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# 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.
- 4A Strategies: parishes
- 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.
- 9A Procedure for orders under section 7

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## PART 1A

### ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

#### CHAPTER 1

##### PERMITTED FORMS OF GOVERNANCE

- 9B Permitted forms of governance for local authorities in England
- 9BA Power of Secretary of State to prescribe additional permitted governance arrangements

#### CHAPTER 2

##### EXECUTIVE ARRANGEMENTS

###### *Local authority executives*

- 9C Local authority executives

###### *Executive functions*

- 9D Functions which are the responsibility of an executive
- 9DA Functions of an executive: further provision

###### *Discharge of functions*

- 9E Discharge of functions: general
- 9EA Discharge of functions of and by another local authority
- 9EB Joint exercise of functions

###### *Overview and scrutiny committees*

- 9F Overview and scrutiny committees: functions
- 9FA Overview and scrutiny committees: supplementary provision
- 9FB Scrutiny officers
- 9FC Reference of matters to overview and scrutiny committee etc
- 9FD Dealing with references under section 9FC(1)(c)
- 9FE Duty of authority or executive to respond to overview and scrutiny committee
- 9FF Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities
- 9FG Publication etc of reports, recommendations and responses: confidential and exempt information
- 9FH Overview and scrutiny committees: flood risk management
- 9FI Overview and scrutiny committees: provision of information etc by certain partner authorities

###### *Further provision in relation to executives*

- 9G Meetings and access to information etc
- 9GA Meetings and access to information etc: further provision and regulations
- 9GB Further provision
- 9GC Absence of requirement for political balance

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### *Elected mayors etc*

- 9H Elected mayors etc
- 9HA Election as elected mayor and councillor
- 9HB Time of elections etc
- 9HC Voting at elections of elected mayors
- 9HD Entitlement to vote
- 9HE Power to make provision about elections

### *Leader and cabinet executives (England)*

- 9I Election and term of office of leader
- 9IA Removal of leader
- 9IB Leader to continue to hold office as councillor
- 9IC No other means of removing leader
- 9ID Regulations

## **CHAPTER 3**

### THE COMMITTEE SYSTEM

- 9J Secretary of State's power to prohibit delegation of functions etc
- 9JA Overview and scrutiny committee
- 9JB Overview and scrutiny: flood risk management

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### CHANGING GOVERNANCE ARRANGEMENTS

#### *Changes to governance arrangements by local authorities: general provision*

- 9K Changing from one form of governance to another
- 9KA Executive arrangements: different form of executive
- 9KB Executive arrangements: other variation of arrangements
- 9KC Resolution of local authority

#### *Implementation of certain changes to governance arrangements*

- 9L Implementation: change in form of governance or change in form of executive

#### *Referendums*

- 9M Cases in which change is subject to approval in a referendum in accordance with sections 9MA and 9MB
- 9MA Referendum: proposals by local authority
- 9MB Requirement to hold and give effect to referendum
- 9MC Referendum following petition
- 9MD Referendum following direction
- 9ME Referendum following order
- 9MF Further provision with respect to referendums
- 9MG Voting in and conduct of referendums

#### *Further provisions as to mayor and cabinet executive*

- 9N Requiring referendum on change to mayor and cabinet executive

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- 9NA Effect of section 9N order
- 9NB Variation of mayoral executive

*Miscellaneous*

- 9O General
- 9OA Interpretation

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*Local authority constitution*

- 9P Local authority constitution

*Guidance*

- 9Q Guidance

*Interpretation*

- 9R Interpretation of Part 1A

**PART II**

LOCAL AUTHORITIES IN WALES: ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

*Executive arrangements*

- 10 Executive arrangements.

*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 (Wales)
- 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.
- 21ZA Scrutiny officers
- 21A Reference of matters to overview and scrutiny committee etc
- 21B Duty of authority or executive to respond to overview and scrutiny committee
- 21C Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities

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- 21D Publication etc of reports, recommendations and responses: confidential and exempt information
- 21E Overview and scrutiny committees of certain district councils: functions with respect to partner authorities
- 21F Overview and scrutiny committees: flood risk management
- 21G Designated persons
  - 22 Access to information etc.
- 22A Overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities
  - 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.

*Changing governance arrangements: general provisions*

- 33ZA Changing governance arrangements
  - 33A Executive arrangements: different form of executive
  - 33B Executive arrangements: other variation of arrangements
  - 33C Alternative arrangements: move to executive arrangements
  - 33D Alternative arrangements: variation of arrangements
  - 33E Proposals by local authority
  - 33F Resolution of local authority
  - 33G Implementation: new executive or move to executive arrangements
  - 33H Implementation: other change in governance arrangements
  - 33I General
- ...
- 33J New form of executive or move to executive: general requirements
- 33K Changes subject to approval in a referendum: additional requirements
- 33L Change not subject to approval in a referendum: additional requirements
- 33M Cases in which change subject to approval in referendum
- 33N Variation of mayoral executive

...

- 33O Interpretation

*Referendums*

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

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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.

42 Voting at elections of elected mayors.

43 Entitlement to vote.

44 Power to make provision about elections.

...

44A Election of leader: whole-council elections

44B Election of leader: partial-council elections

44C Removal of leader

44D Term of office of leader: whole-council elections

44E Term of office of leader: partial-council elections

44F Leader to continue to hold office as councillor

44G No other means of electing or removing leader

44H Regulations

*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.

48A Functions of the Lord President of the Council

**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.

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- 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.
- 54 Functions of standards committees.
- 54A Sub-committees of standards committees
- 55 Standards committees ... for parish councils.
- 56 Standards committees or sub-committees for community councils.
- 56A Joint committees of relevant authorities in England

## CHAPTER II

### INVESTIGATIONS ETC: ENGLAND

#### *Standards Board for England*

- 57 Standards Board for England.

#### *Written allegations*

- 57A Written allegations: right to make, and initial assessment
- 57B Right to request review of decision not to act
- 7C Information to be given to subject of allegation
- 57D Power to suspend standards committee's functions
- 58 Allegations referred to Standards Board

#### *Functions of ethical standards officers*

- 59 Functions of ethical standards officers.

#### *Investigations by ethical standards officers*

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

#### *Reports etc. by ethical standards officers*

- 64 Reports etc.
- 65 Interim reports.
- 65A Disclosure by monitoring officers of ethical standards officers' reports

#### *References to monitoring officers*

- 66 Matters referred to monitoring officers.
- 66A References to First-tier Tribunal for action in respect of misconduct

#### *Information to be provided to Standards Board by relevant authority*

- 66B Periodic returns
- 66C Information requests

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*Consultation with ombudsmen*

- 67 Consultation with ombudsmen .

**CHAPTER III**

INVESTIGATIONS ETC: WALES

*Public Services Ombudsman for Wales*

- 68 Public Services Ombudsman for Wales .

*Investigations*

- 69 Investigations by the Public Services Ombudsman for 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

*The Adjudication Panel for Wales*

- 75 Adjudication Panel for Wales.

*Case tribunals and interim case tribunals*

- 76 Case tribunals and interim case tribunals.

*Adjudications*

- 77 Adjudications.  
78 Decisions of the First-tier Tribunal or interim case tribunals.  
78A Decisions of First-tier Tribunal  
78B Section 78A: supplementary  
79 Decisions of case tribunals: Wales.  
80 Recommendations by ... case tribunals.

**CHAPTER V**

SUPPLEMENTARY

*Disclosure and registration of members' interests etc.*

- 81 Disclosure and registration of members' interests etc.



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*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.

*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.

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*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 A1 — Executive arrangements in England: further provision

*Mayor and cabinet executives*

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

*Leader and cabinet executives (England)*

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

*Procedure*

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

*Meetings of executives and executive committees*

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

*Mayor's assistant*

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

*Overview and scrutiny committees: education functions*

- 6 (1) In paragraphs 7 and 8 “relevant authority”...  
7 (1) In the case of a relevant authority that maintains...  
8 (1) The Secretary of State may by regulations require an...  
9 The following provisions of the Education Act 1996, namely—  
10 (1) Except for the expression “local authority”, expressions used in...

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

- 11 (1) A local authority may permit a co-opted member of...  
12 (1) The Secretary of State may by regulations make provision...  
13 (1) A local authority which makes a scheme for the...

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## SCHEDULE 1 — Executive arrangements in Wales: further provision

### *Mayor and cabinet executives*

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

...

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

### *Leader and cabinet executives (Wales)*

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...

### *Mayor's assistant*

6 (1) The Welsh Ministers may by regulations make provision for...

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

7 (1) In this paragraph “relevant English authority” means...

8 (1) In this paragraph “relevant ... authority” means a local...

9 (1) In this paragraph “relevant authority” means a local authority...

10 Chapter 2 of Part 2 of the School Standards and...

11 Except for the expression “local authority”, expressions used in paragraphs...

11A In paragraphs 8 and 10 “education functions” has the meaning...

...

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

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

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...



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- 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)...
- 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...

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- 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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