



# Executive Summary and Recommendations

	<b>General Purposes Committee Report</b>
<b>Date:</b>	26 <sup>th</sup> February 2008
	The Local Government and Public Involvement in Health Act 2007
<p><b>1. Summary</b></p> <p>1.1 The Local Government and Public Involvement in Health Act 2007 received royal assent on 30<sup>th</sup> October 2007. Only a minority of provisions is in force. The remainder of the Act is being phased in by Order.</p> <p>1.2 In relation to those provisions which are due to come into force from April 2008, the report asks the committee to note that those provisions regarding members conduct and the requirement for Standard Committees to be chaired by an independent chairman will require amendments to the constitution and that the Director of Legal and Administration will exercise his delegated powers pursuant to article 15 to amend the constitution once they are in force.</p> <p>1.3 Going forward, as various sections of the Act are still to be brought into force, further reports will be submitted to the General Purposes Committee relating to the appointment of Committees and further updates to the Constitution.</p> <p><b>2. Recommendations</b></p> <p>2.1 That, in relation to provisions in the Act regarding member complaints which will come into force at some future date and which are mandatory, the committee notes that the Director of Legal and Administration will exercise his delegated powers pursuant to Article 15 of the Constitution to amend the constitution as set out in Appendix 1 and that the amendments shall become effective from the date of the relevant statutory provision coming into force.</p> <p>2.2 That the committee notes the provisions in the Act set out in Appendix 2.</p>	



City of Westminster

# Committee report

Date:	26 <sup>th</sup> February 2008
Classification:	<b>For General Release</b>
Title of Report:	The Local Government and Public Involvement in Health Act 2007
Report of:	<b>The Director of Legal and Administrative Services</b>
Wards involved:	All
Policy context:	None
Financial summary:	No financial implications
Report Author:	Angela Hogan, Principal Solicitor
Contact details	<b>Angela Hogan</b> <b>Telephone 020 7641 2780</b> <b>Fax 020 7641 3325</b> <b>ahogan@westminster.gov.uk</b>

## **1. Background Information**

- 1.1 The Local Government and Public Involvement in Health Act 2007 ('the Act') received royal assent on 30th October 2007. Some provisions came into force at the end of November and the end of December 2007 but most will be brought into force in stages by Commencement Orders.
- 1.2 The provisions relating to the new style executive arrangements came into force on 30th December 2007 but the Secretary of State's Guidance is not expected before April 2008 and, in addition, regulations are awaited on the term of office of the new style leader and other matters. Under the transitional arrangements in Schedule 4 the Council may continue to operate under its existing executive arrangements until it changes them in accordance with the requirements of the Act, the deadline for which is 31st December 2009 in the case of London Borough Councils.
- 1.3 The Act requires the new style executive arrangements to include a provision expressly giving the Leader the power to determine the number of councillors who may be appointed to the Cabinet (up to the existing statutory maximum of 10) and the requirement for the Leader to appoint a Deputy.

## **2. Detail**

- 2.1 The table in Appendix 2 sets out the full details of the Act, its application to Westminster and identifies those sections which are in force. Those pertinent to Westminster are as follows:

### *Part 2 – Structural and Boundary Changes and Election Dates*

- a) [s55] The Council has the power to request that the Electoral Commission gives a direction to the Boundary Committee for England to conduct an electoral review with the aim of introducing single-member electoral areas. If the Electoral Commission decides not to grant a request it must provide the local authority with reasons. The Boundary Committee is not obliged to recommend that all wards become single-member wards, if it would be inappropriate to do so. This section is in force. Therefore it is open to the Council to decide to make the appropriate request to the Electoral Commission with the aim of introducing single member wards in all parts of the borough.
- b) [s59] The Council has the power to change the name of an electoral area by passing a resolution at a special meeting held for the purpose. The resolution must be passed by at least two-thirds of members voting. Prior to passing a resolution the Council must take such steps as it considers appropriate to consult with persons who might be interested. This section is in force. It is therefore open to the Council to decide to change the name of any of the wards.

- c) [s60] The Secretary of State can combine the dates of local elections with European Parliamentary/GLA elections when those elections fall in the same year. This section is in force but has no implications for the Council pending a decision from the Secretary of State.

### Part 3 – Executive Arrangements for England

- a) [s62] Following central government's proposals in its White Paper: 'Strong and Prosperous Communities' the Act strengthens the leadership models and requires Councils to choose between an elected mayor and cabinet or a new style Leader and Cabinet. Two of the present models of executive leadership brought in under the 2000 Act, - the elected Mayor and Manager and what the Act terms 'old style leader and cabinet model' are to be discontinued. The so-called new style leader is very similar to the model currently operated at Westminster in that the leader is elected by the full Council and the leader appoints two or more councillors to the executive. There are a number of differences however, in addition to the provisions for the new style leader to determine the size of the cabinet and appoint a deputy with power to act on behalf of the leader in his/her absence. These include a fixed term of office and crucially the Act invests the new style leader with responsibility for discharging all the Councils executive functions and gives the Leader the power to delegate executive functions to the executive, a member of the executive or an officer. Currently, certain functions are delegated by the Council to the Cabinet as a whole.
- b) [s67] The section requires the Leader to be elected at the first annual Council meeting after the local elections. The new style leader holds office for four years until the annual Council meeting following the next local elections. In practice, it will not change the arrangements significantly as the Council's constitution already provides for the leader to be elected at the annual Council meeting in the year of the City Council's elections and for the leader to hold office until he/she resigns, is suspended from being a councillor, is no longer a councillor or is removed from office by resolution pending the next local elections. This provision is in force.

Also in s67, the Council may introduce, into the new style executive, arrangements to remove a Leader. There is already a reference in the constitution to the removal of the Leader by resolution. This provision is also in force.

- c) [s74 and Schedule 3] The new style executive arrangements must include a provision which enables the leader to determine the number of councillors who may be appointed to the executive subject to that being no more than 10 (including the leader). Currently the constitution requires that the cabinet is comprised of 10 councillors.

Section 74 further requires that the new style executive arrangements must include provision which requires the leader to appoint one of the members of the executive to be his deputy. The deputy holds office until he resigns or ceases to be a member until the end of the term of office of the leader.

Although the provisions in s74 and Schedule 3 are in force, the transitional arrangements (Schedule 4 to the Act) provide that local authorities may continue to operate 'old style leader and cabinet executives' (i.e. those authorities like Westminster, which operate under section 11(3) of the Local Government Act 2000) until the end of the transitional period. However the authorities must change to a new form of executive before the end of December 2009 in the case of London Boroughs. The Secretary of state has power by order to specify new style leader and cabinet arrangements for authorities which fail to meet the deadline. The process for changing to the new style executive arrangements is specified in detail in section 64. They include the preparation of proposals for change, an implementation timetable and transitional arrangements. In certain cases public consultation is required. Implementation is by Council resolution.

Although these provisions are in force, the DCLG's view is that it is not open to the Council to change to new style executive arrangements before December 2009. Secretary of State's Guidance is awaited, (expected from April 2008) together with regulations and directions, which may remove some of the uncertainty surrounding the process for change and so the other option is to await the guidance and regulations before embarking on the process of change.

#### Part 4 – Parishes

- a) [s75 – 102] Local government electors can petition their council to undertake a 'community governance review' with a view to creating parishes. This applies nationally, including London. In general terms, provided the petition complies with certain conditions as to the minimum number of petitioners who must have signed the petition, the area that petitioners wish to see considered as part of the review etc, the council must carry out a review. At the end of the review, the council must recommend either to create a new parish or not and whether or not there should be a parish council. None of the provisions relating to parishes and community governance reviews is in force. The Government's implementation plan indicates its intention to bring into force from April 2009 onwards.

#### Part 5 – Co-operation of English Authorities with Local Partners etc and Overview and Scrutiny Committees

- a) [s103-118] Where the Secretary of State directs, the authority must prepare and submit a draft of a local area agreement. Local area agreements are agreements between a local authority and partner authorities, approved by the Secretary of State. The Council took part in

the first LAA pilot scheme before the Act and during the summer of 2007 piloted arrangements for the new LAA as set out in the Act. The section is in force and pursuant to that section the Secretary of State has directed that the authority enter into a second LAA by June 2008. The Policy and Performance Department is working with partners and the Secretary of State to prepare a new LAA, including Local Improvement Targets based on the pilot work. Each target must relate to the authority or one or more partner authorities and/or one or more persons. The Act also requires that, in preparing the draft LAA, the authority must seek the views of each partner authority and of other appropriate persons, ie voluntary and community sectors, private businesses. Once the Secretary of State has approved an LAA the authority and each partner authority must, when exercising their functions, have regard to the local improvement targets within the LAA that relate to it.

- b) [s119-128] Each authority operating executive arrangements must ensure that its overview and scrutiny arrangements enable any member of the authority to refer a local government matter affecting the area for which the Member is elected (i.e. their ward) to the relevant overview and scrutiny committee. When deciding how to proceed, a committee may consider representations from the member who referred the matter and the extent to which he exercised the powers available to him under s236 to resolve it (see below). These provisions are known as the Councillor Call For Action, and similar but not identical arrangements have been introduced at Westminster as part of the City Council's Neighbourhood Agenda (whereby all three Ward Councillors can refer a matter to an Overview and Scrutiny Committee).

An Overview and Scrutiny Committee can make a report or recommendation to the authority or the executive. The Overview and Scrutiny Committee may decide to publish the report or recommendations and it must give the authority or executive notice of the steps which must be taken within two months and such steps include responding to the report or recommendations and publishing the response.

An Overview and Scrutiny Committees can require members exercising functions under s236 to appear before it.

Partner authorities may be required, subject to the information relating to a local area agreement target, to provide information to an Overview and Scrutiny Committee. The overview and scrutiny committee may require partner authorities to have regard to a report or recommendation.

None of the provisions relating to Overview and Scrutiny Committees is in force. The Government's Implementation Plan indicates the intention begin implementation from April 2009 onwards. Once in force they will be the subject of a further report.

- c) [s126] Each authority must ensure that it has an Overview and Scrutiny committee which includes within its terms of reference crime and disorder functions, including the power to make a report or recommendation to the authority with respect to any local crime and disorder matter referred to it. Further, the authority must ensure that it makes arrangements which enable any member of the authority to refer any local crime and disorder matter to the authority provided the matter in question relates to that member's ward. The duty is derived from the 2007 Act and the Police and Justice Act 2006. Neither the relevant section in the 2006 Act nor the relevant provision in the 2007 Act is in force. Once in force, the Council will be required to alter the terms of reference of one of the Overview and Scrutiny Committees so as to include crime and disorder functions. At that time, a further report will be submitted to the General Purposes Committee.

#### Part 6 – Byelaws

- a) [s129-135] A local authority byelaw is a law which has been made by a local authority under a power conferred by statute. Currently, local authority byelaws must be confirmed by the Secretary of State. Offences against local authority byelaws attract a penalty fine, which is enforced through the Magistrates' Court. Under the Act the Secretary of State has the power to make regulations prescribing classes of byelaws which can be made using a procedure that does not require the byelaws to be approved by the Secretary of State. The Secretary of State may include in regulations provisions on the consultation procedures which local authorities should follow before a byelaw is made. The Secretary of State can prescribe classes of byelaws which can be enforced by fixed penalty notices. These provisions are not in force. Again the Government's intention is to implement these powers from April 2009 on.

#### Part 7 – Best Value

- a) [s136-144] Part 7 amends the best value regime ie the regime under which best value authorities are required to make arrangements to secure continuous improvement in the way in which their functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The Act removes the requirement on best value authorities to carry out a best value review. It places a new duty on English best value authorities to involve representatives of local people in the provision of local services and policies. These provisions are not in force. These are seen as part of the Government's current approach to performance. The Government's implementation plan indicates that the streamlining of the Best Value arrangements should be introduced on 1st April 2008 and the new duty to involve local people is due to come into effect in April 2009.

Part 9 – Commission for Local Administration in England ('Local Government Ombudsman')

- (a) [s168-182] The Act gives the Ombudsman the power to investigate complaints relating to services delivered under partnership arrangements. It also extends the jurisdiction of the Ombudsman beyond maladministration to alleged or apparent failure in a service which it is an authority's function to provide and an authority's alleged or apparent failure to provide such a service. The Act also removes the general restriction on a Local Commissioner's power to investigate contractual or commercial transactions, replacing it with a number of narrower restrictions. The provisions also give the Commissioner the power to initiate an investigation into a matter affecting persons other than the original complainant. None of the provisions relating to the Ombudsman is in force.

Part 10 – Ethical Standards

- (a) [s183-201] The Members Code of Conduct is extended to include conduct taking place in a members' private life as well as in an official capacity when that conduct would constitute a criminal offence and the breach of the code relates to intimidation in relation to a member investigation, bringing the member's office or authority into disrepute or misuse of position. All complaints against a member relating to the code must be made not to the Standards Board for England as at present but to the standards committee. If a standards committee decides not to take any action regarding an allegation the complainant may request a review of that decision within 30 days and the standards committee must undertake a new assessment of the allegation and reach a decision within 3 months. There are other procedural changes to the conduct of investigations. The provisions also require that standards committees must be chaired by an independent member and that standards committees may appoint sub-committees to undertake any of their functions. Some of these provisions have been brought into force by the No. 2 Commencement Order. Part 10 of the Act is commenced from 1st January with the exception of sections 186, 197 and 199. Section 187 (appointment of independent chair) comes in on 1st April 2008. Sections 183, 185, 191, 192 and 198 are brought into force only partially at the moment. In addition, regulations are required in order to bring the new ethical regime into effect. The Department of Communities and Local Government consulted Local authorities on these in January 2008 and the consultation period closed on 15th February. The Government's intention is to bring these provisions into effect in Spring 2008.

Once in force they will require amendments to the constitution in terms set out in Appendix 1`. The amendments to the terms of reference of the Standards Committee are not included in Appendix 1 as these are the subject of a separate item on the agenda.



## Chapter 2 – Employees

- (a) [s202] The Local Government and Housing Act 1989 provides that a person is disqualified from becoming a member of a local authority if he or she holds a politically restricted post. The section amends the 1989 Act so that the granting and supervision of exemptions from the political restriction will be the responsibility of the Standards Committee rather than as at present a person appointed by the Secretary of State. . Once in force it will require an amendment to the constitution to expand the terms of reference of the Standards Committee. Again, the amendment to the terms of reference is the subject of a separate item on the agenda.
- (b) [s203] This section provides for the Secretary of State to make an order which will specify the maximum pay of political assistants by reference to a point on a relevant pay scale. These provisions will come into force on 1st April 2008.

## Part 11 – Joint Waste Authorities

- (a) [s205-211] The Act gives two or more local authorities the power to submit a proposal to the Secretary of State for the creation of a joint waste authority. Westminster is unlikely to avail itself of such a power because it already achieves significant efficiencies in its current arrangements with contractors which may be lost by becoming a joint waste authority. The provisions are not yet in force.

## Part 12 – Entitles Controlled Etc By Local Authorities

- (a) [s212-218] The Act gives the Secretary of State the power to make an order prohibiting the local authority from taking specified actions as defined in the order in relation to entities connected with the local authority (including trusts) and not as is currently the case in relation to local authority companies only. The provisions are not yet effective as the Secretary of State has not made an order.

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

- (a) [s221-234] The Act abolishes Patients' Forums and the Commission for Patient and Public Involvement in Health. In their place, it imposes a duty on local authorities to make contractual arrangements for the involvement of people in the commissioning, provision and scrutiny of health and social services. It is expected that, under the arrangements, particular bodies (whether existing or newly-created) will be given the task of being the means through which such involvement is achieved. Such a body is referred to as a 'local involvement network'. The Act imposes a duty on local authorities to ensure there is a means, amongst other things, of involving people in the scrutiny of local care services. Where a local involvement network refers a matter relating to social care services to an overview and scrutiny committee, that committee must acknowledge receipt of the referral and keep the referrer informed of the

committee's actions. This provision of the Act relates only to social care services because there are existing regulation-making powers in relation to the scrutiny of health services. Together, the existing regulation-making powers and the provisions in this part of the Act will ensure that overview and scrutiny committees are required to respond to local involvement networks on the health and social care matters that they refer. None of these provisions is yet in force.

#### Part 16 – Miscellaneous

- (a) [s236] This section provides that an authority may make arrangements for individual members to exercise functions of the authority in relation to the electoral division or ward for which the member is elected. The Secretary of State may exclude by order functions from such arrangements or place conditions on how such a function is exercised. Where the function to be included in the arrangements is the responsibility of the executive of the authority it is for the Leader to make the arrangements. In all other cases, it is for the authority itself. This provision is not in force.

### **3. Financial Implications**

- 3.1 None

### **4. Legal Implications**

- 4.1 Upon the coming into force in the Spring 2008 of other provisions relating to the new ethical regime and the conduct of members (and on the coming into force on 1st April 2008 of the provisions about chairs of Standards committees) the Director of Legal and Administrative Service will exercise his delegated powers pursuant to Article 15 to amend the constitution in the terms set out in Appendix 1.

**If you have any queries about this report or wish to inspect one of the background papers please contact Angela Hogan on 020 7641 2780, fax 020 7641 3325, email [ahogan@westminster.gov.uk](mailto:ahogan@westminster.gov.uk).**

### **Background Papers**

- 1. Local Government and Public Involvement in Health Act 2007 and explanatory notes**
- 2. The Police and Justice Act 2006 and explanatory notes**

Amendments to be made to the Constitution as set out in the extract below where indicated by underlining and deletions:

Under:

page 5

**Part 1**

**Summary and Explanation**

...

**Citizens' Rights**

...

\* complain to the Standards ~~Board for England~~ Committee if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct

page 11

**Article 3 – Citizens and The Council**

(d) **Complaints** Citizens have the right to complain to:

....

(iii) the Standards ~~Board for England~~ Committee about a breach of the Council's Code of Conduct.

page 24

**Article 9 – The Standards Committee**

....

**9.02 Composition**

The Standards Committee will be composed of at least two councillors who may not include the Leader – and at least one person who is not a councillor or an officer of the Council (the independent member). The independent member (s) will be entitled to vote at meetings.

The Standards Committee must be chaired by an independent member. Only one member of the Cabinet may sit on the committee and he/she may not be appointed as its Chairman.

## **Appendix 2**

### **LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
1	1-30	Structural & boundary change	No	N/A	None	1.11.07	N/A
2	31-54	Electoral arrangements	No	N/A	None	30.12.07	N/A
2	55	Electoral arrangements	Yes	Requests for single-member electoral areas	None unless policy decision taken	30.12.07	Applies from 2010
2	56-57	Electoral Commission	No	N/A	None	30.12.07	N/A
2	58	Metropolitan Districts	No	N/A	None	30.12.07	N/A
2	59	Change of name of electoral area	Yes	Power to change the name of any of the electoral areas/wards in the borough by resolution	None unless policy decision taken	30.12.07	None
2	60	Power of SoS to combine local election dates to European/GLA election dates	Yes	Power to Sec of State to change a local election date and GLA election date to the same date as European Parliamentary election	None unless SoS makes a decision	30.12.07	None
2	61	Conseq amendments	Yes	Schedule 2 – electoral arrangements	None	30.12.07	N/A

#### **EXECUTIVE ARRANGEMENTS FOR ENGLAND**

3	62	Amends section 11 LGA 2000 (Local Authority Executives)	Yes	Leader & Cabinet Executive model remains but in the “new style” model, Cabinet Members can only be appointed by Leader and not the Leader or Council. “Elected Mayor” model remains but “Mayor & Council Manager” model only applies to Wales	None at present – await S of S guidance expected April 2008	30.12.07	Must consult and then pass a resolution to change to ‘new style model’ of Leader and Cabinet Executive or elected mayor model by 31.12.09.
---	----	---	-----	---	---	----------	--

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
							Implementation at the next local elections in 2010.
3	63	Amends sections 14 and 15 LGA 2000 (Discharge of Functions)	Yes	Both Elected Mayors and Leaders referred to as "senior executive member". Executive powers will be vested in the senior executive member either to discharge or to delegate to the executive, a committee of the executive, an executive member or an officer	None	30.12.07	None
3	64	Inserts new sections 33A-33O into LGA 2000 (Changing governance arrangements)	Yes	Power given to LA's to change executive model or vary existing model. If LA wishes to change governance arrangements, it must draw up proposals including a timetable and any transitional arrangements and consult on them. If proposals are to change the form of executive, they can include a referendum.	None at present – await S of S guidance expected April 2008	30.12.07	Must consult and then pass resolution to change to 'new style' model of Leader and Cabinet Executive or elected mayor model by 31.12.09. Implementation at the next ordinary elections in May 2010.
3	65	Amends sec 34, LGA 2000 re a referendum following a petition	Yes	Minor change to existing requirements	None at present	30.12.07	None
3	66	Amends sec 39 LGA 2000 re elected mayors	No	N/A	None	30.12.07	None
3	67	Inserts new sec 44 A-H into LGA 2000	Yes	Provides for election of the Leader (in a Leader & Cabinet model) at first annual Council meeting after election. Also the arrangements <u>may</u> provide for Council to remove Leader by resolution (the current position in any event in WCC). Leader's term of office is 4 years (unless removed)	None – the constitution already provides in effect that the Leader has a four year term and that the Leader may be removed by	30.12.07	None

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
				and until first annual meeting after next whole-Council election.	resolution.		
3	68-70	Consequential provisions & interpretation	Yes	Consequential provisions & interpretation	None at present	30.12.07	None
3	71-73	Alternative arrangements	No	N/A	None	30.12.07	None
3	74	Further amendments/ transitional provision	Yes	Schedule 3 – executives Schedule 4 – new arrangements for executives – transitional provision`	Constitution in the Leader and Cabinet Executive model will require Leader to determine number of Cabinet members and to appoint a Deputy with same term of office as Leader (but also removable by Leader)	30.12.07	None
<b>PARISHES AND COMMUNITY GOVERNANCE REVIEWS (CGR's) AND COMMUNITY GOVERNANCE PETITIONS (CGP'S)</b>							
4	75-78	Relates to existing parishes	No	N/A	None	NIF	N/A
4	79	CGR's	Yes	CGR's can apply to all or part of the borough	None at present	NIF	None
4	80	CGP's	Yes	A CGP is a petition for CGR to be undertaken and this section sets out the conditions for a valid CGP including: number of signatures (variable according to no of electors); defining the area; indicating whether a new parish should be created and, if so, whether a parish council should also be established	Duty to undertake a review if valid petition received	NIF	None
4	81-82	CGR's	Yes	LA empowered to undertake a CGR and to determine its terms of reference and to specify area under review	None unless policy decision taken	NIF	None

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
4	83	No CGR being undertaken – duty to respond to petition	Yes	If valid petition received and no CGR is being undertaken, LA must undertake a CGR with terms of reference that encompass petition	Duty to undertake a review if valid petition received	NIF	None
4	84	CGR being undertaken – duty to respond to petition	Yes	If valid petition received and a CGR is being undertaken, LA has 3 options: modify review, undertake a separate review, or do both	Duty to undertake a review if valid petition received	NIF	None
4	85	Power to respond to petition	Yes	Specifies cases where no duty to conduct a CGR even if valid petition submitted (eg previous CGR in last 2 years)	Exceptions to duty to undertake a review if valid petition received	NIF	None
4	86	Reorganisation of community governance	Yes	Provides for LA's to implement CGR outcomes by order, except changes to ward boundaries, which Electoral Commission must approve	Depends on outcome of a CGR	NIF	None
4	87	Constitution of new parish	Yes	A CGR must recommend either to create a new parish or not, the geographical name, any alternative style and whether there should be a parish council	Depends on outcome of a CGR	NIF	None
4	88	Existing parishes under review	No	N/A	None	NIF	N/A
4	89	New parish council – consequential recs	Yes	If a CGR recommends establishing a parish council, it must also recommend electoral arrangements for it	Depends on outcome of a CGR	NIF	N/A
4	90	Council retained – consequential recs	No	N/A	None	NIF	N/A
4	91	Grouping parishes	Yes	A CGR can recommend the grouping of parishes and related electoral arrangements	Depends on outcome of a CGR	NIF	N/A
4	92	Consequential recommendations	Yes	When conducting a CGR, LA must consider related alterations to ward boundaries and makes recommendations to Electoral Comm.	Only if a CGR is conducted	NIF	N/A
4	93	LA's duties when undertaking a CGR	Yes	These include consultation, matters to have regard to, other arrangements for	Only if a CGR is conducted	NIF	None

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
				community representation (actual or potential), and responses. CGR to conclude within 1 year			
4	94	Recommendations to create parish councils	Yes	Subject to no of electors, a parish council must, may, or must not be, created.	Only if a CGR is conducted	NIF	None
4	95	Electoral recommendations: general considerations	Yes	Sets out the considerations that LA's must have regard to when making recommendations as to electoral arrangements for a parish council	Only if a CGR is conducted	NIF	None
4	96	Publicising outcome of a CGR	Yes	Sets out publication requirements following a CGR	Only if a CGR is conducted	NIF	None
4	97-102	Consequential provisions & interpretation	Yes	Consequential provisions & interpretation	Only if a CGR is conducted	NIF	None
<b>CO-OPERATION OF ENGLISH LOCAL AUTHORITIES WITH LOCAL PARTNERS, ETC</b>							
5	103	Responsible LA's	Yes	Identifies which LA's are required to prepare Local Area Agreements (LAA's)	Duty to prepare LAA's	30.12.07	WCC already preparing LAA
5	104	Partner authorities	Yes	Identifies partner authorities	Duty to consult partners when preparing LAA's	30.12.07	WCC consulting partners
5	105	Local Improvement Targets (LIT's)	Yes	Defines Local Improvement Targets (LITs) and circumstances in which LA or partner is primarily responsible	Targets must be agreed with partners	30.12.07	Ditto
5	106	Duty to prepare LAA	Yes	LA must prepare a draft LAA where the Sec of State so directs, specifying LIT's & timescales	Targets must be agreed with partners	30.12.07	LA to have prepared LAA by June 2008
5	107	Approval of draft LAA by SoS	Yes	SoS will either approve draft LAA or require modification	SoS approval to draft LAA required	30.12.07	We are about to seek DCLG approval to agree the LAA
5	108	Duty to have regard to LIT's	Yes	LA and partners must have regard to LIT's when discharging their functions	Must have regard to LIT's when discharging functions	30.12.07	None until the LAA entered into in June 2008



PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
5	109	Designated targets	Yes	SoS may designate LIT's	Additional LIT's may not be amended or removed without SoS' consent	30.12.07	None
5	110	Revision and addition of targets	Yes	LA's may amend or remove non-designated LIT's by agreement & following consultation	Changes must be agreed with partners	30.12.07	None
5	111-112	Designated targets: revision proposals	Yes	LA's may submit "revision proposals" to SOS for approval	Duty to consult & co-operate with partners when preparing revision proposals	30.12.07	None
5	113	Duty to publish information about LAA	Yes	Duty to publish information about LAA	Includes LIT's, which are designated and duration of LAA	30.12.07	WCC to put LAA on website from June 2008
5	114	Preparation of Community Strategy	Yes	Amends s4 LGA 2000 to require LA's to engage partners when revising Com Strategy	Duty to engage partners	30.12.07	The Community Strategy is the City Plan 2006 -16 and was formed in consultation with partners
5	115	Applies to Wales only	No	N/A	None	30.12.07	N/A
5	116	Health & Social Care: joint assessments	Yes	Duty imposed on LA's and PCT's to undertake a joint Strategic Needs Assessment of health & social care needs of the area	Comply with duty in accordance with SoS' regulations/guidance	NIF	Working with PCT towards preparing a joint assessment
5	117	Interpretation	Yes	Interpretation	None	30.12.07	None
5	118	Transitional provisions	Yes	SoS has discretion to approve pre-existing voluntary LAA's	Policy decision as to whether to submit pre-existing LAA's for approval	30.12.07	WCC working to produce new LAA only
<b>OVERVIEW AND SCRUTINY COMMITTEES</b>							
5	119	Reference of matter by councillor to overview & scrutiny ("Councillor Call for Action")	Yes	Amends s21, LGA 2000 to permit any member to refer a "local government matter" (not crime & disorder) to scrutiny, which can decide, with reasons, not to pursue the matter	Amend Scrutiny Procedure Rules (currently any 3 members of the committee or 3	NIF	Expected to be in place from April 2008

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
5	120	Power of scrutiny ctee to question members	Yes	Amends s21 LGA 2000 to empower scrutiny ctees to question any member to whom ward functions are delegated under s236 below	members of a ward can do this) Amend Scrutiny Procedure Rules	NIF	None
5	121	Power to require information from partner authorities	Yes	Amends s22 LGA 2000 to empower scrutiny ctees to require prescribed information from partner authorities	Amend Scrutiny Procedure Rules	NIF	Expected to be in place from April 2008
5	122	Reports & recommendations of scrutiny committees	Yes	Amends s21 LGA 2000 to require scrutiny ctees, when reporting to Cabinet or Council, to specify required steps to be taken within 2 months. Similar powers for partner authorities to "have regard" to report/recommendations. Also makes provisions relating to disclosure of exempt and confidential information	Amend Scrutiny Procedure Rules and Access to Information Procedure Rules	NIF	Expected to be in place from April 2008
5	123-124	Joint overview & scrutiny committees	No	Only applies to county & district councils	None	NIF	N/A
5	125	Guidance	Yes	Empowers SoS to issue guidance to which scrutiny committees must have regard	Amend Scrutiny Procedure Rules to reflect guidance	NIF	None
5	126	Reference of local crime & disorder matters to crime & disorder committees	Yes	Amends Police & Justice Act 2006 to align "Community Call for Action" re crime & disorder matters with the new "Councillor Call for Action" enabled in section 119 above	Amend Articles & other relevant parts of Constitution	NIF	None
5	127	Consequential amendments	Yes	Applies mainly to joint overview & scrutiny committees	Amend Scrutiny Procedure Rules	NIF	None
5	128	Transitional provisions	Yes	Procedure set out in s64 above also applies to any changes to executive arrangements required under Part 5 of the Act	Assess any changes required and comply with requirements	NIF	None
<b>BYELAWS</b>							
6	129	Alternative procedure for certain bye-laws	Yes	Amends s236 LGA 1972 to enable certain byelaws to be enacted without need for	Await regulations and amend Council	NIF	Expected to be in place from April 2008

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
				SoS to confirm	procedures for byelaws		
6	130	Fixed penalties for breach of byelaws	Yes	SoS can prescribe classes of byelaws which may be enforced by fixed penalty notices (FPN's)	Await regulations and amend Council procedures for byelaws	NIF	None
6	131	Use of fixed penalty receipts	Yes	Duty on LA's to consider ring-fencing receipts to target the nuisance at which the byelaw is aimed and generally	Await regulations and amend Council procedures for byelaws	NIF	None
6	132	Guidance	Yes	Power given to SoS to issue guidance re new byelaw procedures and fixed penalties	Await guidance and amend Council procedures for byelaws	NIF	None
6	133	Community Support Officers (CSO's) etc	Yes	Subject to agreement with the police, CSO's & other accredited persons may issue FPN's	Await guidance and amend Council procedures for byelaws	NIF	None
6	134	Revocation of byelaws	Yes	Empowers LA's & SoS to revoke obsolete byelaws	Review existing byelaws	NIF	None
6	135	Further amendments relating to byelaws	Yes	Amends various statutes	None	NIF	None
<b>BEST VALUE</b>							
7	136	Best value authorities	No	Applies to parish & community councils only	None	NIF	N/A
7	137	Guidance about best value duty	Yes	Extends existing power of SoS to give guidance to LA's re best value duty	Await guidance	NIF	None
7	138	Involvement of local representatives	Yes	Duty on LA's to inform, consult & involve local representatives in exercise of their functions	Comply with new duty when considered appropriate to do so	NIF	Expected to be in place from April 2009
7	139	Abolition of Performance Indicators (PI's)	Yes	Abolishes power of SoS to specify PI's, duty of LA's to comply and duty to publish Best Value Performance Plans (BVPP's)	Amend Council procedures re best value	NIF	Expected to be in place from April 2008
7	140	Abolition of best	Yes	Abolishes duty on LA's to undertake best	Amend Council	NIF	Expected to be in

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
		value performance reviews		value performance reviews	procedures re best value		place from April 2008
7	141-142	Power to modify enactments	No	Applies to Wales only	None	30.12.07	N/A
7	143	Grants to promote exercise of functions	Yes	Power to Ministers to give grants for purpose of improving performance	Await guidance	30.12.07	Expected to be in place from April 2008
7	144	Minor amendments	No	Applies to Wales only	None	NIF	N/A
<b>LOCAL SERVICES: INSPECTION AND AUDIT</b>							
8	145-165	New provisions relating to Audit Commission & auditors	Yes	Audit Commission & Benefit Fraud Inspectorate to merge; Audit Commission's powers amended re inspections & reports (eg to include assessment of risk of failure, rate of improvement & use of resources)	Changes to be noted once introduced & procedures amended as necessary	NIF	None
8	166-167	Applies to Wales only	No	Applies to Wales only	None	NIF	N/A
<b>COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND ("LOCAL GOVERNMENT OMBUDSMAN")</b>							
9	168-170	Relates to LGO'S	No	N/A	None	NIF	N/A
9	171	Power to investigate	Yes	Amends LGA 1974 re circumstances in which LGO may investigate a matter	Amend Corporate Complaints Procedures	NIF	None
9	172	Authorities subject to investigation	Yes	Amends LGA 1974 so that services delivered under partnership arrangements are within LGO's remit to investigate	Amend Corporate Complaints Procedures	NIF	None
9	173	Matters subject to investigation	Yes	Amends LGA 1974 so that LGO can investigate failure in a service or to provide a service and relaxes restrictions on investigating contractual/commercial transactions	Amend Corporate Complaints Procedures	NIF	None
9	174	Complaints & matters coming to LGO's attention	Yes	Amends LGA 1974 re process for making complaint; extends powers to investigate matters affecting persons other than complainant	Amend Corporate Complaints Procedures	NIF	None

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
9	175	Reports & statement of reasons	Yes	Amends LGA 1974 to clarify what LGO can include in report, including recommendations	Amend Corporate Complaints Procedures	NIF	None
9	176	Power of LGO to make recommendations etc	Yes	Amends LGA 1974 so that LGO's report can cover maladministration or service failure even where no injustice has resulted.	Amend Corporate Complaints Procedures	NIF	None
9	177	Publication of reports etc by LGO	Yes	Amends LGA 1974 to clarify arrangements for publication of reports	Amend Corporate Complaints Procedures	NIF	None
9	178	Making complaints etc electronically	Yes	Complaints may be made in ways other than on paper	Amend Corporate Complaints Procedures	NIF	None
9	179-182	Various matters relating to Commission	No	N/A	None	NIF	N/A

#### ETHICAL STANDARDS

10	183	Conduct that may be covered by the Code	Yes	Code of Conduct only applies to members outside their official capacity if that conduct would constitute a criminal offence	None	NIF	Expected to be in place from April 2008 (as is most of Part 10)
10	184	Certain references to code of conduct to include default code	Yes	First part only applies if no Code adopted. Otherwise, duty on Standards Committees (SC's) to advise & train members and monitor operation of Code	Amend terms of reference of Standards Committee	NIF	None
10	185	Assessment of allegations	Yes	Initial assessment of allegations to be made by SC's instead of Standards Board (SBE) & procedures amended to reflect this, including right to review	Amend procedures for investigation of allegations	NIF	None
10	186	Information to be provided to SBE by LA	Yes	Specifies information to be provided to SBE	Amend procedures for investigation of allegations	NIF	None
10	187	Chairmen of Standards Committees	Yes	Requirement that Chair of Standards Committee is one of the independent members	None	NIF	None

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
10	188	Sub-Committees of Standards Committees	Yes	Clarifies power of Standards Committee to appoint a sub-committee to discharge any of its functions	None	NIF	None
10	189	Joint committees	Yes	Provision for 2 or more LA's to establish Joint Standards Committees	Amend Constitution	NIF	None
10	190	SBE functions	Yes	Extends SBE's functions	To note		None
10	191	Ethical Standards Officers (ESO's): investigations/finding	Yes	Relates to powers of ESO's including amending two of the findings they can make	Amend procedures for investigation of allegations	NIF	None
10	192	ESO's reports, etc	Yes	ESO's report (including interim report) can be supplied to SC's to assist their functions	Amend procedures for investigation of allegations	NIF	None
10	193	Disclosure by Monitoring Officer (MO) of ESO's reports	Yes	MO can now inform any member or officer of outcome of ESO's investigation and provide a copy of the report to promote high standards of conduct	Amend procedures for investigation of allegations	NIF	None
10	194	Matters referred to MO's	Yes	Regulations will provide for MO's to refer cases back to SC in prescribed circumstances	Amend procedures for investigation of allegations	NIF	None
10	195	References to Adjudication Panel (AP)	Yes	Regs will provide for SC's to refer matters to AP where they consider available sanctions are inadequate	Amend procedures for investigation of allegations	NIF	None
10	196	Consultation with Ombudsmen	Yes	LGO may consult SC's if complaint relates partly to matter of concern to SC	Amend Complaints Procedures	NIF	None
10	197	Interim Case Tribunals (ICT)	Yes	Amends procedure so that suspension can be triggered by ICT rather than await LA action	Amend procedures for investigation of allegations	NIF	None
10	198	Case Tribunals	Yes	Revised provisions relating to Case Tribunals (eg sanctions and notice)	Amend procedures for investigation of allegations	NIF	None
10	199	Applies to Wales only	No	N/A	None	NIF	N/A
10	200	Exemption from Data Protection Act 1998	Yes	Personal data processed by MO & ESO is exempt if functions otherwise prejudiced	Amend procedures for investigation of allegations	NIF	None
10	201	Supplementary & consequential	Yes	Supplementary & consequential provision	Amend procedures for investigation of	NIF	None

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
		provision			allegations		
<b>EMPLOYEES</b>							
10	202	Politically restricted posts - exemptions	Yes	Grant of exemptions from political restrictions to be discharged by SC's rather than Independent Adjudicator	Amend Constitution (including terms of reference of SC)	NIF	None
10	203	Consequential amendments	Yes	Consequential amendments	None	NIF	None
10	204	Political Assistants' pay	Yes	SoS can make order specifying maximum pay (Scale Point) of political assistants	To note	NIF	None
<b>JOINT WASTE AUTHORITIES</b>							
11	205-211	Proposals for joint waste authorities	Yes	Power to LA's to make proposals for joint waste authorities to discharge some, or all, of their waste functions (collection, disposal, street cleansing)	None unless policy decision taken	NIF	None
<b>ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES</b>							
12	212-213	Entities controlled by LA's (including Trusts)	Yes	Repeals Part V LGHA 1989 (LA companies) so that propriety controls can be applied to wider range of entities, including trusts	None unless Secretary of State makes an order	30.12.07	None
12	214-218	Further provisions, exemptions & amendments	Yes	Further provisions, exemptions & amendments	None unless Secretary of State makes an order	30.12.07	None
<b>VALUATION TRIBUNAL FOR ENGLAND</b>							
13	219-220	Replaces local Valuation Tribunals with a single Valuation Tribunal for England	Yes	Replaces local Valuation Tribunals with a single Valuation Tribunal for England	To note	NIF	None
<b>PATIENT AND PUBLIC INVOLVEMENT IN HEALTH AND SOCIAL CARE</b>							
14	221	Health and social services – Local	Yes	New duty on LA's to make contractual arrangements for the involvement of people	LINS are in the process of being	NIF	None at present

PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
14	222-223	Involvement Networks (LINs) Arrangements under section 221(1)	Yes	in the commissioning, provision and scrutiny of health and social services LA must enter into contractual arrangements with another person ("the host") which must not be another LA or a Health body	established Ditto	NIF	ditto
14	224-225	Duties of service-providers to LIN's	Yes	Duties of service-providers (eg LA's & health bodies) to respond to and allow entry by LIN's		NIF	ditto
14	226	LIN's – referrals of social care matters	Yes	Duty on Scrutiny Committee to consider referrals from LINs relating to social care services	Amend Scrutiny Procedure Rules	NIF	ditto
14	227	LIN's – annual reports	Yes	Annual reports (including financial) to be submitted to LA's by LIN's or host.		NIF	ditto
14	228	Transitional arrangements	Yes	Provides for transition between the end of Patient's Forums and start of LIN's	Amend Scrutiny Procedure Rules	NIF	ditto
14	229	Interpretation and supplementary	Yes	Interpretation and supplementary	None	NIF	ditto
14	230-232	Abolition of Patients' Forums & Commission for Patient & Public Involvement in Health	Yes	Abolition of Patients' Forums & Commission for Patient & Public Involvement in Health	To note	NIF	ditto
14	233-234	Duty to involve users of health services	No	Duties apply to Health bodies only	None	N/A	N/A
<b>MISCELLANEOUS</b>							
16	236-237	Exercise of functions by local councillors	Yes	Power to enable members to exercise LA functions in their own ward	Policy decision required	NIF	None
16	238	Amendments relating to capital finance etc	Yes	SoS empowered to issue statutory guidance on accounting practices	None	NIF	None
16	239	Contracting Out	Yes	Technical amendment relating to contracting out of investment functions	None	NIF	None
<b>SCHEDULES</b>							
Schedule 3		Executives: further	Yes	Makes consequential amendments to the	Amend Constitution	30.12.07	None



PART	SEC	SUBJECT	APPLY TO WCC	SUMMARY (IF APPLICABLE TO WESTMINSTER)	IMPLICATIONS FOR WESTMINSTER	WHEN IN FORCE?	ACTIONS (& DEADLINES IF ANY)
Schedule 4		arrangements New arrangements for executives: transitional provision	Yes	LGA 2000 (see section 74 above) Makes transitional provision with respect to LA's operating the "old style" Leader & Cabinet model (see section 74 above)	once guidance issued Amend Constitution once guidance issued	30.10.07 (Part 3 only)	None
Schedule 14		Consequential amendments relating to entities controlled by LA's	Yes	See sections 212-218 above	See s212 -218 abovr	NIF	None