



# Local Government Act 1992

## 1992 CHAPTER 19

### PART II

#### LOCAL GOVERNMENT CHANGES FOR ENGLAND

##### *Functions of the Local Government Commission*

### **13 Duty to conduct reviews and make recommendations**

- (1) If the Secretary of State so directs, the Local Government Commission shall, in accordance with this Part and any directions given under it—
  - (a) conduct a review of such areas in England as are specified in the direction or are of a description so specified; and
  - (b) recommend to the Secretary of State as respects each of those areas either—
    - (i) that he should make such structural, boundary or electoral changes as are specified in the recommendations; or
    - (ii) that he should make no such changes.
- (2) It shall also be the duty of the Local Government Commission—
  - (a) independently of any reviews under subsection (1) above, to conduct periodic reviews of every principal area in England for the purpose of determining whether recommendations should be made for electoral changes in that area; and
  - (b) as respects any area reviewed, to recommend to the Secretary of State either—
    - (i) that he should make such electoral changes as are specified in the recommendations; or
    - (ii) that he should make no such changes.
- (3) So far as reasonably practicable, the first periodic review of any area under subsection (2) above shall be conducted not less than ten or more than fifteen years after the report of the Local Government Boundary Commission for England on a review under Schedule 9 to the 1972 Act (initial review of counties) was submitted to

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the Secretary of State in relation to the county in which that area, or the greater part of it, was comprised.

- (4) So far as reasonably practicable, subsequent reviews under subsection (2) above shall be conducted within the period of not less than ten or more than fifteen years from the submission to the Secretary of State of the last report on a review under that subsection of any area comprising the whole or a substantial part of that area.
- (5) Any structural, boundary or electoral changes recommended to the Secretary of State under this section shall be such as appear to the Local Government Commission desirable having regard to the need—
  - (a) to reflect the identities and interests of local communities; and
  - (b) to secure effective and convenient local government.
- (6) The Secretary of State may give directions as to the exercise by the Local Government Commission of any functions under this section; and such directions may require that Commission to have regard to any guidance given by the Secretary of State as respects matters to be taken into account.

## **14 Changes that may be recommended**

- (1) For the purposes of this Part—
  - (a) a structural change is the replacement, in any non-metropolitan area, of the two principal tiers of local government with a single tier;
  - (b) a boundary change is any of the changes specified in subsection (3) below, whether made for the purpose of facilitating a structural change or independently of any such change; and
  - (c) an electoral change is a change of electoral arrangements for any local government area, whether made in consequence of any structural or boundary change or independently of any such change;

and recommendations by the Local Government Commission for any structural or boundary changes shall include such recommendations as to the matters mentioned in subsection (5) below as the Commission thinks appropriate in connection with the recommended changes.
- (2) In subsection (1)(a) above—
  - (a) the reference to a non-metropolitan area is a reference to any area which is or, as a result of any recommended boundary change would be, a non-metropolitan county or a non-metropolitan district; and
  - (b) the reference to the replacement, in any such area, of the two principal tiers of local government with a single tier is a reference to either—
    - (i) the transfer to a council for a county consisting of that area of the functions in relation to that area of district councils; or
    - (ii) the transfer to a district council for that area of the functions in relation to that area of a county council.
- (3) The changes mentioned in subsection (1)(b) above are—
  - (a) the alteration of a local government area, including the alteration of so much of the boundary of any such area as lies below the high-water mark of medium tides, but excluding the extension of any local government area into Wales;
  - (b) the constitution of a new local government area of any description outside Greater London by the amalgamation of two or more such areas of the like

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- description or by the aggregation of parts of such areas of the like description or by the separation of part of any local government area;
- (c) the abolition of a principal area of any description outside Greater London, or of a metropolitan county, and its distribution among other areas of the like description;
  - (d) the constitution of a new London borough by the amalgamation of two or more London boroughs or by the aggregation of parts of London boroughs or by the separation of part of a London borough;
  - (e) the abolition of a London borough and the distribution of its area among other London boroughs;
  - (f) the constitution of a new parish by—
    - (i) the establishment as a parish of any area which is not a parish or part of one; or
    - (ii) the aggregation of the whole or any part of any such area with one or more parishes or parts of parishes; and
  - (g) the abolition of a parish, with or without the distribution of its area among other parishes.
- (4) In subsection (1)(c) above “electoral arrangements” means—
- (a) in relation to a principal area—
    - (i) the number of councillors of the council for that area;
    - (ii) the number and boundaries of the electoral areas into which that area is for the time being divided for the purposes of the election of councillors;
    - (iii) the number of councillors to be elected for any electoral area in that principal area and the years in which they are to be so elected; and
    - (iv) the name of any electoral area;
  - (b) in relation to a parish council—
    - (i) the number of councillors;
    - (ii) the question whether or not the parish or (in the case of a common parish council) any of the parishes should be divided into wards for the purposes of the election of councillors;
    - (iii) the number and boundaries of any such wards;
    - (iv) the number of councillors to be elected for any such ward or, in the case of a common parish, for each parish; and
    - (v) the name of any such ward.
- (5) The matters mentioned in subsection (1) above are—
- (a) the abolition of any local authority whose functions would all vest in another as a result of any recommended structural change or whose area would be abolished or otherwise substantially affected by any recommended boundary change;
  - (b) the establishment, as a county or district council, of a new authority for any area which would result from any recommended boundary change involving the amalgamation or aggregation of areas or parts of areas or involving other substantial alterations of areas;
  - (c) the extent to which a structural or boundary change requires (whether because functions become vested in an authority for a smaller area or for any other reason connected with the change) that joint arrangements should be made in relation to functions affected by the change; and

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- (d) whether, in connection with any recommended structural change, any authority should, for the purpose of the vesting of functions under Part II of the Town and Country Planning Act 1990 (development plans) in that authority—
  - (i) be treated as an authority to whose area Chapter I of that Part (unitary plans) applies, instead of Chapter II (structure and local plans); or
  - (ii) be authorised to include any of the policies mentioned in section 37 or 38 of that Act (mineral and waste plans) in their local plan.
- (6) For the purposes of this Part the establishment of a new authority as the county or district council for any area shall be taken to include provision, subject to any necessary electoral changes—
  - (a) for an existing county council to become the district council for any area comprising a part of a county or for any two or more such areas; or
  - (b) for an existing district council to become the county council for an area comprising any one or more districts.
- (7) For the purposes of this section—
  - (a) a metropolitan district and a non-metropolitan district shall be regarded as local government areas of a like description and so shall a metropolitan county and a non-metropolitan county; and
  - (b) any county or district resulting from the amalgamation or aggregation of the whole or any part of a metropolitan area with the whole or any part of a non-metropolitan area shall be regarded as a non-metropolitan county or, as the case may be, district.

## **15 Procedure on a review**

- (1) As soon as reasonably practicable after being directed to conduct a review, the Local Government Commission shall take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of—
  - (a) the direction requiring that review to be conducted;
  - (b) any other directions under this Part which are relevant to the review; and
  - (c) the period within which representations with respect to the subject-matter of the review may be made.
- (2) As soon as reasonably practicable after deciding to conduct a periodic review of any area under section 13(2) above, the Local Government Commission shall take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of—
  - (a) the fact that the Commission is to conduct a periodic review of that area;
  - (b) any directions under this Part which are relevant to the review; and
  - (c) the period within which representations with respect to the subject-matter of the review may be made.
- (3) In conducting a review, the Local Government Commission shall—
  - (a) take into consideration any representations made to it within the period mentioned in subsection (1)(c) or (2)(c) above;
  - (b) prepare draft recommendations and take such steps as it considers sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which representations with respect to them may be made;

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- (c) deposit copies of the draft recommendations at the principal office of any principal council appearing to that Commission to be likely to be affected by them; and
  - (d) take into consideration any representations made to that Commission within that period.
- (4) As soon as the Local Government Commission is in a position to submit to the Secretary of State a report on a review, it shall—
  - (a) submit such a report to him together with its recommendations;
  - (b) take such steps as it considers sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which they may be inspected; and
  - (c) deposit copies of the recommendations at the principal office of any principal council appearing to that Commission to be likely to be affected by them.
- (5) Copies of any draft recommendations deposited at the principal office of a principal council under subsection (3)(c) above, and of any recommendations deposited at any such office under subsection (4)(c) above, shall be kept available for inspection at that office throughout the period within which representations with respect to them may be made or, as the case may be, within which they may be inspected.
- (6) Where the report on a review is submitted to the Secretary of State under subsection (4) above, he may, if he thinks fit, direct the Local Government Commission to conduct a further review of any area to which the report relates and to make revised recommendations as respects that area; and this section shall apply in relation to the further review with such modifications as may be specified in the direction.
- (7) The Secretary of State may give directions as to the exercise by the Local Government Commission of any functions under this section; and such directions may require that Commission to have regard to any guidance given by the Secretary of State as respects matters to be taken into account.
- (8) This section shall have effect as if the Common Council of the City of London were a principal council and the City of London included the Inner Temple and the Middle Temple.

## **16 Consultation with the Audit Commission**

- (1) The Audit Commission shall, if so required by the Local Government Commission, provide it with a written opinion as to the likely impact of any proposed structural changes on economy, efficiency and effectiveness in the provision of services provided by such bodies with which the Audit Commission is concerned as are likely to be affected by the changes.
- (2) The Audit Commission may require any body with which it is concerned to supply the Audit Commission with all such information as it may reasonably require for the provision of an opinion under this section.
- (3) The Audit Commission shall charge the Local Government Commission such fees for opinions provided under this section as will cover the full cost of providing them.