

**Cabinet 12 February 2008**  
**Agenda item 11**  
**Local Area Agreement**

**Addendum – Legal Implications**

Local area agreements now fall within the statutory framework of the Local Government and Public Involvement in Health Act 2007.

Gloucestershire County Council has a statutory duty to lead its partners in the development of a new local area agreement. Cheltenham Borough Council (CBC), as a statutory partner, has a duty to co-operate in development of local improvement targets to be included in the local area agreement.

The improvement targets must be approved by the Secretary of State. Once the targets are approved CBC must, when exercising its functions, **have regard to** each improvement target which relates to those functions. Therefore, whilst the legal status of the agreement itself is unclear (i.e. it is probably not a legally binding contract in the normal sense), CBC does have a statutory duty in respect of the improvement targets.

Approval of the agreement is an executive function, though the Cabinet may consult with Council before making a final decision. The agreement (in particular the local improvement targets) will have borough wide significance and approval of it will be a key decision. Therefore, the new agreement will need to be seen and approved by Cabinet.

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