1A) (interpretation), after “joint authority,” insert “a joint waste authority,”.
- 8 In section 100J (application to new authorities) –
- (a) in subsection (1), after paragraph (b) insert –
“(ba) a joint waste authority;”;
 - (b) in subsection (2), in the words following paragraph (b), after “(b),” insert “(ba),”;
 - (c) in subsection (3), after “(b),” insert “(ba),”;
 - (d) in subsection (4)(a), after “joint authority” insert “, a joint waste authority”.
- 9 In section 101(13) (arrangements for discharge of functions by local authorities), after “police authority,” insert “a joint waste authority,”.
- 10 In section 146A(1) (joint authorities etc), after “joint authority,” insert “a joint waste authority,”.
- 11 In section 175(3B) (allowances for attending conferences and meetings), after “London Fire and Emergency Planning Authority” insert “, a joint waste authority”.
- 12 In section 176(3) (payment of expenses of official visits), after “joint authority” insert “, a joint waste authority”.
- 13 In section 223(2) (appearance of local authorities in legal proceedings), after “joint authority,” insert “a joint waste authority,”.
- 14 In section 224(2) (arrangements by principal councils for custody of documents), after “joint authority” insert “or joint waste authority”.
- 15 In section 225(3) (deposit of documents with proper officer of authority), at the end insert “and a joint waste authority”.
- 16 In section 228 (inspection of documents), after subsection (7A) insert –
- “(7B) This section shall apply to the minutes of proceedings and the accounts of a joint waste authority as if that authority were a local authority; and in relation to a joint waste authority the reference to a local government elector for the area of the authority is to be construed in accordance with section 92(7B).”
- 17 In section 229(8) (photographic copies of documents), after “joint authority” insert “, a joint waste authority”.
- 18 In section 230(2) (reports and returns), at the end insert “and a joint waste authority”.
- 19 In section 231(4) (service of notices on local authorities), after “joint authority” insert “, a joint waste authority”.
- 20 In section 232(1A) (public notices), after “joint authority” insert “, a joint waste authority”.
- 21 In section 233(11) (service of notices by local authorities), after “joint authority” insert “, a joint waste authority”.

- 22 In section 234(4) (authentication of documents), after “joint authority” insert “, a joint waste authority”.
- 23 In section 239(4A) (power to promote or oppose local or personal Bills), at the end insert “and a joint waste authority”.
- 24 In section 270(1) (general provisions as to interpretation), after the definition of “joint authority” insert –
 ““joint waste authority” means an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007;”.

PART 2

OTHER AMENDMENTS

Landlord and Tenant Act 1954 (c. 56)

- 25 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of “local authority”, after “National Park authority,” insert “an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Trustee Investments Act 1961 (c. 62)

- 26 In section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes), after “1985” insert “, an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Leasehold Reform Act 1967 (c. 88)

- 27 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after “1985,” insert “any authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)

- 28 In section 3(2)(b) of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), after “1985,” insert “an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Authorities (Goods and Services) Act 1970 (c. 39)

- 29 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of “local authority”, after “1985” insert “, any authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Employment Agencies Act 1973 (c. 35)

- 30 In section 13(7) of the Employment Agencies Act 1973 (interpretation), after paragraph (f) insert—
- “(fza) the exercise by an authority established for an area in England under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities) of any of its functions;”.

Local Government Act 1974 (c. 7)

- 31 (1) Part 3 of the Local Government Act 1974 (Commission for Local Administration in England) is amended as follows.
- (2) In section 25(1) (authorities subject to investigation), after paragraph (cc) insert—
- “(cd) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.
- (3) In section 26C(6) (referral of complaints by authorities) (inserted by section 175 of this Act), after paragraph (c) insert—
- “(d) in relation to an authority established by an order under section 208 of the Local Government and Public Involvement in Health Act 2007, a person who may be a member of the authority in accordance with section 209 of that Act.”

Health and Safety at Work etc Act 1974 (c. 37)

- 32 In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information), after “1985” insert “, an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

- 33 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part 1), in the definition of “local authority” —
- (a) in paragraph (a), after “1985” insert “, an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”;
- (b) in paragraph (c), after “authorities;” insert “an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Rent (Agriculture) Act 1976 (c. 80)

- 34 In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to local authority etc), after paragraph (bb) insert —

“(bba) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Rent Act 1977 (c. 42)

35 In section 14 of the Rent Act 1977 (landlord’s interest belonging to local authority etc), after paragraph (cb) insert –

“(cba) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Local Government, Planning and Land Act 1980 (c. 65)

36 (1) The Local Government, Planning and Land Act 1980 is amended as follows.

(2) In section 2(1) (duty of authorities to publish information), after paragraph (ka) insert –

“(kaa) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

(3) In section 98(8A) (authorities referred to by subsection (8)(d)), after paragraph (e) (and before the “and” following that paragraph) insert –

“(ea) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

(4) In section 99(4) (representations by certain bodies), after paragraph (db) insert –

“(dba) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

(5) In section 100(1)(a) (meaning of “subsidiary), for “or a joint authority established by Part IV of the Local Government Act 1985,” substitute “, a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

(6) In Schedule 16 (bodies to whom Part 10 applies), after paragraph 5B insert –

“5BA An authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

Acquisition of Land Act 1981 (c. 67)

- 37 In section 17(4) of the Acquisition of Land Act 1981 (local authority and statutory undertakers' land), in paragraph (a) of the definition of "local authority", for "and a joint authority established by Part IV of the Local Government Act 1985," substitute "a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities),".

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 38 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.
- (2) In section 33(9) (enforceability by local authorities of certain covenants relating to land) –
- (a) in paragraph (a), for "or a joint authority established by Part IV of the Local Government Act 1985" substitute "a joint authority established by Part 4 of the Local Government Act 1985 or an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)";
- (b) in paragraph (b), after "joint authority" insert "or joint waste authority".
- (3) In section 41(13) (lost and uncollected property), in the definition of "local authority", after paragraph (e) (and before the "and" following that paragraph) insert –
- "(ea) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".

Stock Transfer Act 1982 (c. 41)

- 39 In paragraph 7(2)(a) of Schedule 1 to the Stock Transfer Act 1982 (specified securities), after "1985" insert "an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)".

County Courts Act 1984 (c. 28)

- 40 In section 60(3) of the County Courts Act 1984 (right of audience), in the definition of "local authority", after "1985," insert "an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities),".

Housing Act 1985 (c. 68)

- 41 (1) Section 4 of the Housing Act 1985 (descriptions of authority) is renumbered subsection (1) of that section.
- (2) In paragraph (e) of that subsection –

- (a) for “and a joint authority established by Part IV of the Local Government Act 1985” substitute “, a joint authority established by Part 4 of the Local Government Act 1985, a joint waste authority”;
 - (b) for “a joint authority established by Part IV of the Local Government Act 1985”, in the second place where it occurs, substitute “, a joint authority established by Part 4 of the Local Government Act 1985, a joint waste authority”.
- (3) After that subsection insert –
- “(2) In this section “joint waste authority” means an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007.”

Landlord and Tenant Act 1985 (c. 70)

- 42 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority”, after “1985” insert “, an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Government Act 1988 (c. 9)

- 43 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities), after the entry relating to an authority established by an order under section 10(1) of the Local Government Act 1985 insert –
- “An authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

Housing Act 1988 (c. 50)

- 44 In Schedule 1 to the Housing Act 1988 (tenancies that cannot be assured tenancies), in paragraph 12(1) after paragraph (f) insert –
- “(fa) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Road Traffic Act 1988 (c. 52)

- 45 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance), after “the London Fire and Emergency Planning Authority,” insert “an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Government and Housing Act 1989 (c. 42)

- 46 The Local Government and Housing Act 1989 is amended as follows.
- 47 In section 21(1) (interpretation of Part 1), after paragraph (g) insert –

“(ga) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

48 In section 152(2) (interpretation of sections 150 and 151), after paragraph (i) insert—

“(ia) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Environmental Protection Act 1990 (c. 43)

49 In section 52(1A) of the Environmental Protection Act 1990 (payments for recycling and disposal etc of waste), at the end insert “or any authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities)”.

Local Government (Overseas Assistance) Act 1993 (c. 25)

50 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance), after paragraph (d) insert—

“(da) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

51 In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants for grants), after paragraph (j) (and before the “or” following that paragraph) insert—

“(ja) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Audit Commission Act 1998 (c. 18)

52 In Schedule 2 to the Audit Commission Act 1998 (accounts subject to audit), in paragraph 1, after paragraph (m) insert—

“(ma) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Local Government Act 1999 (c. 27)

53 In section 1(1) of the Local Government Act 1999 (best value authorities), after paragraph (g) insert—

“(ga) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Freedom of Information Act 2000 (c. 36)

54 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), after paragraph 15 insert –

“15A An authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities).”

Local Government Act 2003 (c. 26)

55 (1) The Local Government Act 2003 is amended as follows.

(2) In section 23(1) (definition of local authority for purposes of Part 1), after paragraph (k) insert –

“(ka) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

(3) In section 33(1) (power to pay grant: interpretation), after paragraph (j) insert –

“(ja) an authority established for an area in England by an order under section 208 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);”.

Schedule 18

238 Page 226, second column, leave out lines 31 to 36 and insert “Section 15(7A)(a).”

239 Page 227, line 11, after “words” insert ““and the order of retirement” and”

240 Page 227, line 38, at end insert –

“Local Government Act 1992
(c. 19)

In section 15 –

- (a) subsection (1)(c) and the word “and” immediately preceding it;
- (b) subsection (2);
- (c) subsection (3)(a) and (c);
- (d) in subsection (6)(a), the words “a further report under subsection (4) containing”;
- (e) subsection (8).

Section 15A.

In section 17(2), the words “or the submission of a report”.

241 Page 227, line 42, column 2, at beginning insert –

“In section 3(4A) the words “or a mayor and council manager executive”.

In section 79(1) the words “, or be qualified to be elected and to be an elected mayor,”.

In section 80(1), in the words before paragraph (a), the words “, and be disqualified for being elected or being an elected mayor,”.

In section 270(4A) the words “or a mayor and council manager executive”.

In Schedule 2, in paragraph 5B, the words “or a mayor and council manager executive”.

242 Page 227, line 42, column 2, at end insert –

“(b) in paragraph 5(5), the words “or a mayor and council manager executive”.”

243 Page 227, line 43, at end insert –

<p>“Local Government Act 1974 (c. 7) Representation of the People Act 1983 (c. 2) Local Government Finance Act 1988 (c. 41)</p>	<p>In section 30(2AB), the words “or mayor and council manager executive”.</p> <p>In section 24(1)(dd) the words “or a mayor and council manager executive”.</p> <p>In section 111(3A), the words “leader and cabinet executive,”.</p>
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244 Page 228, line 2, leave out from beginning to end of line 3

245 Page 228, line 3, at end insert –

<p>“The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 (S.I. 2001/2237)</p>	<p>Articles 4 and 5(a).”</p>
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246 Page 228, line 21, at end insert –

<p>“Police and Justice Act 2006 (c. 48)</p>	<p>Section 20(5)(f) and (g)(i) to (iii).”</p>
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247 Page 234, line 3, at end insert –

<p>“Parliamentary Commissioner Act 1967 (c. 13)</p>	<p>In section 11ZAA(5), the words “of a complaint”.</p>
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248 Page 234, line 31, column 2, at end insert –

<p>“In section 33ZA(4), the words “of a complaint”.</p>

249 Page 234, line 44, at end insert “and (6)”

250 Page 234, line 47, column 2, at beginning insert—

“In section 5(2)(b), the words “Part III of the
Local Government Act 1974 (Local
Commissioners) or”.”

251 Page 234, line 48, at end insert—

“Health Service Commissioners
Act 1993 (c. 46) | In section 18ZA(4), the words “of a complaint”.”

LORDS AMENDMENTS TO THE
LOCAL GOVERNMENT AND
PUBLIC INVOLVEMENT IN HEALTH
BILL

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