Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 4

PARISHES

CHAPTER 3

REORGANISATION

Undertaking community governance reviews

82 Council's power to undertake review

A principal council may undertake a community governance review.

Modifications etc. (not altering text)

C1 S. 82 applied (18.3.2022) by The Cumbria (Structural Changes) Order 2022 (S.I. 2022/331), arts. 1(1), **17(b)**

C2 S. 82: functions made exercisable (18.3.2022) by The North Yorkshire (Structural Changes) Order 2022 (S.I. 2022/328), arts. 1(1), **7(3)(c)**

Commencement Information

I1 S. 82 in force at 13.2.2008 by S.I. 2008/337, **art. 2(b)**

83 No review being undertaken: duty to respond to petition [F1or application]

(1) This section applies if these conditions are met—

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(a) a principal council is not in the course of undertaking a community governance review;

(b) the council receives a community governance petition **[**[F2]or community governance application**]** which relates to the whole or part of the council's area.

(2) The principal council must undertake a community governance review that has terms of reference that allow for the petition **[**[F3]or application**]** to be considered.

(3) But the duty in subsection (2) does not apply if—

(a) the principal council has concluded a previous community governance review within the relevant two-year period, and

(b) in the council's opinion the petition area **[**[F4]or application area**]** covers the whole or a significant part of the area to which the previous review related.

For further provision about this case, see section 85.

Textual Amendments

F1 Words in s. 83 heading inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **8**

F2 Words in s. 83(1)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **5(2)**

F3 Words in s. 83(2) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **5(3)**

F4 Words in s. 83(3)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **5(4)**

Commencement Information

I2 S. 83 in force at 13.2.2008 by S.I. 2008/337, **art. 2(b)**

84 Review being undertaken: duty to respond to petition [[F5]or application]

(1) This section applies if the following conditions are met—

(a) a principal council is in the course of undertaking a community governance review of part of the council's area ("the current review");

(b) the council receives a community governance petition **[**[F6]or community governance application**]** which relates to part of the council's area;

(c) the petition area **[**[F7]or application area**]** is wholly outside the area under review.

(2) The principal council must follow one of the options in subsection (4), (5) or (6).

(3) But the duty in subsection (2) does not apply if—

(a) the principal council has concluded a previous community governance review within the relevant two-year period, and

(b) in the council's opinion the petition area **[**[F8]or application area**]** covers the whole or a significant part of the area to which the previous review related.

For further provision about this case, see section 85.

(4) The first option mentioned in subsection (2) is for the principal council to modify the terms of reference of the current review so that they allow for the petition **[**[F9]or application**]** to be considered.

(5) The second option is for the principal council to undertake a community governance review that—

(a) is separate from the current review, and

(b) has terms of reference that allow for the petition **[**[F10]or application**]** to be considered.

(6) The third option is for the principal council to—

(a) modify the terms of reference of the current review,

(b) undertake a community governance review that is separate from the current review ("the new review"), and

(c) secure that (when taken together)—

(i) the terms of reference of the current review (as modified), and

(ii) the terms of reference of the new review,

allow for the petition **[**[F11]or application**]** to be considered.

Textual Amendments

F5 Words in s. 84 heading inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **8**

F6 Words in s. 84(1)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **6(2)**

F7 Words in s. 84(1)(c) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **6(3)**

F8 Words in s. 84(3)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **6(3)**

F9 Words in s. 84(4) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **6(4)**

F10 Words in s. 84(5)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **6(4)**

F11 Words in s. 84(6) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **6(4)**

Commencement Information

I3 S. 84 in force at 13.2.2008 by S.I. 2008/337, **art. 2(b)**

85 Power to respond to petition [[F12]or application]

(1) In any of the following cases where a principal council receive a community governance petition **[**[F13]or community governance application**]**, it is for the council to decide what action (if any) to take under section 82 (power to undertake review) or 81(4)(b) (power to modify terms of review) in response to that petition **[**[F14]or application**]**.

(2) The first case is where—

(a) section 83 applies (no review being undertaken when petition **[**[F15]or application**]** received), but

(b) the duty in section 83(2) does not apply because of section 83(3) (no duty to respond to petition **[**[F16]or application**]** because previous review concluded in relevant two-year period).

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(3) The second case is where—

(a) section 84 applies (review being undertaken when petition **[**[F17]or application**]** received: petition area **[**[F18]or application area**]** wholly outside area under review), but

(b) the duty in section 84(2) does not apply because of section 84(3) (no duty to respond to petition **[**[F19]or application**]** because previous review concluded in relevant two-year period).

(4) The third case is where these conditions are met—

(a) a principal council is in the course of undertaking a community governance review of part of the council's area;

(b) the council receives a community governance petition **[**[F20]or community governance application**]** which relates to part of the council's area;

(c) the petition area **[**[F21]or application area**]** is not wholly outside the area under review.

(5) The fourth case is where these conditions are met—

(a) a principal council is in the course of undertaking a community governance review of part of the council's area;

(b) the council receives a community governance petition **[**[F22]or community governance application**]** which relates to the whole of the council's area.

(6) The fifth case is where these conditions are met—

(a) a principal council is in the course of undertaking a community governance review of the whole of the council's area;

(b) the council receives a community governance petition **[**[F23]or community governance application**]** which relates to the whole or part of the council's area.

Textual Amendments

F12 Words in s. 85 heading inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **8**

F13 Words in s. 85(1) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(2)(a)**

F14 Words in s. 85(1) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(2)(b)**

F15 Words in s. 85(2)(a) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(3)**

F16 Words in s. 85(2)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(3)**

F17 Words in s. 85(3)(a) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(4)(a)(i)**

F18 Words in s. 85(3)(a) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(4)(a)(ii)**

F19 Words in s. 85(3)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(4)(b)**

F20 Words in s. 85(4)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(5)(a)**

F21 Words in s. 85(4)(c) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(5)(b)**

F22 Words in s. 85(5)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(6)**

F23 Words in s. 85(6)(b) inserted (E.) (27.3.2015) by The Legislative Reform (Community Governance Reviews) Order 2015 (S.I. 2015/998), arts. 1(3), **7(6)**

Commencement Information

I4 S. 85 in force at 13.2.2008 by S.I. 2008/337, **art. 2(b)**

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