



# Local Government Act 2000

## CHAPTER 22

### LOCAL GOVERNMENT ACT 2000

#### PART I

##### PROMOTION OF ECONOMIC, SOCIAL OR ENVIRONMENTAL WELL-BEING ETC

###### *Interpretation*

- 1 Meaning of “local authority” in Part I.

###### *Promotion of well-being*

- 2 Promotion of well-being.
- 3 Limits on power to promote well-being.
- 4 Strategies for promoting well-being.
- 5 Power to amend or repeal enactments.

###### *Modification of certain enactments*

- 6 Power to modify enactments concerning plans etc.
- 7 Power to modify enactments concerning plans etc: Wales.
- 8 Modification of section 137 of the 1972 Act.

###### *Procedure for orders under section 5 or 6*

- 9 Procedure for orders under section 5 or 6.

#### PART II

##### ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

###### *Executive arrangements*

- 10 Executive arrangements.

*Status: Point in time view as at 21/06/2004.*

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### *Local authority executives*

- 11 Local authority executives.
- 12 Additional forms of executive.

### *Executive functions*

- 13 Functions which are the responsibility of an executive.

### *Provisions with respect to executive arrangements*

- 14 Discharge of functions: mayor and cabinet executive.
- 15 Discharge of functions: leader and cabinet executive.
- 16 Discharge of functions: mayor and council manager executive.
- 17 Discharge of functions: s. 11(5) executive.
- 18 Discharge of functions by area committees.
- 19 Discharge of functions of and by another local authority.
- 20 Joint exercise of functions.
- 21 Overview and scrutiny committees.
- 22 Access to information etc.
- 23 Further provision.
- 24 Absence of requirement for political balance.

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

- 25 Proposals.
- 26 Proposals not requiring referendum.
- 27 Referendum in case of proposals involving elected mayor.
- 28 Approval of outline fall-back proposals.
- 29 Operation of, and publicity for, executive arrangements.
- 30 Operation of different executive arrangements.

### *Alternative arrangements.*

- 31 Alternative arrangements in case of certain local authorities.
- 32 Alternative arrangements.
- 33 Operation of alternative arrangements.

### *Referendums*

- 34 Referendum following petition.
- 35 Referendum following direction.
- 36 Referendum following order.

### *Local authority constitution*

- 37 Local authority constitution.

### *Guidance*

- 38 Guidance.

### *Elected mayors etc.*

- 39 Elected mayors etc.
- 40 Election as elected mayor and councillor.
- 41 Time of elections etc.

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- 42 Voting at elections of elected mayors.
- 43 Entitlement to vote.
- 44 Power to make provision about elections.

*Provisions with respect to referendums*

- 45 Provisions with respect to referendums.

*Amendments to the 1972 Act*

- 46 Amendments to the 1972 Act.

*Power to make further provision*

- 47 Power to make incidental, consequential provision etc.

*Interpretation*

- 48 Interpretation of Part II.

**PART III**

CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

**CHAPTER I**

CONDUCT OF MEMBERS

*Standards of conduct*

- 49 Principles governing conduct of members of relevant authorities.
- 50 Model code of conduct.
- 51 Duty of relevant authorities to adopt codes of conduct.
- 52 Duty to comply with code of conduct.

*Standards committees*

- 53 Standards committees.
- 54A Sub-committees of standards committees
- 54 Functions of standards committees.
- 55 Standards committees or sub-committees for parish councils.
- 56 Standards committees or sub-committees for community councils.

**CHAPTER II**

INVESTIGATIONS ETC: ENGLAND

*Standards Board for England*

- 57 Standards Board for England.
- 58 Written allegations.

*Functions of ethical standards officers*

- 59 Functions of ethical standards officers.

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### *Investigations*

- 60 Conduct of investigations.
- 61 Procedure in respect of investigations.
- 62 Investigations: further provisions.
- 63 Restrictions on disclosure of information.

### *Reports etc.*

- 64 Reports etc.
- 65 Interim reports.

### *References to monitoring officers*

- 66 Matters referred to monitoring officers.
- 67 Consultation with Local Commissioner.

## **CHAPTER III**

### INVESTIGATIONS ETC: WALES

#### *Local Commissioner and Commission for Local Administration in Wales*

- 68 Local Commissioner and Commission for Local Administration in Wales.

### *Investigations*

- 69 Investigations by Local Commissioner in Wales.
- 70 Investigations: further provisions.

### *Reports etc.*

- 71 Reports etc.
- 72 Interim reports.

### *References to monitoring officers*

- 73 Matters referred to monitoring officers.
- 74 Law of defamation.

## **CHAPTER IV**

### ADJUDICATIONS

#### *Adjudication Panels*

- 75 Adjudication Panels.

#### *Case tribunals and interim case tribunals*

- 76 Case tribunals and interim case tribunals.

### *Adjudications*

- 77 Adjudications.
- 78 Decisions of interim case tribunals.
- 79 Decisions of case tribunals.

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80 Recommendations by case tribunals.

## CHAPTER V

### SUPPLEMENTARY

#### *Disclosure and registration of members' interests etc.*

81 Disclosure and registration of members' interests etc.

#### *Code of conduct for local government employees*

82 Code of conduct for local government employees.

#### *Delegation by monitoring officers*

82A Monitoring officers: delegation of functions under Part 3

#### *Interpretation*

83 Interpretation of Part III.

## PART IV

### ELECTIONS

84 Meaning of "local authority" and "principal council" in Part IV.

85 Options for elections.

86 Power to specify a scheme for elections.

87 Power to change years in which elections held.

88 Separate power to make incidental provisions etc.

89 Consequential electoral changes.

## PART V

### MISCELLANEOUS

#### *Surcharge etc.*

90 Surcharge etc.

91 Advisory notices.

#### *Maladministration etc.*

92 Payments in cases of maladministration etc.

#### *Welfare services*

93 Grants for welfare services.

94 Disclosure of information.

95 Unauthorised disclosure of information.

96 Housing benefit.

#### *Access to information*

97 Background papers.

98 Meetings and documents: notice etc.

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*Allowances and pensions*

- 99 Allowances and pensions for certain local authority members.  
100 Power to make provision about allowances.

*Indemnification of members and officers of relevant authorities*

- 101 Indemnification of members and officers of relevant authorities.

*Social services functions*

- 102 Social services functions.

*Recoupment by local authorities of cost of providing day care*

- 103 Recoupment by local authorities of cost of providing day care.

*Prohibition on promoting homosexuality: bullying*

- 104 Prohibition on promoting homosexuality: bullying.

**PART VI**

SUPPLEMENTAL

- 105 Orders and regulations.  
106 Wales.  
107 Minor and consequential amendments and repeals.  
108 Commencement.  
109 Short title and extent.

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**SCHEDULES**

SCHEDULE 1 — Executive arrangements: further provision

*Mayor and cabinet executives*

- 1 (1) This paragraph applies in relation to executive arrangements by...

*Leader and cabinet executives*

- 2 (1) This paragraph applies in relation to executive arrangements by...

*Mayor and council manager executives*

- 3 (1) This paragraph applies in relation to executive arrangements by...

*Procedure*

- 4 Executive arrangements by a local authority may include provision with...

*Meetings of executives and executive committees*

- 5 A member of a local authority who is not a...

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### *Mayor's assistant*

- 6 (1) The Secretary of State may by regulations make provision...

#### *Overview and scrutiny committees: education functions*

- 7 (1) In this paragraph “relevant English authority” means a local...  
8 (1) In this paragraph “relevant Welsh authority” means a local...  
9 (1) In this paragraph “relevant authority” means a local authority...  
10 The following provisions of the Education Act 1996, namely—  
11 Except for the expression “local authority”, expressions used in paragraphs...

#### *Overview and scrutiny committees: voting rights of co-opted members*

- 12 (1) A local authority in England may permit a co-opted...

#### *Overview and scrutiny committees: voting rights of co-opted members*

- 13 (1) The Secretary of State may by regulations make provision...

#### *Overview and scrutiny committees: voting rights of co-opted members*

- 14 (1) A local authority which makes a scheme for the...

### SCHEDULE 2 — Election of elected mayor

#### *Application*

- 1 This Schedule applies where there are three or more candidates...

#### *Candidate with overall majority of first preference votes*

- 2 If one of the candidates to be the elected mayor...

#### *No candidate with overall majority of first preference votes*

- 3 (1) If none of the candidates to be the elected...

### SCHEDULE 3 — Amendments to the 1972 Act

- 1 (1) Section 2 of the Local Government Act 1972 (constitution...  
2 (1) Section 3 of that Act (chairman of principal council...  
3 (1) Section 5 of that Act (vice-chairman of principal council...  
4 (1) Section 21 of that Act (constitution of principal councils...  
5 (1) Section 22 of that Act (chairman of principal council...  
6 (1) Section 24 of that Act (vice-chairman of principal council...  
7 (1) Section 25A of that Act (title of chairman or...  
8 (1) Section 80 of that Act (disqualifications for election and...  
9 (1) Section 83 of that Act (declaration of acceptance of...  
10 (1) Section 84 of that Act (resignation) is amended as...  
11 (1) Section 245 of that Act (status of certain districts,...  
12 (1) Section 270 of that Act (general provisions as to...  
13 (1) Schedule 2 to that Act (constitution and membership of...  
14 (1) Schedule 12 to that Act (meetings and proceedings of...

### SCHEDULE 4 — Standards Board for England

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### *Status*

- 1 (1) The Standards Board for England (referred to in this...

### *General powers*

- 2 (1) The Standards Board may do such things and enter...

### *Disqualifications*

- 3 (1) A person is to be disqualified for being appointed...

### *Chairman and deputy chairman*

- 4 The Secretary of State must appoint one of the members...

### *Tenure of office*

- 5 (1) Subject to the provisions of this paragraph, a person...

### *Employees*

- 6 (1) Subject to sub-paragraph (2), the Standards Board may appoint...

### *Remuneration etc.*

- 7 (1) The Standards Board may pay to—  
8 The Standards Board may pay to any member of the...

### *Proceedings*

- 9 (1) The Standards Board may regulate its own procedure (and...

### *Delegation*

- 9A The Standards Board may delegate any of its functions to—...

### *Members' interests*

- 10 (1) A member of the Standards Board who is directly...

### *Law of defamation*

- 11 For the purposes of the law of defamation, any statement...

### *Finance*

- 12 (1) The Secretary of State must pay to the Standards...

### *Accounts*

- 13 (1) The Standards Board must— (a) keep proper accounts and...

### *Annual report*

- 14 (1) As soon as possible after the end of each...

### *Application of seal and evidence*

- 15 The application of the seal of the Standards Board is...



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16 A document purporting to be duly executed under the seal...

*Parliamentary Commissioner*

17 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

*Parliamentary disqualification*

18 (1) In the House of Commons Disqualification Act 1975, in...

SCHEDULE 5 — Minor and Consequential Amendments

*Children and Young Persons Act 1933 (c. 12)*

- 1 In section 34A of the Children and Young Persons Act...
- 2 In section 55 of that Act (power to order parent...

*Local Authority Social Services Act 1970 (c. 42)*

- 3 In section 2 of the Local Authority Social Services Act...
- 4 In section 3 of that Act (business of social services...
- 5 In section 13 of that Act (orders and regulations), in...
- 6 In section 15 of that Act (citation, interpretation etc), in...
- 7 In Schedule 1 to that Act (enactments conferring functions assigned...

*Local Government Act 1972 (c. 70)*

- 8 In section 80 of the Local Government Act 1972 (disqualifications...
- 9 In section 85 of that Act (vacation of office by...
- 10 In section 86 of that Act (declaration by local authority...
- 11 In section 87(1) of that Act (date of casual vacancies)—...
- 12 Sections 94 to 98 of that Act (restrictions on voting)...
- 13 Section 105 of that Act (disability for voting on account...

*Local Government Act 1974 (c. 7)*

- 14 In section 25(1) of the Local Government Act 1974 (authorities...
- 15 In section 30 of that Act (reports on investigation by...

*Adoption Act 1976 (c. 36)*

- 16 In section 2 of the Adoption Act 1976 (local authorities' ...

*National Health Service Act 1977 (c. 49)*

- 17 In section 28A of the National Health Service Act 1977...

*Registered Homes Act 1984 (c. 23)*

- 18 In its application to a registration authority which are operating...

*Children Act 1989 (c. 41)*

- 19 In section 22 of the Children Act 1989 (general duty...
- 20 In section 42 of that Act (right of guardian ad...
- 21 In section 81 of that Act (inquiries), in subsection (1)(a)...
- 22 In section 105 of that Act (interpretation), in subsection (5)...

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23 In its application to a local authority (within the meaning...

*Local Government and Housing 1989 (c. 42)*

24 (1) Section 5 of the Local Government and Housing Act...  
25 Section 19 of that Act (members' interests) ceases to have...  
26 Sections 31 and 32(1) of that Act (National Code of...  
27 Sections 33 to 35 of that Act (economic development and...

*Tribunals and Inquiries Act 1992 (c. 53)*

28 In Part I of Schedule 1 to the Tribunals and...

*Audit Commission Act 1998 (c. 18)*

29 In section 37 of the Audit Commission Act 1998 (social...  
30 In section 49 of that Act (restriction on disclosure of...

*Greater London Authority Act 1999 (c. 29)*

31 In section 6 of the Greater London Authority Act 1999...  
32 Section 13 of that Act (failure of Mayor to attend...  
33 In section 31 of that Act (limits of the general...  
34 Section 66 of that Act (the Secretary of State's guidance...

SCHEDULE 6 — Repeals

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