



# Local Government Act 2000

## 2000 CHAPTER 22

### PART II

#### ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

##### *Procedure with respect to operation of executive arrangements*

#### 25 Proposals

- (1) Subject to section 31, every local authority must—
  - (a) draw up proposals for the operation of executive arrangements, and
  - (b) send a copy of the proposals to the Secretary of State.
- (2) Before drawing up proposals under this section, a local authority must take reasonable steps to consult the local government electors for, and other interested persons in, the authority's area.
- (3) In drawing up proposals under this section, a local authority must decide—
  - (a) which form the executive is to take, and
  - (b) the extent to which the functions specified in regulations under section 13(3) are to be the responsibility of the executive.
- (4) In drawing up proposals under this section, a local authority must consider the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (5) A local authority must comply with any directions given by the Secretary of State for the purposes of this section.
- (6) Proposals under this section must include—
  - (a) such details of the executive arrangements as the Secretary of State may direct,
  - (b) a timetable with respect to the implementation of the proposals, and

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- (c) details of any transitional arrangements which are necessary for the implementation of the proposals.
- (7) A copy of proposals under this section which is sent to the Secretary of State must be accompanied by a statement which describes—
- (a) the steps which the authority took to consult the local government electors for, and other interested persons in, the authority's area, and
  - (b) the outcome of that consultation and the extent to which that outcome is reflected in the proposals.
- (8) The Secretary of State may by order specify a date by which every local authority, or every local authority falling within any description of authority specified in the order, must comply with this section.

## **26 Proposals not requiring referendum**

- (1) Where a local authority's proposals under section 25 do not involve a form of executive for which a referendum is required, the authority must implement the proposals in accordance with the timetable included in the proposals.
- (2) Any reference in this Part to a form of executive for which a referendum is required is a reference to—
- (a) a mayor and cabinet executive,
  - (b) a mayor and council manager executive, or
  - (c) a form of executive prescribed in regulations under section 11(5) which is expressed in those regulations to be a form of executive for which a referendum is required.

## **27 Referendum in case of proposals involving elected mayor**

- (1) Where a local authority's proposals under section 25 involve a form of executive for which a referendum is required, the authority—
- (a) must hold a referendum on their proposals before taking any steps to implement them, and
  - (b) must draw up and send to the Secretary of State an outline of the fall-back proposals (referred to in this section as outline fall-back proposals) that they intend to implement if the proposals under section 25 are rejected in a referendum.
- (2) Fall-back proposals are proposals—
- (a) for the operation of executive arrangements which do not involve a form of executive for which a referendum is required, or
  - (b) for the operation of alternative arrangements of a particular type permitted by regulations under section 32.
- (3) For the purpose of drawing up outline fall-back proposals, a local authority must take reasonable steps to consult the local government electors for, and other interested persons in, the authority's area.
- (4) Outline fall-back proposals must include a timetable with respect to the implementation of detailed fall-back proposals which are based on the outline fall-back proposals in the event that the proposals under section 25 are rejected in a referendum.

- (5) A local authority must send a copy of their outline fall-back proposals to the Secretary of State at the same time that a copy of the proposals under section 25 is sent to him.
- (6) A local authority may not hold a referendum under this section before the end of the period of two months beginning with the date on which a copy of the proposals under section 25 is sent to the Secretary of State.
- (7) If the result of a referendum under subsection (1) is to approve a local authority's proposals under section 25, the authority must implement the proposals in accordance with the timetable included in the proposals.
- (8) If the result of a referendum under subsection (1) is to reject a local authority's proposals under section 25, the authority—
  - (a) may not implement those proposals,
  - (b) must draw up detailed fall-back proposals which are based on the outline fall-back proposals, and
  - (c) must send a copy of the detailed fall-back proposals to the Secretary of State.
- (9) In drawing up outline fall-back proposals or detailed fall-back proposals under this section, a local authority must comply with any directions given by the Secretary of State.
- (10) Outline fall-back proposals and detailed fall-back proposals must include such details of the executive arrangements or alternative arrangements to which they relate as the Secretary of State may direct.
- (11) Subsections (2), (3)(b), (4) and (6)(c) of section 25 are to apply to detailed fall-back proposals involving executive arrangements as they apply to proposals under that section.
- (12) Subsections (2), (4) and (6)(c) of that section are to apply to detailed fall-back proposals involving alternative arrangements as they apply to proposals under that section.
- (13) A local authority must implement detailed fall-back proposals in accordance with the timetable mentioned in subsection (4).

## **28 Approval of outline fall-back proposals**

- (1) A local authority may apply to the Secretary of State for the approval of outline fall-back proposals involving fall-back proposals which are not permitted by or under this Part but which would be so permitted if the necessary regulations were made under section 11(5) or 32 (as the case may be).
- (2) The form and content of an application under subsection (1) must comply with any directions given by the Secretary of State.
- (3) Where the Secretary of State approves a local authority's proposals under subsection (1)—
  - (a) the authority may use those proposals as their outline fall-back proposals for the purposes of section 27, and
  - (b) the timetable referred to in section 27(13) shall be extended to the extent that there is any delay in making the necessary regulations under section 11(5) or 32 (as the case may be).

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## **29 Operation of, and publicity for, executive arrangements**

- (1) A resolution of a local authority is required in order for the authority to operate executive arrangements.
- (2) As soon as practicable after passing such a resolution a local authority must—
  - (a) secure that copies of a document setting out the provisions of the arrangements are available at their principal office for inspection by members of the public at all reasonable hours, and
  - (b) publish in one or more newspapers circulating in their area a notice which—
    - (i) states that they have resolved to operate the arrangements,
    - (ii) states the date on which they are to begin operating the arrangements,
    - (iii) describes the main features of the arrangements,
    - (iv) states that copies of a document setting out the provisions of the arrangements are available at their principal office for inspection by members of the public at such times as may be specified in the notice, and
    - (v) specifies the address of their principal office.
- (3) A local authority which pass a resolution under this section may not at any subsequent time cease to operate executive arrangements unless, by virtue of any provision made under section 33(5), the authority operate alternative arrangements in place of the executive arrangements.

## **30 Operation of different executive arrangements**

- (1) The Secretary of State may by regulations make provision for or in connection with the operation by a local authority which are operating executive arrangements (“the existing arrangements”) of executive arrangements (“the different arrangements”) which differ from the existing arrangements in any respect.
- (2) The provision which may be made by virtue of subsection (1) includes provision—
  - (a) which applies or reproduces (with or without modifications) any provisions of section 25, 26, 27, 28 or 29,
  - (b) for or in connection with requiring the consent of an elected mayor under the existing arrangements to the operation of the different arrangements,
  - (c) with respect to changes to the existing arrangements as a result of changes to the functions which are the responsibility of an executive.
- (3) Nothing in subsection (2) affects the generality of the power under subsection (1).