



Department for Communities and Local Government

Local Government and Public Involvement in Health Act 2007
Post Legislative Scrutiny Memorandum

April 2013



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Presented to Parliament by the Secretary of State for Communities and Local
Government by Command of Her Majesty

April 2013

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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – POST- LEGISLATIVE SCRUTINY MEMORANDUM

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This memorandum has been prepared by the Department for Communities and Local Government with contributions from Department of Health and Wales Office for submission to the Communities and Local Government Committee (“the Committee”). It is published as part of the post-legislative scrutiny process. It provides the Committee with the Departments’ post-legislative assessment of the Local Government and Public Involvement in Health Act 2007.

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

1. Introduction & Objectives

The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) received Royal Assent on 30 October 2007.

The 2007 Act opened the door to the then Government carrying forward proposals for reform of local government in England as outlined in the Local Government White Paper ‘Strong and Prosperous Communities’¹ and for reform of the arrangements for patient and public involvement in the provision of health and social care services². It also gave effect to the Government’s

¹ Department for Communities and Local Government (2006) *Strong and prosperous communities. The Local Government White Paper Vol 1*. London: HMSO

² Department for Communities and Local Government (2006) *Strong and prosperous communities. The Local Government White Paper Vol 2*. London: HMSO

commitment to expand the legislative competence of the National Assembly for Wales in the field of local government³.

A range of devolutionary and deregulatory measures were introduced through the 2007 Act to enable local government in England to:

- provide effective and accountable strategic leadership (Part 3);
- operate in a performance framework – for local authorities working alone or in partnership – which supports citizen empowerment and secures better outcomes for all (Part 5);
- lead local partnerships to provide better services for citizens (Part 5); and
- give local people more influence over the services and decisions that affect their communities (Part 14).

2. Implementation

The provisions of the 2007 Act were commenced by nine separate commencement orders for England and one for Wales. The first sections to be commenced came into force on 31 October 2007.

A detailed schedule of the sections and implementation dates is attached at **Annex A**.

3. Secondary legislation

A detailed schedule of secondary legislation made under the 2007 Act is attached at **Annex B**.

4. Preliminary assessment of the Act

Part 1 – Structural and Boundary Change in England

Part 1 of the 2007 Act made provision for local authority structure and boundary change.

Structural Change

The provisions relating to structural change gave effect to the then Government's policy to invite and implement proposals for unitary (single tier) government. Under this Part of the 2007 Act, seven structural changes orders for unitary local government were made establishing 9 new unitary councils – Bedford Council, Central Bedfordshire Council, Northumberland Council, Durham County Council, Shropshire Council, Wiltshire Council Cheshire West & Chester Council, Cheshire East Council and Cornwall Council covering a population of 3.2 million.

Using the powers contained in this Part, the then Secretary of State requested the Boundary Committee for England to undertake structural reviews for Norfolk, Suffolk and Devon. When Ministers were considering how to proceed

³ Department for Communities and Local Government (2006) *Strong and prosperous communities. The Local Government White Paper Vol 1*. London: HMSO

in relation to unitary proposals in Devon, Norfolk and Suffolk the former Permanent Secretary to the Department, as its Accounting Officer, requested Ministers direct him to continue. He warned that these proposals would “impact adversely on the financial position of the public sector”, “The evidence for such gains is mixed and representations that you have received provide no evidence to quantify such benefits and that there is every likelihood of such judicial review proceedings being commenced.”

A number of legal challenges were mounted by authorities in relation to local government restructuring resulting in a number of judgements (see Section 6).

In May 2010 the Coalition Government took office and gave a commitment to “stop the restructuring of councils in Norfolk, Suffolk and Devon”⁴. The Local Government Act 2010 (“the 2010 Act”) which came into force on 16 December 2010, prevented the Secretary of State from implementing by order any proposals, which had been received prior to the commencement of the 2010 Act - in effect quashing the restructuring orders for Exeter and Devon and Norwich and Norfolk. In light of the Government’s clear position on top down unitary restructuring, work on developing proposals for a county constitutional convention to consider options for Suffolk also stopped.

Guidance

‘Local Government Restructuring: Guidance on Staffing Issues’, was published by the Department of Communities and Local Government (DCLG). It was provided in addition to the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008, to set out the Government’s expectation as to how staffing matters should be handled.

Boundary Change

The provisions relating to boundary changes in the 2007 Act that provide the process by which the boundaries of local government areas can be altered are still in force. However the functions of the Electoral Commission’s Boundary Committee under Chapter 1 of Part 1 of the 2007 Act were transferred to the Local Government Boundary Commission for England under the Local Democracy Economic Development and Construction Act 2009 (“the 2009 Act”). The 2009 Act made the Local Government Boundary Commission for England responsible for the upkeep of administrative boundaries and allows them to undertake principal area administrative boundary reviews. They can do so at the request of a local authority, on their own initiative (at present the Local Government Boundary Commission for England will only consider such a review if it is not contentious and where there is local agreement) or at the request of the Secretary of State. To date the Local Government Boundary Commission for England have undertaken three reviews and the Secretary of State has implemented boundary changes in three areas - The St Albans and Welwyn Hatfield (Boundary Change) Order 2012 SI N^o 667, The Gateshead and Northumberland (Boundary Change)

⁴ The Coalition: our programme for government May 2010

Order 2013 SI N° 595 and The East Hertfordshire and Stevenage (Boundary Change) Order 2013 SI N° 596

Guidance

The Local Government Boundary Commission for England have issued guidance to local authorities on the legislation and their approach to boundary reviews. This guidance outlines the type of reviews that the Commission can undertake and the type of questions local authorities must consider before they request a review to be undertaken. Chapter 6 outlines the approach that the Commission are taking in response to central Government's decision not to request any reviews themselves but not to stand in the way of those councils that wish to pursue such a change.

Part 2 – Electoral Arrangements

Part 2 of the 2007 Act made provision for district councils in England to move from elections by half or thirds to whole council elections where they chose to. It provided for a means by which the local authorities concerned could take the decision and specified the resolution period in which these decisions could be taken.

Part 2 also made changes to the Representation of the People Act 1983 allowing the Secretary of State to move local government elections to years where there is an election to the European parliament by secondary legislation. This was used for the first time in 2009.

The Localism Act 2011 has now updated these provisions by removing the resolution period. Now district councils in England who wish to change their scheme of elections are able to resolve to do so at any time and are able to specify the date on which they will hold their first whole council elections. This provides local authorities with greater freedom in their decision making.

Part 3 – Executive Arrangements for England

Part 3 of the 2007 Act updated the Local Government Act 2000 (“the 2000 Act”) in relation to local authority executive arrangements and the variation of such arrangements. It also updated the permitted forms of executive governance, removing the mayor and council manager executive, introducing a new style leader and cabinet executive and allowing local authorities to change their governance arrangements from their existing form. After drawing up proposals for the change, these could be implemented following a referendum or via a resolution of the council during the permitted resolution period.

These provisions in the 2000 Act have been replaced in totality by new provisions in the form of a new Part 1A inserted by the Localism Act 2011. The new provisions allow any council to move away from executive arrangements to the committee system.

Part 3 also amended the 2000 Act to extend the period within which more than one governance referendum can be held in an authority from 5 years to 10 years which provided for more stable governance.

Part 4 – Parishes

Part 4 of the 2007 Act devolved power from the Secretary of State to principal councils to carry out community governance reviews and put in place or make changes to local community governance arrangements.

Guidance

Guidance on community governance reviews was issued in April 2008 by DCLG to provide assistance to principal councils on how to undertake these reviews and make recommendations on electoral arrangements for parish councils.

Part 5 – Co-operation of English Authorities with Local Partners etc

Chapter 1 – Local Area Agreements and Community Strategies

Chapter 1 of Part 5 of the 2007 Act provided for a Local Area Agreement, to be prepared by local authorities in consultation with partner authorities including the voluntary and community sector and local businesses. It placed a duty to co-operate on both local and partner authorities in determining local improvement targets to be included in the Local Area Agreement which will be approved by the Secretary of State.

All local authorities signed up to a Local Area Agreement to monitor local performance based on the Government's National Indicator Set and partook in a Comprehensive Area Assessment, where seven inspectorates including the Audit Commission, inspected councils to assess how well communities were being served by public services.

The provisions relating to Local Area Agreements have not been active since June 2010, when the Government abolished all these aspects of the previous Local Authority Performance Framework to align with the decentralisation agenda. This has led to savings on average of £1.8 million per council⁵.

Guidance

Local authorities were provided with centrally prescribed guidance hosted on the DCLG website around how each aspect of the local area agreement framework would work. This guidance included technical definitions on the National Indicator Set which were updated regularly thus allowing for efficient monitoring of local authority performance.

⁵ DCLG, Mapping the Local Government Performance Reporting Landscape, 2006

Chapter 2 – Overview and Scrutiny Committees

Chapter 2 of Part 5 of the 2007 Act amended the provisions of the Local Government Act 2000 in respect of local authority overview and scrutiny committees. It strengthened the role of overview and scrutiny committees to improve accountability by enabling committees to review specific actions of partner public bodies operating in their area, require them to provide information or appear before them. Overview and scrutiny committees could also require the local authority or their executive to respond to their reports or recommendations.

The provisions have been replaced in England by the provisions in the new Part 1A of the Local Government Act 2000 as inserted by the Localism Act 2011. While the new provisions in the main mirror the provisions in Chapter 2 Part 5 of the 2007 Act, there are also new provisions that strengthen and simplify local government scrutiny arrangements. These widen the matters councillors, particularly those who are not members of overview and scrutiny committees, can refer to scrutiny committees thus enhancing their role as advocates of their local communities. They also remove all references to Local Area Agreement targets, broaden the powers of the overview and scrutiny committees to scrutinise partner authorities' activities and place non-unitary district councils in an equivalent position to other councils.

Overview and scrutiny committees have been able to hold local authorities and local partners to account for their decisions and actions and make recommendations to the local authority or its executive on how matters might be improved.

Part 6 – Byelaws

Part 6 of the 2007 Act, providing the Secretary of State with the powers to make alternative arrangements for the making and revoking of certain classes of byelaws, have yet to be commenced. Once commenced, these provisions will allow the Secretary of State to lay before Parliament regulations to make byelaws easier to make and to revoke. In August 2008, the then government carried out a consultation on the new procedures for the making and enforcement of certain byelaws in England. No conclusions were reached as a result of the consultation. The Government has announced that it will take forward the provisions in the Act and make the process of byelaw making and revoking less bureaucratic.

Part 7 – Best Value

Part 7 of the 2007 Act amended the Best Value provisions in Part 1 of the Local Government Act 1999 ("the 1999 Act") by removing the requirement for English best value authorities to carry out best value reviews. The amendments also removed the power of the Secretary of State to specify performance indicators and standards for best value authorities, the duty of best value authorities to meet these standards and the duty to prepare and publish best value plans.

This Part also placed a new duty on English best value authorities to involve representatives of local people in the provision of local services and policies. It provided the Secretary of State with a new power to issue guidance to best value authorities on the general duty of best value.

Part 7 also inserted new sections into the Local Government Act 2003 (“the 2003 Act”) that gave the Secretary of State a power to issue grants to promote or facilitate the economic, efficient and effective provision of services by best value authorities.

Guidance

Guidance was issued in July 2008 and included advice about the new performance framework, best value and sustainable communities strategies. This was replaced in September 2011 with a single page of guidance on best value.

Whilst Part 7 of the 2007 Act is still in force, it is the Government’s intention that these provisions will be repealed by the forthcoming Deregulation Bill which it hopes to introduce when Parliamentary time allows.

Part 8 – Local Services: Inspection and Audit

Part 8 of the 2007 Act made provision about the inspection and audit of local services, in particular for the merger of inspection functions and the interaction between the Audit Commission and other authorities. It also updated and amended several of the Commission’s powers relating to audit in the Audit Commission Act 1998 (“the 1998 Act”).

Whilst Part 8 of the 2007 Act is still in force, it is the Government’s intention that these provisions will be updated by the forthcoming Local Audit Bill which it hopes to introduce when Parliamentary time allows.

Part 9 – The Commission for Local Administration in England

The Local Government Ombudsman which comprises a body of Local Commissioners was established under Part 3 of the Local Government Act 1974 (“the 1974 Act”). Their jurisdiction covers all local authorities and a range of other bodies providing public services.

Part 9 of the 2007 Act clarified and updated the Commissioners’ jurisdiction and clarified and modified their powers of investigation. It provided for changes to the appointment and removal of Commissioners, greater flexibility in how complainants access the Commissioners’ service and wider powers for the Commissioners to delegate their functions. It also amended the funding and reporting requirements on the Commission and clarified the Commissioners power to issue and publish reports and statements.

These provisions which were intended to modernise and bring the Ombudsman’s legislation up-to-date have worked well in practice. The

changes governing appointments mean they now comply with Employment Equality legislation and are also in line with other Ombudsman appointments.

Allowing complaints to be made electronically by members of the public has greatly improved the accessibility of the Ombudsman's service.

Requiring the Ombudsman to lay a copy of its annual report before Parliament has strengthened the direct accountability of the Ombudsman.

Part 10 – Ethical Standards

Part 10 of the 2007 Act, amended the 2000 Act to give effect to the then Government's proposals for the reform of the regime relating to standards of conduct for local government. The proposals were aimed at devolving most decision-making on the conduct regime for local authority members to local authorities, with a revised, regulatory role provided for the Standards Board. They also provided for local standards committees to make initial assessments of misconduct allegations and for review arrangements for those assessments which lead to no action being taken. The provisions also give powers for the Standards Board to suspend a standards committee's role in making initial assessments of allegations, and for the Board to issue guidance to standards committees and ethical standards officers.

The Localism Act 2011 repealed this part of the 2007 Act for all local authorities on 1 July 2012 and police authorities on 22 November 2012. The Government decided to abolish the Standards Board regime as it had become a vehicle for malicious, petty and vexatious complaints against local authority members.

Part 11 – Joint Waste Authorities

Part 11 of the 2007 Act was commenced on 1 April 2008. However, none of the provisions contained in the Joint Waste Authorities (Proposals) Regulations 2009 have ever been used. It is the Government's intention that this will be repealed in any Repeals Bill it may introduce.

Part 12 – Entities Controlled etc by Local Authorities

Part 12 of the 2007 Act replaced Part 5 of the Local Government and Housing Act 1989 ("the 1989 Act"), which placed propriety controls in relation to certain categories of local authority companies such as airports or leisure trusts. This Part ensured that propriety controls could be applied in relation to the wider range of entities through which local authorities in England and Wales operated, rather than just to local authority companies. It also allowed for propriety controls to be applied to those entities in respect of which financial information must be included in the local authority's statement of accounts. Provision was also made to define terms in other enactments that relied on definitions in Part 5 of the 1989 Act.

These provisions have been partially commenced.

Part 13 – The Valuation Tribunal for England

Part 13 of the 2007 Act made provision to replace the 56 Valuation Tribunals in England with a single Valuation Tribunal. It created the new positions of Valuation Tribunal for England President and Vice-Presidents, which may be remunerated, and provided that appointments to the Valuation Tribunal for England be made by the Lord Chancellor on the advice of the Judicial Appointments Commission.

The Valuation for England Tribunal came into being on 1 October 2009.

Part 14 – Patient and Public Involvement in Health and Social Care

Part 14 of the 2007 Act abolished those parts of the National Health Service Act 2006 relating to the involvement of the public in the provision of health care services. It imposed a duty on local authorities to make contractual arrangements for the involvement of people in the commissioning, provision and scrutiny of both publicly funded health and social services. Local authorities were placed under a duty to contract with an organisation known as a Host to support a local network of individuals, groups and organisations, known as a local involvement network to carry out the activities specified in Section 221 of the Act.

These local involvement networks were established in England from 1 April 2008. Since then they have steadily increased their activities, the number of people they have engaged and involved and the impact they have had on local services. The effectiveness of local involvement networks has not, however, been consistent across the country and they have not been good at identifying and sharing good practice. This Part of the 2007 Act has now been amended by the reforms contained in the Health and Social Care Act 2012 which introduced Healthwatch to build on the successes of local involvement networks as well as addressing their weaknesses and to carry out additional activities.

Part 15 – Powers of National Assembly for Wales

Schedule 5 of the Government of Wales Act (the Act) is no longer in force as, following a successful referendum in March 2011, Schedule 7 of the Act, which gives significantly expanded legislative competence to the Assembly, came into force on 5 May 2011. However, before the repeal of Schedule 5, the Assembly did make two Measures which contained provision relying on the competence conferred by Schedule 17 of the Act: the Local Government (Wales) Measure 2009 which created a regime for local government improvement and the Local Government (Wales) Measure 2011 which created schemes for the accreditation of quality in local government.

Part 16 – Miscellaneous

Part 16 of the 2007 Act made certain miscellaneous provisions relating to the exercise of functions of the authority and access by members of the public to records held by local authorities in relation to decisions or actions taken by councillors.

Part 16 of the 2007 Act also made amendments to the Local Government Act 2003 to give the Secretary of State power to issue guidance on local authorities accounting practices.

Part 16 of the 2007 Act made amendments to the Deregulation and Contracting Out Act 1994 in respect of the contracting out of functions by local authorities to other enabling bodies.

Guidance

Department of Communities and Local Government has issued guidance.

5. Other reviews

There have been no other reviews of the 2007 Act since its enactment.

6. Legal Issues

There have been legal judgements in relation to two parts of the 2007 Act; Part 1, Structure and Boundary Change and Part 8, Local Services, Inspection and Audit.

Part 1 – Structure and Boundary Change

There were a number of legal challenges as a result of local government restructuring and the reviews carried out by the Boundary Commission for England. These are listed in the table below.

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| 10 August – 10 September 2007 | A number of local authorities made claims against the Secretary of State for Communities and Local Government regarding his powers of consultation. These were all dropped in light of the Shrewsbury & Atcham BC decision. |
| 10 October 2007 | <i>R(Shrewsbury & Atcham BC) v Secretary of State for Communities and Local Government [2008] EWCA Civ 8; [2008] 3 All ER 548; [2007] EWHC 2279 (Admin); (local government reorganisation, ministerial powers)</i> |
| 4 March 2008 | <i>Shrewsbury & Atcham BC & Anor v Secretary of State for Communities and Local Government & Anor [2008] EWCA 148</i> |
| 4 September 2008 | Breckland & other Norfolk district councils (South Norfolk, Kings Lynn & West Norfolk, North Norfolk, Broadland) issue legal challenge against Boundary Commission's process |
| 19 September 2008 | East Devon issues legal challenge against Boundary Commission's process |
| 28 November 2008 | <i>Breckland District Council & Ors v The Boundary Committee &</i> |

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| | Anor, Court of Appeal - Administrative Court, November 28, 2008, [2008] EWHC 2929 (Admin) Case No: CO/8386/2008 <i>Judgment received on Breckland's challenge</i> |
| 8 January 2009 | East Devon District Council v Electoral Commission (The Boundary Committee for England), Court of Appeal - Administrative Court, January 08, 2009, [2009] EWHC 4 (Admin) <i>Judgement received on East Devon's challenge</i> |
| 18-20 February 2009 | Joint appeal hearing on Breckland and East Devon's challenge. R (Breckland DC) v The Boundary Committee; R (East Devon DC) v Boundary Committee for England Court of Appeal [2009] EWCA civ 239 |
| 25 March 2009 | Breckland District Council & Ors, R (on the application of) v The Boundary Committee & Ors, Court of Appeal - Civil Division, March 25, 2009, [2009] EWHC Civ 239 <i>Judgement received on Breckland and East Devon's appeal</i> |
| 30 June – 03 July 09 | Court hearing on Forest Heath & others Suffolk district councils' (St Edmundsbury, Waveney, Suffolk Coastal) challenge against Boundary Commission's process Forest Heath District Council and others) v Electoral Commission, Boundary Committee for England [2009] EWCA Civ 1296 |
| 10 July 2009 | Judgement received on Forest Heath's challenge Forest Heath District Council & Ors v The Electoral Commission & Ors, Court of Appeal - Administrative Court, July 10, 2009, [2009] EWHC 1682 (Admin) |
| July 2009 | BC announces decision to appeal 10 July judgement. |
| 06 - 07 October 2009 | Appeal hearing on Boundary Commission's appeal against 10 July judgement. |
| 2 December 2009 | Judgement received on BC's appeal <u>The Electoral Commission v Forest Heath District Council & Anor, Court of Appeal - Civil Division, December 02, 2009, [2009] EWCA Civ 1296</u> |
| 15 February 2010 | Norfolk and Devon County Councils issue pre-action letter (Judicial Review against the Ministers' Decisions) |

Part 8 – Local Services: Inspection and Audit

There has been a case of litigation in relation to section 15 of the Audit Commission Act 1998 ("the 1998 Act"), as amended by Part 8 of the 2007 Act. The amendment in Part 8 added a definition of "personal information" to the exception of personal information from the public right of access to accounts. The Court of Appeal noted that the exception was too closely defined to cover commercial confidential information. However, the final judgement was that section 15 of the 1998 Act could still be read to exempt commercial confidential information. The case is listed below:

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| 1 October 2009 | Veolia v Nottinghamshire County Council & Shlomo Downen and Audit Commission [2009] EWHC 2382 (Admin) |
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Commencement Orders

| Commencement Date | Part or Sections Commenced | Provisions |
|-------------------|--|---|
| 1 November 2007 | Part 1 of the Act | Provides for the process of making structural and boundary change to local government areas in England together with related consequential amendments and repeals in Schedules 1 and 18 to the Act was commenced. |
| 31 January 2008 | Part 8 | Relating to local services: inspection and audit, apart from 145 and 158. |
| | Part 10 (ethical standards) Sections 183, 185, 191, 192 and 198 | Brought into force partially with section 183(4) to (6) being commenced in relation to Wales only. The other provisions of section 183 that were commenced applied to both England and Wales. Section 183 amended provisions in the Local Government Act 2000 ("the 2000 Act") which set out conduct which may be covered by a code of conduct for local authority members. The partial commencement in England and Wales amended the power of the Secretary of State to make orders as to general principles, model codes of conduct and in respect of codes of conduct adopted by relevant authorities. The commencement of section 183(4) to (6) brought the new arrangements for codes of conduct into force in Wales only. |
| | Part 10 Section 185 | The partial commencement of section 185 enabled the Secretary of State to make regulations in relation to allegations made to standards committees of relevant authorities that members or co-opted members (or former members or co-opted members) of those authorities have failed, or may have failed to comply with their authority's code of conduct. |
| | Part 10 Sections 191 and 192 | Sections 191 and 192 dealt with ethical standards officers' power to investigate misconduct allegations and make provision in respect of such officers' reports. The saving contained in article 7(3) of the Commencement Order preserved the existing legal framework in respect of cases referred to the Standards Board for England before 1st April 2008. |
| | Part 10 Section 198 | The partial commencement of section 198 enabled the Secretary of State to make |

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| | | regulations relating to the powers and conduct of English case tribunals. |
| | Part 14 Section 225 & 229 | Relating to patient and public involvement in health and social care. |
| | Part 16 Section 238 | Relating to miscellaneous provisions. |
| 13 February 2008 | Part 4 section 75 | Relating to parishes section 75 inserted sections 11A, 11B, 12A, 12B and 17A into the Local Government Act 1972 and amended sections 13 to 16 of that Act. The provisions related, broadly, to parishes, parish councils and parish meetings, to chairmen and vice-chairmen of parish councils and parish meetings and to parish councillors. |
| | Part 4 79 to 102 | Sections 79 to 102 dealt, broadly, with reviews of their areas by English district councils, by English county councils for areas where there are no district councils and by London borough councils. Those sections replaced Part 2 of the Local Government and Rating Act 1997 which was repealed by section 241 of, and Part 4 of Schedule 18 to, the 2007 Act. |
| | Part 17 Section 241 | Final provisions, was commenced partially, Schedule 5, with the exception of paragraph 7 which made further amendments to parishes and part of Schedule 18. |
| 21 February 2008 | Part 14 section 223 | Required the Secretary of State to make regulations as to the matters that local authority arrangements must require are included in the local involvement network arrangements made pursuant to the duty on the local authority under section 221(1) of the Act. |
| | Part 14 section 224 | Allowed the Secretary of State by regulations to impose duties on services-providers to respond to requests for information by local involvement networks and to deal with reports and recommendations made by local involvement networks. |
| | Part 14 Section 226(6) | Allowed the Secretary of State to set out in regulations the time by which an overview and scrutiny committee of a local authority must acknowledge receipt of a referral relating to social care services made by a local involvement network. |
| | Part 14 Section 228(3) to (8) | Allowed the Secretary of State to make regulations relating to the temporary duty imposed on local authorities under section 228(1) of the Act. |
| | Part 17 Section 243 | Allowed the SoS to make orders that amend or repeal certain enactments and amend or revoke |

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| | | certain subordinate legislation provided that the amendments, repeals or revocations are supplemental or consequential to the Act. |
| 10 March 2008 | Part 14 section 227 | Relating to annual reports, but only in so far as it provides for the Secretary of State to give directions about the contents of such reports. |
| 31 March 2008 | Part 8 section 148 | Relating to local services: inspection and audit and Schedule 10 (Benefit Fraud Inspectorate: transfer schemes) came into force. |
| 1 April 2008 | Parts 8 and 10 | Further provisions enacted. |
| | Part 5 Section 116 | Section 116 of part 5, co-operation of English authorities with local partners, Section 116 provided that local authorities with social services functions are required to prepare, in conjunction with Primary Care Trusts, joint strategic needs assessments of health and social care. |
| | Part 14 Sections 221,222, | In so far as they were not already in force Sections 221 and 222 imposed a duty on each local authority to make arrangements to ensure that local involvement network activities were carried on in their area and make provision regarding those arrangements. |
| | Part 14 226 | Section 226 imposed duties on an overview and scrutiny committee of a local authority where a local involvement network has referred a matter relating to social care services to that committee. |
| | Part 14 227 | Section 227 made provisions regarding the annual reports to be required by those arrangements. |
| | Part 14 228 | Section 228 imposed a temporary duty on local authorities to ensure the carrying on of the activities set out in section 221(2) of the Act. |
| | Part 14 Section 230 231 | Provided for the abolition of Patients' Forums |
| | Part 14 Section 232 | Came into force in so far as it omitted certain functions of the Commission for Patient and Public Involvement in Health relating to Patients' Forums. |
| | Part 17 section 241 Part 18 of Schedule 18 | Section 241 and Part 18 of Schedule 18 provided for repeals of provisions that relate To the abolition of Patients' Forums and Commission for Patient and Public Involvement in Health's functions in relation to Patients' Forums. |
| | Part 4 section 76 | Parishes - The partial commencement of section 76 enabled the Secretary of State to make regulations about the appointment of councillors and the holding of office after appointment under |

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| | | that section. |
| | Part 4 Section 77 | The partial commencement of section 77 enabled the Secretary of State to make an order prescribing conditions which must be met by a parish council that wishes to exercise the power to promote well-being under section 2 of the Local Government Act 2000. |
| | Part 7 Section 136 | Amended section 1 of the Local Government Act 1999 (“the 1999 Act”) so that parish councils and community councils were no longer subject to the duties of best value and made consequential amendments as a result of the change. |
| | Part 7 Section 137 | Amended section 3 of the 1999 Act to introduce a new general power of guidance in relation to the duty of best value. This was been commenced only in relation to England and police authorities in Wales. |
| | Part 7 Section 139 | Amended section 4 of the 1999 Act so that the provisions in relation to best value indicators and standards no longer applied in relation to English best value authorities and police authorities in Wales. Section 139 also amended section 6 of the 1999 Act so that the requirement to produce a best value performance plan no longer applied in relation to certain English best value authorities. The requirement for police authorities in England and Wales to prepare best value performance plans was removed by section 4 of the Police and Justice Act 2006 (c.48). |
| | | The saving contained in article 7(3) preserved the existing legal framework relating to best value performance indicators and standards in respect of police authorities in England and Wales until 31st March 2010. The saving in article 7(1) preserved the requirement for best value authorities in England (other than police authorities) to produce and publish a very limited performance plan for the financial year 2007/8. |
| | Part 7 Section 140 | Repealed the requirement that best value authorities in England carry out best value reviews. The requirement for police authorities in England and Wales to carry out best value reviews was removed by section 4 of the Police and Justice Act 2006. |
| | Part 7 Section 144 | Made amendments to the 1999 Act and other legislation consequential on the changes to best value set out in Part 7 of the Act. |
| | Part 9 | This Order also brought into force Part 9 of the Act together with related consequential |

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| | | <p>amendments and repeals in Schedules 4 and 18 to the Act. Part 9 amends provisions in Part 3 of the Local Government Act 1974 (c.7) which relates to the Commission for Local Administration in England, (commonly known as “the Local Government Ombudsman”).</p> <p>The new provisions changed the terms on which Local Commissioners are appointed, and the powers and procedures they follow. Article 7 of the Order made transitional and savings provisions to preserve the existing framework in relation to Local Commissioners appointed before the commencement date, and in relation to complaints received before then.</p> |
| | Part 11 | Part 11, joint waste authorities, was commenced save for section 210 which will be separately commenced, in respect of Wales, by the Welsh Ministers. |
| | Part 11 Section 205 | Allowed two or more local authorities to submit a proposal to the Secretary of State for the creation of a joint waste authority to discharge some, or all, of their waste functions through that authority. It also provided that the Secretary of State may issue guidance and Regulations on proposals for joint waste authorities. |
| | Part 11 Section 206 | Required local authorities to consult relevant electors and any interested person in their area on a draft of a proposal. |
| | Part 11 Section 207 | Allowed the Secretary of State to implement proposals by order, with or without modifications. It also enabled the Secretary of State to dissolve a joint waste authority where all the member authorities have requested or where the Secretary of State considered it necessary to do so. |
| | Part 11 Section 208 | sets out the requirements for membership of joint waste authorities. |
| | Part 11 Section 209 | Amended the Waste and Emissions Trading Act 2003 (c.33) to make joint waste authorities in England that have a waste disposal function, waste disposal authorities for the purposes of the 2003 Act. It also gave effect to other consequential amendments specified in Schedule 13 to the Act. |
| | Part 11 Section 211 | Defined the terms “joint waste authority” and “local authority” used in Part 11. |
| | Part 13 Schedule 15 Schedule 16 | The Valuation Tribunal for England, and Schedules 15 and 16 in part were also commenced. Section 219(1) (which introduced |

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| | Section 219 | <p>Schedule 15) and section 220(1) (which introduced Schedule 16) are commenced in so far as provisions in those Schedules are themselves commenced by this Order. Section 220(2) to (4) (which enabled the Secretary of State to make regulations in consequence of, or for the purpose of giving full effect to, Part 13) was also commenced.</p> <p>Before the jurisdiction of the valuation tribunals in England can be transferred to the Valuation Tribunal for England the President and any Vice-Presidents of the Valuation Tribunal for England must be appointed. The provisions in Schedules 15 and 16 which were commenced facilitated the appointment of those officers and the exercise by them of certain functions preparatory to the transfer of that jurisdiction. In particular, paragraphs 14 to 16 of Schedule 16 have been commenced in order to provide for the appointment of the President and Vice-Presidents of the Valuation Tribunal for England by the Lord Chancellor.</p> <p>Article 7 contained transitory provisions relevant to Part 13. The Local Government Act 2003 (“the 2003 Act”) established the Valuation Tribunal Service and gave that body certain administrative functions in relation to the valuation tribunals in England. Once the jurisdiction of the valuation tribunals in England has been transferred to the Valuation Tribunal for England, the Valuation Tribunal Service will exercise those functions in relation to the Valuation Tribunal for England. Until that occurs, article 7 modifies the 2003 Act to take account of the appointment of the President and Vice-Presidents of the Valuation Tribunal for England.</p> |
| | Part 16 Section 239 | <p>Of the Act which amended the Deregulation and Contracting Out Act 1994 (c. 40) (“the 1994 Act”), primarily to extend the definition of “local authority” for the purposes of Part 2 of the 1994 Act was also commenced. This allowed the Secretary of State to make orders permitting a wider range of bodies than was previously possible to contract out their functions. As a consequence of this change, section 239(5) amends section 18 of the Local Government Act 1999 (c. 27) (“the 1999 Act”), which applies Part 2 of the 1994 Act to certain additional bodies. The Transport for London (Best Value)</p> |

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| | | (Contracting Out of Investment and Highway Functions) Order 2006 (S.I. 2006/91) was made under section 18 of the 1999 Act and article 7(4) of this Order provides for that instrument to continue notwithstanding the amendment of section 18. |
| 8 May 2008 | Part 10 Section 185 and 186 | Ethical Standards, section 185, so far as it was not already in force, and section 186 were commenced. Those sections extend to England and Wales but had application only to relevant authorities in England. |
| | Part 10 Section 185 | <p>Section 185 of the 2007 Act substituted for section 58 of the Local Government Act 2000 (c.22) (“the 2000 Act”) new sections 57A to 57D and 58.</p> <p>Section 57A of the 2000 Act provided for the standards committee of a relevant authority in England to conduct the initial assessment of allegations that members or co-opted members (or former members or former co-opted members) of the authority have failed or may have failed to comply with the authority’s code of conduct.</p> <p>Section 57B of the 2000 Act made provision for the standards committee to review a decision made under section 57A of the 2000 Act that no action should be taken in respect of an allegation.</p> <p>Section 57C of the 2000 Act made provision as to the information that must be provided to a person against whom an allegation is made, including a duty to provide a written summary of the allegation to the person concerned, and enabled the Secretary of State to make regulations providing that the duty does not arise at the time a standards committee receives the allegation, in prescribed circumstances, and if those circumstances apply, when the duty does arise. This regulation making power was commenced on 31st January 2008 and regulations under this section have been made (see the Standards Committee (England) Regulations 2008 (SI 2008/1085)).</p> <p>Section 57D of the 2000 Act empowered the Standards Board for England (“the Standards Board”) to suspend the initial assessment of allegations function of standards committees in circumstances specified in regulations made by</p> |

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| | | <p>the Secretary of State.</p> <p>New section 58 of the 2000 Act made provision as to how matters referred to the Standards Board under section 57A (2) of the 2000 Act were to be treated.</p> |
| | Part 10 Section 186 | <p>Section 186 inserted new sections 66B and 66C into the 2000 Act which imposed requirements on relevant authorities as to the provision of information to the Standards Board.</p> <p>Article 3 contained a saving and transitional provision preserving section 58 of the 2000 Act, the Relevant Authorities (Standards Committee) Regulations 2001 (SI 2001/2812), and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (SI 2003/1483) as they stood immediately before 8th May 2008. The effect was that allegations received by the Standards Board before 8th May 2008 will be dealt with as if section 185 of the 2007 Act had not been commenced and as if the Standards Committee (England) Regulations 2008 (S.I. 2008/1085) had not been made.</p> |
| 30th June 2008 | Part 14 Section 232 and Part 17 Section 241 | <p>Was the appointed day for the coming into force of sections 232 and 241 (partially) of, and Part 18 of Schedule 18 to, the Act in so far as these provisions were not already in force. These provisions provided for the abolition of the Commission for Patient and Public Involvement in Health.</p> |
| 26 September 2008 | Part 14 sections 233(1) to (4), 233(5) (partially) and 234 | <p>Patient and public involvement in health and social care, sections 233(1) to (4), 233(5) (partially) and 234 came into force.</p> <p>Section 233(1) to (4) amended section 242 of the National Health Service Act 2006 ("the 2006 Act") (c.41), which relates to public involvement and consultation. The amendments altered the way in which section 242 of the 2006 Act applied to English bodies by making changes to the duty on English bodies to involve users of health services and by introducing a requirement that English bodies have regard to any guidance given by the Secretary of State in relation to that duty.</p> |
| | Part 14 Section 233(5) | <p>Inserted section 242B of the 2006 Act (directions in cases where Strategic Health Authority arranges involvement). Section 242B gave the Secretary of State the power to make regulations to enable a Strategic Health</p> |

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| | | Authority to direct a Primary Care Trust not to involve persons in matters in which the Primary Care Trust would otherwise have involved those persons pursuant to arrangements made under section 242(1B) of the 2006 Act. |
| | Part 14 Section 234 | Amended the 2006 Act to include new provisions requiring Strategic Health Authorities and Primary Care Trusts to prepare reports on consultation on commissioning decisions or other matters when directed to do so by the Secretary of State. It also gave the Secretary of State the power to make directions about the content and publication of reports and about decisions which may be treated as a commissioning decision for the purposes of these provisions. |
| 12th December 2008 | Part 5 Chapter 2 Part 16 | Two provisions in Chapter 2 of Part 5 (overview and scrutiny committees) and two provisions in Part 16 (miscellaneous) which conferred powers on the Secretary of State to make subordinate legislation necessary to enable other provisions of those Parts to be commenced on 1st April 2009 were brought into force. |
| | Part 10 | (Ethical standards) relating to case tribunals and interim case tribunals in England also came into force on this date to coincide with the coming into force of the Case Tribunals (England) Regulations 2008 (SI 2008/2938). The effect of the provisions was to expand the range of sanctions available to case tribunals in England and to make consequential amendments concerning the provisions governing case tribunals in Wales. |
| | Schedule 15 | Inserted a new paragraph A3 into Part 1 of Schedule 11 to the Local Government Finance Act 1988 (c. 41) were also commenced. This enabled the Secretary of State to make regulations providing for any matter falling within the jurisdiction of the Valuation Tribunal for England to be referred to arbitration, subject to the written agreement of the persons concerned. |
| 31st December 2008 | Part 4 those parts of sections 77 and 78 | (Parishes) and Schedule 5 to the Act, that had not already been commenced, were. These sections extended to England and Wales only but had application only to parish councils in England. They were concerned with the extension to eligible parish councils of the power to promote well-being under section 2(1) of the Local Government Act 2000 (c.22)(the 2000 Act). |

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| 1 April 2009 | Part 7 Section 138 | Best Value which introduced a new duty (section 3A of the 1999 Act) that required certain best value authorities to involve representatives of local persons in the exercise of its functions. |
| | Part 9, Section 180 | The Commission for Local Authorities in England. |
| | Part 5 Chapter 2 | (Co-operation of English authorities with local partners) which made changes to Part 2 of the 2000 Act, relating to overview and scrutiny committees, |
| | Part 16 section 236 | The remainder of which enables delegation of functions to individual councillors. |
| | Part 5 Section 119 | Inserts section 21A into the 2000 Act which enabled councillors to refer relevant matters to those committees. |
| | Part 5 Section 120 | Enabled overview and scrutiny committees to question councillors who have had functions delegated to them under section 236 of the 2000 Act. |
| | Part 5 Section 121 | Inserted section 22A into the 2000 Act to enable regulations to be made requiring partner authorities (which are defined in Chapter 1 of Part 5) and associated authorities to provide overview and scrutiny committees with certain information. |
| | Part 5 Section 122 | Inserted section 21B into the 2000 Act, requiring a local authority or its executive to respond to reports or recommendations of its overview and scrutiny committees and section 21D which deals with the exclusion of confidential and exempt information from reports, recommendations and responses. Section 122 also inserted section 21C which provides that overview and scrutiny committees of certain councils can require partner authorities to have regard to their reports or recommendations. |
| | Part 5 Section 124 | Inserted section 21E which enabled regulations to be made making similar provision for overview and scrutiny committees of district councils in areas where there is also a county council. |
| | Part 5 Section 123 | Enables regulations to be made to provide for the establishment of joint overview and scrutiny committees. |
| | Part 5 Section 127 and Section 128 | Deal with consequential amendments and transitional arrangements. |
| | Part 16 Section 236 | Enabled councils to delegate functions to individual councillors in relation to their ward or |

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| | | electoral area. |
| 30 April 2009 | Part 5 Section 126 | Which made amendments to section 19 of the Police and Justice Act 2006 (“the 2006 Act”), including in particular the substitution of a new section 19(3) to (8B) was commenced. The new provisions stated that a local authority must ensure that its crime and disorder committee (as created under section 19 of the 2006 Act) has the power to make a report or recommendations on relevant matters to the local authority and to ensure that any member of the authority who is not a member of the committee has a power to refer relevant matters to the committee. The new provisions also set out certain procedures that must be followed where a person refers a relevant matter to the local authority. |
| 1st August 2009 | Part 8 | (Local services: inspection and audit) that had not already been commenced were commenced. |
| | Part 8 Section 145 | Amended section 1(2) of the Audit Commission Act 1998 (c. 18) to reduce the number of members of the Audit Commission. |
| | Part 8 Section 158 | Amended section 99 of the Local Government Act 2003 (c. 26) which related to the categorisation of English local authorities by reference to performance. |
| 1st October 2009 | Part 13 | (The Valuation Tribunal for England) and Schedules 15 and 16 that have not already been commenced were. The broad effect of the full commencement of Part 13 was to transfer to the Valuation Tribunal for England the jurisdiction of those valuation tribunals established in relation to England by regulations under Schedule 11 to the Local Government Finance Act 1988 (c. 41) that are in existence immediately before 1st October 2009. The two main areas of jurisdiction of valuation tribunals that are likely to be in existence at that date are council tax and non-domestic rates. The existing arrangements are retained, with amendments, as regards Wales. |
| 27th January 2010 | Part 6 sections 129 to 135 | Which concern byelaws in relation to local government and the duty to involve users in relation to health services. Those sections extend to England and Wales but have application only in England and (amongst other things) enable regulations to. -make provision about the procedure for the making, coming into force and revocation of |

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| | | <p>such byelaws.</p> <ul style="list-style-type: none"> -prescribe classes of byelaws for which a fixed penalty notice may be given. provide that an authorised officer proposing to give a person a fixed penalty notice may require the person to give him his name and address. -require a local authority in receipt of fixed penalty receipts to have regard to the desirability of using the receipts to combat certain nuisances. -require a local authority which makes byelaws of a prescribed class to have regard to any guidance issued by the Secretary of State. |
| 22nd February 2010 | Part 14 section 233(5) | In so far as it was not already in force. Section 233(5), which extends to England and Wales but has application in England only, places a duty on the Secretary of State to make regulations requiring Strategic Health Authorities to further involve users of health services in matters prescribed in those regulations. |
| Wales 1 April 2008 | | The following provisions of the Act came into force in relation to Wales except so far as they relate to a police authority for a police area in Wales. |
| | Part 7 Section 137, | Which substituted a new section 3(4) into the Local Government Act 1999 (“the 1999 Act”) such that, in deciding how to fulfill its duty under section 3(1) of the 1999 Act and in deciding who to consult under section 3(2) of that Act and the form, content and timing of such consultations, an authority must have regard to any guidance issued by the Welsh Ministers. |
| | Part 7 Section 140, | This omitted section 5 of the 1999 Act (duty upon an authority to conduct best value reviews). |
| | Part 7 Section 210, | Which enabled the Welsh Ministers to, by order make provision in relation to Wales applying any provisions of sections 205 to 208 of the 2007 Act which concern joint waste authorities. |
| | Part 7 Section 241, | In so far as it relates to the repeals in Part 8 of Schedule 18 of provisions in the 1999 Act and the Local Government Act 2000 concerning section 5 of the 1999 Act. |
| 1 October 2009 | Part 7 Section 126 | <p>Came into force in relation to Wales.</p> <p>Section 126 made amendments to section 19 of the Police and Justice Act 2006 (“the 2006 Act”), including in particular the substitution of new subsections 19(3) to (8B). The new provisions required every local authority to ensure that its</p> |

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| | | crime and disorder committee (as created under section 19 of the 2006 Act) has the power to make a report or recommendations on relevant matters to the local authority and to ensure that any member of the local authority who is not a member of the committee has the power to refer relevant matters to the committee. The new provisions also set out certain procedures that must be followed where a person refers a relevant matter to the local authority. |
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Secondary Legislation

Part 1 – Structural and Boundary Change

The Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008 – 2008 N° 1419

The Regulations were made on 2 June 2008, laid before Parliament on 5 June 2008 and came into force on 28 June 2008. They made incidental, consequential, transitional and supplementary provision of general application in relation to the transfer of staff and other staffing matters for the purposes of, and in consequence of, orders made by the Secretary of State under section 7 or 10 of the 2007 Act with respect to local government structural changes or boundary changes (or both such changes) in England. Section 14(3) of the 2007 Act provided for these Regulations to have effect subject to any provision included in such an order.

The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 – 2008 N° 2113

The Regulations were made on 4 August 2008, laid before Parliament on 7 August 2008 and came into force on 29 August 2008. They made incidental, consequential, transitional and supplementary provision of general application in relation to the exercise of functions by local authorities during the transitional period (defined in regulation 2) for the purposes of, and in consequence of, orders made by the Secretary of State under section 7 of the 2007 Act. Section 14(3) of the 2007 Act provides for these Regulations to have effect subject to any provision included in such an order.

The Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008 – 2008 N° 2176

The Regulations were made on 14 August 2008, laid before Parliament on 18 August 2008 and came into force on 8 September 2008. Orders under section 7 of the 2007 Act gave effect to proposals for changes to the structure of local government.

The first orders to be made under section 7 of the 2007 Act provided for the establishment of single tiers of local government they are as follows

- The Wiltshire (Structural Change) Order 2008 SI N° 490.
- The Cornwall (Structural Change) Order 2008 SI N° 491.
- The Shropshire (Structural Change) Order 2008 SI N° 492.
- The County Durham (Structural Change) Order 2008 SI N° 493.
- The Northumberland (Structural Change) Order 2008 SI N° 494.
- The Cheshire (Structural Change) Order 2008 SI N° 634.
- The Bedfordshire (Structural Change) Order 2008 SI N° 907.

The Regulations, which were of general application, supplement those orders and any orders that may be made in the future under section 7 of the 2007 Act.

The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 – 2008 N° 2867

The Regulations were made on 5 November 2008, laid before Parliament on 6 November and came into force on 28 November 2008. They made incidental, consequential, transitional and supplementary provision of general application in relation to the exercise of functions by local authorities during the transitional period (defined in regulation 2) for the purposes of, and in consequence of, orders made by the Secretary of State under section 7 of the 2007 Act (“section 7 orders”).

The Local Government (Structural Changes) (Finance) Regulations 2008 – 2008 N° 3022

The Regulations were made on 20 November 2008, laid before Parliament on 26 November 2008 and came into force on 24 December 2008. They make incidental, consequential, transitional and supplementary provision of general application in relation to the exercise of functions under the Local Government Finance Act 1988 and the Local Government Finance Act 1992 by authorities for the purposes of, and in consequence of, orders made by the Secretary of State under section 7 of the 2007 Act. Section 14(3) of the 2007 Act provides for these Regulations to have effect subject to any provision included in such an order.

The Local Government (Structural Changes) (Further Financial Provisions and Amendment) Regulations 2009 – 2009 N° 5

The Regulations were made on 5 January 2009, laid before Parliament on 7 January 2009 and came into force on 29 January 2009. They made incidental, consequential, transitional and supplementary provision of general application in relation to the exercise of certain functions for the purposes of, and in consequence of, orders made by the Secretary of State under section 7 of the 2007 Act (“section 7 orders”). Section 14(3) of the 2007 Act provides for these Regulations to have effect subject to any provision included in such an order.

The Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire and Cheshire) Order 2009 – 2009 N° 119

This Order was made on 28 January 2009 and came into force in accordance with article 1(1) and (2).

The Secretary of State made this Order in exercise of the powers conferred by sections 7, 11 and 13 of the 2007 Act.

The incidental, consequential, transitional and supplementary provision made by this Order relates to the Bedfordshire (Structural Changes) Order 2008 and

the Cheshire (Structural Changes) Order 2008, which were made under section 7 of the 2007 Act.

In accordance with section 240(6) of the 2007 Act, a draft of this Order was laid before and approved by a resolution of each House of Parliament.

The Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009 – 2009 N° 276

The Regulations were made on 12 February 2009, laid before Parliament on 17 February 2009 and came into force on 11 March 2009. They made incidental, consequential, transitional and supplementary provision of general application for the purpose of, and in consequence of, orders made by the Secretary of State under section 7 of the 2007 Act.

The Local Government (Structural Changes) (Further Transitional Arrangements and Staffing) Regulations 2009 – 2009 N° 486

The Regulations were made on 4 March 2009, laid before Parliament on 9 March 2009 and came into force on 31 March 2009. They make incidental, consequential, transitional and supplementary provision of general application for the purpose of and in consequence of, orders made by the Secretary of State under Section 7 of the 2007 Act.

The Local Government (Structural Changes) (Miscellaneous Amendments and Other Provision) Order 2009 – 2009 N° 837

The Order was made on 30 March 2009 and came into force in accordance with article 1. The Order made provision which was incidental, consequential, transitional and supplementary to the implementation by order of a single tier of local government in Bedfordshire, Cheshire, Cornwall, County Durham, Northumberland, Shropshire and Wiltshire.

The Cornwall (Electoral Arrangements and Consequential Amendments) Order 2009 – 2009 N° 850

The Order was made and came into force on 30 March 2009. The Order abolished the existing 71 electoral divisions of the county of Cornwall and provided for the creation of 123 new electoral divisions.

The Charter Trustees Regulations 2009 – 2009 N° 467

The Regulations were made on 3 March 2009, laid before Parliament on 16 March 2009 and came into force on 1 April 2009. They make provision in relation to charter trustees established by order under section 7 of the 2007 Act.

The Norwich and Norfolk (Structural Changes) Order 2010 – 2010 N° 997

The Order was made and came into force on 24 March 2010. The Order provided for the establishment, on 1st April 2011, of a single tier of local government for the city of Norwich. A new county, to be known as Norwich, was created, with the same area as the city, but without county councillors. The area of the city is excluded from that of the county of Norfolk from 1st April 2011.

The Local Government Act 2010 prevented the implementation of a single tier of local government in Norwich

The Exeter and Devon (Structural Changes) Order 2010 – 2010 N° 998

The Order was made and came into force on 24 March 2010. The Order provided for the establishment, on 1st April 2011, of a single tier of local government for the city of Exeter. A new county, to be known as Exeter was created, with the same area as the city, but without county councillors. The area of the city is excluded from that of the county of Devon from 1st April 2011.

The Local Government Act 2010 prevented the implementation of a single tier of local government in Exeter.

The Local Government (Structural Changes) (Finance) (Amendment) Regulations 2012 – 2012 N° 20

The Regulations were made on 6 January 2012, laid before Parliament on 10 January 2012 and came into force on 25 January 2012 and amend the Local Government (Structural Changes) (Finance) Regulations 2008 (“the 2008 Regulations”).

The 2008 Regulations make incidental, consequential, transitional and supplementary provision of general application in relation to the exercise of functions by authorities under the Local Government Finance Act 1988 and the Local Government Finance Act 1992 (“the 1992 Act”) for the purposes of, and in consequence of, orders made by the Secretary of State under section 7 (implementation of proposals by order) of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). These amendments ensure that, where structural change occurs under the 2007 Act, for a transitional period an authority is able to calculate its council tax under Part 4 of the 2008 Regulations in order to equalise the council tax which is paid in its area.

The St Albans and Welwyn Hatfield (Boundary Change) Order 2012- 2012 SI N° 667

The Order was made and came into force on 2 March 2012. The Order gave effect to a recommendation by the Local Government Boundary Commission for England for the making of a change to the boundary between the borough of Welwyn Hatfield and the city of St Albans in the county of Hertfordshire.

The Gateshead and Northumberland (Boundary Change) Order 2013 SI N° 595 And

The East Hertfordshire and Stevenage (Boundary Change) Order 2013 SI N° 596

These Orders were made and came into force on 1 April 2013. The Order gave effect to a recommendation by the Local Government Boundary Commission for England for the making of a change to the boundary between

The instruments give effect to the final recommendations, published on 15 May 2012, of the principal area boundary reviews of the boundary between the metropolitan borough of Gateshead and the county of Northumberland, and of the district boundary between the district of East Hertfordshire and the

borough of Stevenage, by the Local Government Boundary Commission for England

Part 4 – Parishes

The Local Government (Parishes and Parish Councils) (England) Regulations 2008 – 2008 N° 625

The Regulations were made on 3 March 2008, laid before Parliament on 11 March 2008 and came into force on 8 April 2008. They made incidental, consequential, transitional and supplementary provision of general application for the purposes of, and in consequence of, reorganisation orders. The Regulations apply subject to the provisions of the individual orders (as provided by section 97(2) of the 2007 Act).

The Local Government Finance (New Parishes) (England) Regulations 2008 – 2008 N° 626

The Regulations were made on 3 March 2008, laid before Parliament on 11 March 2008 and came into force on 8 April 2008. They made transitional and consequential provision, in relation to a parish council or a chairman of the parish meeting for a new parish (referred to in the Regulations as the “relevant parish council” or the “relevant chairman”) and the financial year in which the new parish is constituted (the “relevant year”), regarding calculation of the billing authority’s and new parish council’s or relevant chairman’s budget requirements, the anticipation, issue and payment of sums in respect of precepts, the calculations to be net of precepts under section 52X of the Local Government Finance Act 1992, and information under section 52Y of that Act.

Part 5 – Co-operation of English Authorities with Local Partners

Chapter 2 – Overview and Scrutiny Committees

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 – 2008 N° 3261

The Order was made on 18 December 2008, laid before Parliament on 30 December 2008 and came into force on 1 April 2009. It specified the descriptions of matters that were not ‘local government matters’ and consequently could not be scrutinised by Overview and Scrutiny Committees. It has now been replaced by the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012.

The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 – 2009 N° 1919

The Regulations were made on 16 July 2009, laid before Parliament on 20 July 2009 and came into force on 12 August 2009. The Regulations gave Overview and Scrutiny Committees in district councils the powers to make reports and recommendations to their related county councils on Local Area Agreement matters and to obtain information from Local Area Agreement partners. It has now been revoked and replaced by the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012.

Part 11 – Joint Waste Authorities

The Joint Waste Authorities (Proposals) Regulations 2009 – 2009 N° 105

The Regulations were made on 22 January 2009, laid before Parliament on 28 January 2009 and came into force on 18 February 2009. They set out the matters that local authorities must include in a proposal for the establishment of a joint waste authority under section 205 of the 2007 Act.

Part 13 – The Valuation Tribunal for England

The Valuation Tribunal for England (Membership and Transitional Provisions) Regulations 2009 – 2009 N° 2267

The Regulations were made on 25 August 2009, laid before Parliament on 2 September 2009 and came into force on 30 September 2009. On 1st October 2009 English valuation tribunals that were established by regulations under Schedule 11 to the Local Government Finance Act were abolished and the Valuation Tribunal for England was established in place of those tribunals. (This is affected by section 219 of, and Schedule 15 to, the Local Government and Public Involvement in Health Act 2007).

The Regulations provided for the initial composition of the Valuation Tribunal for England (with the exception of the President and Vice-Presidents, who have been appointed by the Lord Chancellor) and for the transfer of appeals part-heard by English valuation tribunals when jurisdiction transferred to the Valuation Tribunal for England. They also provided for the transfer from English valuation tribunals to the Valuation Tribunal for England of records and other documents.

The Valuation Tribunals (Consequential Modifications and Saving and Transitional Provisions) (England) Regulations 2009 – 2009 N° 2271

The Regulations were made on 25 August 2009, laid before Parliament on 2 September 2009 and came into force on 1 October 2009.

Part 13 of the Local Government and Public Involvement in Health Act 2007 establishes the Valuation Tribunal for England abolishes existing valuation tribunals in England and transfers their jurisdiction to the Valuation Tribunal for England. Part 13 and the related Schedules 15 and 16 are partially in force by virtue of S.I. 2008/917. The rest of that Part and those Schedules are brought into force on 1st October 2009 by virtue of S.I. 2008/3110. These Regulations, which apply in relation to England only, are made in consequence of the transfer of jurisdiction to the Valuation Tribunal for England.

The Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009 – 2009 N° 2268

The Regulations were made on 25 August 2009, laid before Parliament on 2 September 2009 and came into force on 1 October 2009. They apply in relation to England only and revoke and partially replace the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 2005 (“the 2005 Regulations”).

The Regulations reflect the establishment on 1st October 2009 of the Valuation Tribunal for England, which is to assume the jurisdiction currently

exercised by 56 valuation tribunals in England which were abolished on 1st October 2009.

The Valuation Tribunal for England (Membership and Transitional Provisions) (Amendment) Regulations 2009 – 2009 N° 2613

The Regulations were made on 26 September 2009, laid before Parliament on 30 September 2009 and came into force on 1 October 2009. They correct an error in regulation 5(1)(b) of the Valuation Tribunal for England (Membership and Transitional Provisions) Regulations 2009.

Part 14 – Patient and Public Involvement in Health and Social Care

The Local Involvement Networks Regulations 2008 – 2008 N° 528

The Regulations were made on 25 February 2008, laid before Parliament on 5 March 2008 and came into force on 1 April 2008. They made provision in relation to local involvement networks which were provided for in the 2007 Act. They also made provision in relation to the temporary duty to be imposed on local authorities under section 228 of the Act to make arrangements for activities under section 221(2) of the Act (“section 221 activities”) to be carried on.

The Local Government and Public Involvement in Health Act 2007 Consequential Provisions Order 2008 – 2008 N° 526

The Order was made on 25 February 2008, laid before Parliament on 5 March 2008 and came into force on 30 June 2008. It made amendments consequential to the abolition of the Commission for Patient and Public Involvement in Health. The Commission for Patient and Public Involvement in Health was abolished by section 232 of the 2007 Act.

The Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 – N° 915

The Regulations were made on 27 March 2008 and came into force on 1 April 2008. They imposed a duty on services-providers requiring them to allow authorised representatives of local involvement networks to enter and view certain premises owned or controlled by certain services-providers and to allow authorised representatives to observe the carrying-on of certain activities on such premises.

The Local Involvement Networks (Amendment) Regulations 2008 – 2008 N° 1877

The Regulations were made on 11 July 2008, laid before Parliament on 18 July 2008 and came into force on 1 September 2008. They amended regulation 7 of the Local Involvement Networks Regulations 2008 (the “principal regulations”).

Part 15 – Wales

The Relevant Authorities (Code of Conduct) (Prescribed Period for Undertakings) (Wales) Order 2008 – 2008 N° 929

The Regulations were made on 27 March 2008, laid before Parliament on 8 April 2008 and came into force on 30 April 2008. So far as is relevant to this Order, section 183 of the 2007 Act provides that a person who, immediately

before the coming into force of that section, is a member or co-opted member of a relevant authority in Wales (other than a police authority) will cease to be a member or co-opted member of the authority unless before the end of “the prescribed period”, he has given the authority a written undertaking to observe the authority’s code of conduct.



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