



Local Government Act 2000

2000 CHAPTER 22

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An Act to make provision with respect to the functions and procedures of local authorities and provision with respect to local authority elections; to make provision with respect to grants and housing benefit in respect of certain welfare services; to amend section 29 of the Children Act 1989; and for connected purposes.

[28th July 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

20 Joint exercise of functions

- (1) The Secretary of State may by regulations make provision for or in connection with permitting arrangements under section 101(5) of the [1972 c. 70.] Local Government Act 1972 where any of the functions which are the subject of the arrangements are the responsibility of an executive of a local authority under executive arrangements.
- (2) The provision which may be made under subsection (1) includes provision—
 - (a) as to the circumstances in which the executive, or a committee or specified member of the executive, is to be a party to the arrangements in place of the authority,
 - (b) as to the circumstances in which—
 - (i) the authority, and
 - (ii) the executive or a committee or specified member of the executive,
 are both to be parties to the arrangements,
 - (c) as to the circumstances in which any functions of the local authority under section 101(2) or 102(1)(b), (2) or (3) of the [1972 c. 70.] Local Government Act 1972, so far as they relate to any joint committee falling within section 101(5)(a) of that Act, are instead to be exercised by the executive or a committee or specified member of the executive,
 - (d) as to the circumstances in which any functions of the local authority under section 101(2) or 102(1)(b), (2) or (3) of that Act, so far as they relate to any such joint committee, are to be exercised by the authority,
 - (e) as to the circumstances in which appointments to any such joint committee by the executive, or a committee or specified member of the executive, need not be made in accordance with the political balance requirements,
 - (f) as to the persons (including officers of the authority) who may be appointed to any such joint committee by the executive or a committee or specified member of the executive.
- (3) Nothing in subsection (2) affects the generality of the power under subsection (1).
- (4) In this section "specified" means specified in regulations under this section.

21 Overview and scrutiny committees

- (1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Part as overview and scrutiny committees).
- (2) Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees have power between them)—
 - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
 - (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
 - (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
 - (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
 - (e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.
- (3) The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power—
 - (a) to recommend that the decision be reconsidered by the person who made it, or
 - (b) to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.
- (4) Subject to subsection (5), an overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this section.
- (5) If or to the extent that a local authority's function of conducting best value reviews under section 5 of the [1999 c. 27.] Local Government Act 1999 is not the responsibility of an executive of the authority, the authority may arrange for their overview and scrutiny committee (or any of their overview and scrutiny committees) to conduct such a review.

- (6) An overview and scrutiny committee of a local authority—
 - (a) may appoint one or more sub-committees, and
 - (b) may arrange for the discharge of any of its functions by any such sub-committee.
- (7) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (6)(b).
- (8) Executive arrangements by a local authority must include provision which enables—
 - (a) any member of an overview and scrutiny committee of the authority to ensure that any matter which is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee, and
 - (b) any member of a sub-committee of such a committee to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee.
- (9) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive.
- (10) An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority, but (subject to any provision made by or under paragraphs 7 to 9 of Schedule 1) any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting.
- (11) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated—
 - (a) as a committee or sub-committee of a principal council for the purposes of Part VA of the [1972 c. 70.] Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees), and
 - (b) as a body to which section 15 of the [1989 c. 42.] Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
- (12) Subsections (2) and (5) of section 102 of the [1972 c. 70.] Local Government Act 1972 are to apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.
- (13) An overview and scrutiny committee of a local authority or a sub-committee of such a committee—
 - (a) may require members of the executive, and officers of the authority, to attend before it to answer questions, and
 - (b) may invite other persons to attend meetings of the committee.
- (14) It is the duty of any member or officer mentioned in subsection (13)(a) to comply with any requirement so mentioned.
- (15) A person is not obliged by subsection (14) to answer any question which he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

22 Access to information etc

- (1) Meetings of a local authority executive, or a committee of such an executive, are to be open to the public or held in private.
- (2) Subject to regulations under subsection (9), it is for a local authority executive to decide which of its meetings, and which of the meetings of any committee of the executive, are to be open to the public and which of those meetings are to be held in private.
- (3) A written record must be kept of prescribed decisions made at meetings of local authorities executives, or committees of such executives, which are held in private.
- (4) A written record must be kept of prescribed decisions made by individual members of local authority executives.
- (5) Written records under subsection (3) or (4) must include reasons for the decisions to which they relate.
- (6) Written records under subsections (3) and (4), together with such reports, background papers or other documents as may be prescribed, must be made available to members of the public in accordance with regulations made by the Secretary of State.

- (7) Regulations under subsection (6) may make provision for or in connection with preventing the whole or part of any record or document containing prescribed information from being made available to members of the public.
- (8) The Secretary of State may by regulations make provision—
- (a) with respect to the access of the public to meetings of joint committees, or sub-committees of such committees, at which decisions are made in connection with the discharge of functions which are the responsibility of executives (including provision enabling such meetings to be held in private),
 - (b) for or in connection with requiring written records to be kept of decisions made at meetings which by virtue of paragraph (a) are held in private,
 - (c) for or in connection with requiring written records falling within paragraph (b) to include reasons,
 - (d) for or in connection with requiring any such written records to be made available to members of the public,
 - (e) for or in connection with requiring documents connected with decisions to which any such written records relate to be made available to members of the public.
- (9) The Secretary of State may by regulations make provision—
- (a) as to the circumstances in which meetings mentioned in subsection (2), or particular proceedings at such meetings, must be open to the public,
 - (b) as to the circumstances in which meetings mentioned in subsection (2), or particular proceedings at such meetings, must be held in private,
 - (c) with respect to the information which is to be included in written records kept by virtue of this section,
 - (d) with respect to the reasons which are to be included in any such written records,
 - (e) with respect to the persons who are to produce, keep or make available any such written records,
 - (f) for or in connection with requiring any such written records to be made available to members of local authorities or to overview and scrutiny committees or sub-committees,
 - (g) for or in connection with requiring documents connected with decisions to which any such written records relate to be made available to members of local authorities or to overview and scrutiny committees or sub-committees,
 - (h) for or in connection with requiring information to be made available by electronic means,
 - (i) for or in connection with conferring rights on members of the public, members of local authorities or overview and scrutiny committees or sub-committees in relation to records or documents,
 - (j) for or in connection with the creation of offences in respect of any rights or requirements conferred or imposed by virtue of this section.
- (10) The Secretary of State may by regulations make provision for or in connection with requiring prescribed information about prescribed decisions made in connection with the discharge of functions which are the responsibility of a local authority executive to be made available to members of the public or members of the authority.
- (11) The provision which may be made under subsection (10) includes provision—
- (a) requiring prescribed information to be made available in advance of the prescribed decisions mentioned in that subsection,
 - (b) as to the way or form in which prescribed information is to be made available.
- (12) The Secretary of State may by regulations make provision which, in relation to meetings of—
- (a) local authority executives or committees of such executives, or
 - (b) joint committees, or sub-committees of such committees, falling within subsection (8)(a),
- applies or reproduces (with or without modifications) any provisions of Part VA of the [1972 c. 70.] Local Government Act 1972.
- (13) In this section—
- “joint committee” means a joint committee falling within section 101(5)(a) of the [1972 c. 70.] Local Government Act 1972,
 - “prescribed” means prescribed by regulations made by the Secretary of State.

23 Further provision

Schedule 1 (which makes further provision in relation to executive arrangements) has effect.

24 Absence of requirement for political balance

Neither—

- (a) a local authority executive, nor
- (b) a committee of a local authority executive,

is to be regarded as a body to which section 15 of the [1989 c. 42.] Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

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)(b) 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
 - (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