



# Local Government Act 2000

## 2000 CHAPTER 22

### PART II

#### ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

##### *Provisions with respect to executive arrangements*

#### **14 Discharge of functions: mayor and cabinet executive**

- (1) Subject to any provision made under section 18, 19 or 20, any functions which, under executive arrangements, are the responsibility of a mayor and cabinet executive are to be discharged in accordance with this section.
- (2) The elected mayor—
  - (a) may discharge any of those functions, or
  - (b) may arrange for the discharge of any of those functions—
    - (i) by the executive,
    - (ii) by another member of the executive,
    - (iii) by a committee of the executive, or
    - (iv) by an officer of the authority.
- (3) Where by virtue of this section any functions may be discharged by a local authority executive, then, unless the elected mayor otherwise directs, the executive may arrange for the discharge of any of those functions—
  - (a) by a committee of the executive, or
  - (b) by an officer of the authority.
- (4) Where by virtue of this section any functions may be discharged by a member of a local authority executive, then, unless the elected mayor otherwise directs, that member may arrange for the discharge of any of those functions by an officer of the authority.
- (5) Where by virtue of this section any functions may be discharged by a committee of a local authority executive, then, unless the elected mayor otherwise directs, the

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committee may arrange for the discharge of any of those functions by an officer of the authority.

- (6) Any arrangements made by virtue of this section by an elected mayor, executive, member or committee for the discharge of any functions by an executive, member, committee or officer are not to prevent the elected mayor, executive, member or committee by whom the arrangements are made from exercising those functions.

## **15 Discharge of functions: leader and cabinet executive**

- (1) Subject to any provision made under section 18, 19 or 20, any functions which, under executive arrangements, are the responsibility of a leader and cabinet executive are to be discharged in accordance with this section.
- (2) The executive arrangements may make provision with respect to the allocation of any functions which are the responsibility of the executive among the following persons—
- (a) the executive,
  - (b) any members of the executive,
  - (c) any committees of the executive, and
  - (d) any officers of the authority.
- (3) If the executive arrangements make such provision as is mentioned in subsection (2), any person to whom a function is allocated in accordance with that provision may discharge the function.
- (4) If or to the extent that the functions which are the responsibility of the executive are not allocated in accordance with such provision as is mentioned in subsection (2), the executive leader—
- (a) may discharge any of those functions, or
  - (b) may arrange for the discharge of any of those functions—
    - (i) by the executive,
    - (ii) by another member of the executive,
    - (iii) by a committee of the executive, or
    - (iv) by an officer of the authority.
- (5) Where by virtue of this section any functions may be discharged by a local authority executive, the executive may arrange for the discharge of any of those functions—
- (a) by a committee of the executive, or
  - (b) by an officer of the authority.
- (6) Where by virtue of this section any functions may be discharged by a member of a local authority executive, that member may arrange for the discharge of any of those functions by an officer of the authority.
- (7) Where by virtue of this section any functions may be discharged by a committee of a local authority executive, the committee may arrange for the discharge of any of those functions by an officer of the authority.
- (8) Where the executive leader makes or has made any arrangements under subsection (4) (b)(i), (ii) or (iii), he may direct that subsection (5), (6) or (7) (as the case may be) is not to apply to any of the functions which are the subject of those arrangements or is not to apply to any of those functions in such cases or circumstances as he may direct.

- (9) Any arrangements made by virtue of this section by an executive leader, executive, member or committee for the discharge of any functions by an executive, member, committee or officer are not to prevent the executive leader, executive, member or committee by whom the arrangements are made from exercising those functions.
- (10) The reference in subsection (2)(b) to the members of the executive includes a reference to the executive leader, and subsection (6) in its application for the purposes of subsection (2)(b) is to be construed accordingly.

## **16 Discharge of functions: mayor and council manager executive**

- (1) Subject to any provision made under section 18, 19 or 20, the functions which, under executive arrangements, are the responsibility of a mayor and council manager executive are to be discharged in accordance with this section.
- (2) The council manager—
  - (a) may discharge any of those functions, or
  - (b) may arrange for the discharge of any of those functions—
    - (i) by the executive, or
    - (ii) by an officer of the authority.
- (3) In deciding—
  - (a) whether or how to discharge any functions, or
  - (b) whether to arrange for any functions to be discharged by the executive or an officer of the authority,the council manager must have regard to any advice given by the elected mayor.
- (4) Where by virtue of this section any functions may be discharged by the executive of a local authority, the executive may arrange for the discharge of any of those functions by an officer of the authority.
- (5) Any arrangements made by virtue of this section by a council manager or executive for the discharge of any functions by an executive or officer are not to prevent the council manager or executive by whom the arrangements are made from exercising those functions.

## **17 Discharge of functions: s. 11(5) executive**

- (1) The Secretary of State may by regulations make provision with respect to the ways in which any functions which, under executive arrangements, are the responsibility of an executive which takes a form prescribed in regulations under section 11(5) are to be discharged.
- (2) The provision which may be made by regulations under this section includes provision which applies or reproduces (with or without modifications) any provisions of section 14, 15 or 16.
- (3) Nothing in subsection (2) affects the generality of the power under subsection (1).
- (4) Any provision made by regulations under this section is subject to any provision made under section 18, 19 or 20.

## **18 Discharge of functions by area committees**

- (1) The Secretary of State may by regulations make provision for or in connection with enabling an executive of a local authority, or a committee or specified member of such an executive, to arrange for the discharge of any functions which, under executive arrangements, are the responsibility of the executive by an area committee of that authority.
- (2) Regulations under this section may impose limitations or restrictions on the arrangements which may be made by virtue of the regulations (including limitations or restrictions on the functions which may be the subject of such arrangements).
- (3) In this section—
  - “area committee”, in relation to a local authority, means a committee or sub-committee of the authority which satisfies the conditions in subsection (4),
  - “specified” means specified in regulations under this section.
- (4) A committee or sub-committee of a local authority satisfies the conditions in this subsection if—
  - (a) the committee or sub-committee is established to discharge functions in respect of part of the area of the authority,
  - (b) the members of the committee or sub-committee who are members of the authority are elected for electoral divisions or wards which fall wholly or partly within that part, and
  - (c) either or both of the conditions in subsection (5) are satisfied in relation to that part.
- (5) Those conditions are—
  - (a) that the area of that part does not exceed two-fifths of the total area of the authority,
  - (b) that the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the area of the authority as so estimated.

## **19 Discharge of functions of and by another local authority**

- (1) The Secretary of State may by regulations make provision for or in connection with enabling an executive of a local authority (within the meaning of this Part), or a committee or specified member of such an executive, to arrange for the discharge of any functions which, under executive arrangements, are the responsibility of the executive—
  - (a) by another local authority (within the meaning of section 101 of the Local Government Act 1972), or
  - (b) by an executive of another local authority (within the meaning of this Part) or a committee or specified member of such an executive.
- (2) The Secretary of State may by regulations make provision for or in connection with enabling a local authority (within the meaning of section 101 of that Act) to arrange for the discharge of any of their functions by an executive of another local authority (within the meaning of this Part) or a committee or specified member of such an executive.

- (3) The reference in subsection (2) to the functions of a local authority, in a case where the authority are operating executive arrangements, is a reference to the functions which, under those arrangements, are not the responsibility of the authority's executive.
- (4) Regulations under subsection (1) or (2) may include provision—
  - (a) requiring, in the case of arrangements for the discharge of any functions by an executive of a local authority or a committee or member of such an executive, the approval of the authority to such arrangements,
  - (b) which, in the case of arrangements for the discharge of any functions by a local authority, enables any of those functions to be delegated,
  - (c) which, in the case of arrangements for the discharge of any functions by an executive of a local authority or a committee or member of such an executive, enables any of those functions to be delegated.
- (5) The provision which may be made under subsection (4)(b) includes provision which applies or reproduces (with or without modifications) any provisions of section 101(2) to (4) of the Local Government Act 1972.
- (6) The provision which may be made under subsection (4)(c) includes provision which applies or reproduces (with or without modifications) any provisions of section 14(3) to (6), 15(5) to (9) or 16(3) to (5).
- (7) Nothing in subsection (4), (5) or (6) affects the generality of the power under subsection (1) or (2).
- (8) In this section “specified” means specified in regulations under this section.

## **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 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 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,

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- (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 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

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- (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 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 Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
- (12) Subsections (2) and (5) of section 102 of the 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

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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 Local Government Act 1972.
- (13) In this section—
- “joint committee” means a joint committee falling within section 101(5)(a) of the 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 Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.