



Local Government Act 2000

2000 CHAPTER 22

PART II

ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

Provisions with respect to executive arrangements

14 **[^{F1}Discharge of functions: general]**

- ^{F2}(1) Subject to any provision made under section 18, 19 or 20, any functions which, under executive arrangements, are the responsibility of—
- (a) a mayor and cabinet executive, or
 - (b) a leader and cabinet executive (England),
- are to be discharged in accordance with this section.]
- (2) The [^{F3}senior executive member] —
- (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 [^{F4}senior executive member] 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 [^{F5}senior executive member] otherwise directs, [^{F6}the member who may discharge the function] may arrange for the discharge of any of those functions by an officer of the authority.

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- (5) Where by virtue of this section any functions may be discharged by a committee of a local authority executive, then, unless the [^{F7}senior executive member] otherwise directs, the 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 [^{F8}a senior executive member], executive, member or committee for the discharge of any functions by an executive, member, committee or officer are not to prevent [^{F9}the senior executive member], executive, member or committee by whom the arrangements are made from exercising those functions.
- [^{F10}(7) In this section “senior executive member” means—
- (a) in the case of a mayor and cabinet executive: the elected mayor;
 - (b) in the case of a leader and cabinet executive (England): the executive leader.]

Textual Amendments

- F1** Words in s. 14 title substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(2\), 245\(2\)](#)
- F2** S. 14(1) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(3\), 245\(2\)](#)
- F3** Words in s. 14(2) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(4\), 245\(2\)](#)
- F4** Words in s. 14(3) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(4\), 245\(2\)](#)
- F5** Words in s. 14(4) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(5\)\(a\), 245\(2\)](#)
- F6** Words in s. 14(4) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(5\)\(b\), 245\(2\)](#)
- F7** Words in s. 14(5) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(6\), 245\(2\)](#)
- F8** Words in s. 14(6) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(7\)\(a\), 245\(2\)](#)
- F9** Words in s. 14(6) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(7\)\(b\), 245\(2\)](#)
- F10** S. 14(7) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 63\(8\), 245\(2\)](#)

Modifications etc. (not altering text)

- C1** Pt. II applied in part (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), arts. 1, 16\(7\)](#)
- C2** Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808, art. 23\(b\)](#)
- C3** S. 14 applied (with modifications) (temp. until 1/4/2009) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), arts. 1, 7\(2\)\(3\)](#)
- C4** Ss. 14-16 applied (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 20\(6\)\(7\)\(9\), 324\(3\); S.I. 2009/3345, art. 2, Sch. para. 2](#)
- C5** S. 14 applied (with modifications) (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\), arts. 1, 4\(2\)](#)
- C6** S. 14 modified (temp.) (25.3.2010) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\), arts. 1, 4\(2\)](#)
- C7** S. 14(5) applied (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), arts. 1, 9\(2\)](#)

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- C8** S. 14(5) modified (temp.) (with effect in accordance with art. 6(1) of the amending S.I.) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\)](#), arts. 1, [6\(2\)](#)
- C9** S. 14(5) modified (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\)](#), arts. 1, [6\(2\)](#)
- C10** S. 14(6) applied (with modifications) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), arts. 1, [9\(3\)](#)
- C11** S. 14(6) modified (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\)](#), arts. 1, [6\(3\)](#)
- C12** S. 14(6) modified (temp.) (with effect in accordance with art. 6(1) of the amending S.I.) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\)](#), arts. 1, [6\(3\)](#)

Commencement Information

- II** S. 14 wholly in force at 28.7.2001; s. 14 not in force at Royal Assent see s. 108; s. 14 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(a\)](#); s. 14 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

15 ^[F11]Discharge of functions: leader and cabinet executive (Wales)

- (1) Subject to any provision made under section 18, 19 or 20, any functions which, under executive arrangements, are the responsibility of a ^[F12]leader and cabinet executive (Wales) 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.

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- (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.

Textual Amendments

- F11** S. 15 title substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 63\(9\)\(a\)](#), 245(2)
- F12** Words in s. 15(1) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 63\(9\)\(b\)](#), 245(2)

Modifications etc. (not altering text)

- C4** Ss. 14-16 applied (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [s. 20\(6\)\(7\)\(9\)](#), 324(3); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 2](#)
- C13** Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808](#), [art. 23\(b\)](#)
- C14** S. 15 modified (26.2.2008) by [The Wiltshire \(Structural Change\) Order 2008 \(S.I. 2008/490\)](#), [arts. 1, 6\(2\)](#)
- C15** S. 15 modified (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), [arts. 1, 6\(2\)](#)
- C16** S. 15 modified (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), [arts. 1, 6\(2\)](#)
- C17** S. 15 modified (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), [arts. 1, 6\(2\)](#)
- C18** S. 15 modified (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), [arts. 1, 6\(2\)](#)
- C19** S. 15(7)(9) modified (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C20** S. 15(7)(9) modified (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C21** S. 15(7) modified (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), [arts. 1, 11\(3\)](#)
- C22** S. 15(7)(9) modified (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C23** S. 15(7)(9) modified (26.2.2008) by [The Wiltshire \(Structural Change\) Order 2008 \(S.I. 2008/490\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C24** S. 15(7)(9) modified (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), [arts. 1, 8\(2\)\(3\)](#)
- C25** S. 15(7) modified (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), [arts. 1, 11\(3\)](#)

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C26 S. 15(8) extended (16.11.2000 with application to local authorities in England only) by [S.I. 2000/2851](#), [regs. 1\(2\), 4\(2\)](#)

Commencement Information

I2 S. 15 wholly in force at 28.7.2001; s. 15 not in force at Royal Assent see s. 108; s. 15 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(a\)](#); s. 15 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

16 Discharge of functions: mayor and council manager executive.

[^{F13}(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.]

Textual Amendments

F13 S. 16 repealed (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 34(3), 178(2), [Sch. 4 Pt. B](#)

Modifications etc. (not altering text)

C4 Ss. 14-16 applied (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 20(6)(7)(9), 324(3); [S.I. 2009/3345](#), art. 2, Sch. para. 2

C27 Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808](#), art. 23(b)

Commencement Information

I3 S. 16 wholly in force at 28.7.2001; s. 16 not in force at Royal Assent see s. 108; s. 16 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(a\)](#); s. 16 in force at 28.7.2001 in so far as not already in force see. 108(4)-(6)

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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.

Modifications etc. (not altering text)

C28 Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808](#), [art. 23\(b\)](#)

Commencement Information

I4 S. 17 wholly in force at 1.11.2000; s. 17 not in force at Royal Assent see s. 108; s. 17 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 2\(a\)](#); s. 17 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#)

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—

[^{F14}“area committee” means—

 - (a) in relation to a local authority in England, a committee or sub-committee of the authority which satisfies the conditions in subsection (4);
 - (b) in relation to a local authority in Wales, a committee or sub-committee of the authority which satisfies the conditions in subsection (6);]

“specified” means specified in regulations under this section.
 - (4) A committee or sub-committee of a local authority [^{F15}in England] 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

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- (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.
- [^{F16}(6) A committee or sub-committee of a local authority in Wales 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) that part consists of the whole of one or more electoral divisions of the authority,
- (c) all the members of the authority who are elected for that electoral division, or those electoral divisions, are entitled to be members of the committee or sub-committee,
- (d) no members of the authority, other than those mentioned in paragraph (c), may be members of the committee or sub-committee, and
- (e) either or both of the conditions in subsection (7) are satisfied in relation to that part.
- (7) Those conditions are—
- (a) that the area of that part does not exceed one-half of the total area of the authority;
- (b) that the population of that part, as estimated by the authority, does not exceed one-half of the total population of the area of the authority as so estimated.]

Textual Amendments

- F14** Words in s. 18(3) substituted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 55(2), 178(2)**
- F15** Words in s. 18(4) inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 55(3), 178(2)**
- F16** S. 18(6)(7) inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 55(4), 178(2)**

Modifications etc. (not altering text)

- C29** Ss. 14-18 restricted (W.) (1.4.2002) by [S.I. 2002/808](#), **art. 23(b)**

Commencement Information

- I5** S. 18 wholly in force at 1.11.2000; s. 18 not in force at Royal Assent see s. 108; s. 18 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), **arts. 1(3), 2(a)**; s. 18 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), **art. 2**

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

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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 ^{M1}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 ^{M2}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.

Commencement Information

I6 S. 19 wholly in force at 1.11.2000; s. 19 not in force at Royal Assent see s. 108; s. 19 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 2\(a\)](#); s. 19 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#)

Marginal Citations

M1 1972 c. 70.
M2 1972 c. 70.

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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 ^{M3}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 ^{M4}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.

Commencement Information

I7 S. 20 wholly in force at 1.11.2000; s. 20 not in force at Royal Assent see s. 108; s. 20 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 2\(a\)](#); s. 20 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#)

Marginal Citations

M3 1972 c. 70.
M4 1972 c. 70.

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).

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- (2) Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees [^{F17}, and any joint 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,
 - ^{F18}(f) in the case of the overview and scrutiny committee or committees of an authority to which [^{F19}section 244 of the National Health Service Act 2006 or section 184 of the National Health Service (Wales) Act 2006 applies, to review and scrutinise, in accordance with regulations under either of those sections, matters relating to the health service (within the meaning given by the Act concerned, and as extended by the section concerned)] in the authority’s area, and to make reports and recommendations on such matters in accordance with the regulations.]
- ^{F20}(2A) In subsection (2), “joint overview and scrutiny committee”, in relation to a local authority (“the authority concerned”), means—
- (a) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 245 of the National Health Service Act 2006 appointed by the authority concerned and one or more other local authorities,
 - (b) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section,
 - (c) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 185 of the National Health Service (Wales) Act 2006 appointed by the authority concerned and one or more other local authorities,
 - (d) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or
 - (e) a joint overview and scrutiny committee [^{F21}—
 - (i) within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 [^{F22}(joint overview and scrutiny committees) appointed by two or more local authorities including the authority concerned] [^{F23}, or
 - (ii) a joint overview and scrutiny committee within the meaning of section 58 of the Local Government (Wales) Measure 2011 appointed

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by two or more local authorities, one of which is the authority concerned].]

- (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) ^{F24}...an overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this section [^{F25}, sections 21A to 21C] [^{F26} or any functions which may be conferred on it by virtue of regulations under section 21E].
- ^{F27}(5)
- (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).
- ^{F28}(8)
- (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 [^{F29}, unless permitted to do so under paragraph 12 of that Schedule].
- (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 ^{M5}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 ^{M6}Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
- (12) Subsections (2) and (5) of section 102 of the ^{M7}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,
 - ^{F30}(aa) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England),] and

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- (b) may invite other persons to attend meetings of the committee.
- (14) It is the duty of any member or officer mentioned in ^{F31}paragraph (a) or (aa) of subsection (13) to comply with any requirement mentioned in that paragraph].
- (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.
- ^{F32}(16) In exercising, or deciding whether to exercise, any of its functions—
- (a) an overview and scrutiny committee of a local authority in England, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State; and
- (b) an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Welsh Ministers.
- (17) Guidance under subsection (16) may make different provision for different cases or for different descriptions of committee or sub-committee.]

Textual Amendments

- F17** Words in s. 21(2) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 127(1)(a)**, 245(5); S.I. 2008/3110, art. 4(g)
- F18** S. 21(2)(f) inserted (1.1.2003 for E., otherwise 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 7(1)**, 70(2) (with s. 7(2)-(5), 64(9), 65(4)); S.I. 2003/53, art. 3(a); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a)
- F19** Words in s. 21(2)(f) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 205** (with Sch. 3 Pt. 1)
- F20** S. 21(2A) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 127(1)(b)**, 245(5); S.I. 2008/3110, art. 4(g)
- F21** Words in s. 21(2A)(e) inserted and renumbered as s. 21(2A)(e)(i) (11.5.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 58(5)(a)**, 178(1)
- F22** Words in s. 21(2A)(e) substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 32(2)**, 148(2)(a)(ii)
- F23** Words in s. 21(2A)(e) inserted (11.5.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 58(5)(b)**, 178(1)
- F24** Words in s. 21(4) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), **Sch. 18 Pt. 8**; S.I. 2008/591, art. 2(d)(i)
- F25** Words in s. 21(4) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 127(1)(c)(i)**, 245(5); S.I. 2008/3110, art. 4(g)
- F26** Words in s. 21(4) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 127(1)(c)(ii)**, 245(5); S.I. 2008/3110, art. 4(g)
- F27** S. 21(5) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(2), **Sch. 18 Pt. 8**; S.I. 2008/591, art. 2(d)(i)
- F28** S. 21(8) repealed (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 127(1)(d)**, 245(5), **Sch. 18 Pt. 6**; S.I. 2008/3110, art. 4(g)
- F29** Words in s. 21(10) inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), **Sch. 7 para. 80**; S.I. 2003/2938, art. 2(a) (with art. 8Sch.)
- F30** S. 21(13)(aa) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 120(1)**, 245(5); S.I. 2008/3110, art. 4(b)
- F31** Words in s. 21(14) substituted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 120(2)**, 245(5); S.I. 2008/3110, art. 4(b)

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- F32** S. 21(16)(17) inserted (12.12.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 125, 245(5)**; [S.I. 2008/3110](#), art. 2(b)

Modifications etc. (not altering text)

- C30** S. 21 applied (with modifications) (1.1.2003 for E. otherwise 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **s. 10(3)(4), 70(2)** (with **ss. 64(9), 65(4)**); [S.I. 2003/53](#), art. 3(a); [S.I. 2006/1407](#), Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 10 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C31** S. 21 applied (with modifications) (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), **s. 247(3)(4), 277(1)**
- C32** S. 21 excluded (temp. until 31/3/2009) (26.2.2008) by [The Wiltshire \(Structural Change\) Order 2008 \(S.I. 2008/490\)](#), arts. 1, **8(4)**
- C33** S. 21 excluded (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), arts. 1, **8(4)**
- C34** S. 21 excluded (temp. until 31/3/2009) (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), arts. 1, **8(4)**
- C35** S. 21 excluded (temp. until 31/3/2009) (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), arts. 1, **8(4)**
- C36** S. 21 excluded (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), arts. 1, **8(4)**
- C37** S. 21 excluded (temp. until 31/3/2009) (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), arts. 1, **9(4)**
- C38** S. 21 excluded (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\)](#), arts. 1, **6(4)**
- C39** S. 21 excluded (temp.) (with effect in accordance with art. 6(1) of the amending S.I.) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\)](#), arts. 1, **6(4)**
- C40** S. 21(4) excluded (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 8(7), 70(2)** (with **ss. 64(9), 65(4)**); [S.I. 2003/53](#), art. 3(a); [S.I. 2006/1407](#), Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C41** S. 21(4) power to apply (with modifications) conferred (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 8(3)(b), 70(2)** (with **ss. 64(9), 65(4)**); [S.I. 2003/53](#), art. 3(a); [S.I. 2006/1407](#), Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C42** S. 21(4) excluded (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), **ss. 245(7), 277(1)**
- C43** S. 21(4) excluded (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\)](#), **ss. 185(7), 208(1)** (with s. 19(3))
- C44** S. 21(4): power to apply conferred by 2007 c. 28, s. 123(5)(b)(i) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 32(1), 148(2)(a)(ii)**)
- C45** S. 21(6)-(15) applied (with modifications) (E.) (1.1.2003) by [S.I. 2002/3048](#), **reg. 7(3)**
- C46** S. 21(6)-(15) power to apply (with modifications) conferred (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 8(3)(b), 70(2)** (with **ss. 64(9), 65(4)**); [S.I. 2003/53](#), art. 3(a); [S.I. 2006/1407](#), Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C47** S. 21(6)-(12): power to apply conferred by 2007 c. 28, s. 123(5)(b)(i) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 32(1), 148(2)(a)(ii)**)

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- C48** S. 21(10) excluded (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\)](#), [ss. 8\(8\), 70\(2\)](#) (with [ss. 64\(9\), 65\(4\)](#)); [S.I. 2003/53, art. 3\(a\)](#); [S.I. 2006/1407, Sch. 1 Pt. II para. 8\(a\)](#) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)
- C49** S. 21(10) excluded (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\)](#), [ss. 185\(8\), 208\(1\)](#) (with [s. 19\(3\)](#))
- C50** S. 21(10) excluded (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), [ss. 245\(8\), 277\(1\)](#)

Commencement Information

- I8** S. 21 wholly in force at 28.7.2001; s. 21 not in force at Royal Assent see s. 108; s. 21 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849, arts. 1\(3\), 2\(a\)](#); s. 21 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

- M5** 1972 c. 70.
M6 1989 c. 42.
M7 1972 c. 70.

[^{F33}21ZAScrutiny officers

- (1) Subject as follows, a local authority in England must designate one of their officers to discharge the functions in subsection (2).
- (2) Those functions are—
 - (a) to promote the role of the authority's overview and scrutiny committee or committees;
 - (b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees;
 - (c) to provide support and guidance to—
 - (i) members of the authority,
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authority,
 in relation to the functions of the authority's overview and scrutiny committee or committees.
- (3) An officer designated by a local authority under this section is to be known as the authority's “scrutiny officer”.
- (4) A local authority may not designate any of the following under this section—
 - (a) the head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989;
 - (b) the authority's monitoring officer designated under section 5 of that Act;
 - (c) the authority's chief finance officer, within the meaning of that section.
- (5) The duty in subsection (1) does not apply to a district council for an area for which there is a county council.
- (6) In this section, references to an overview and scrutiny committee include any sub-committee of that committee.]

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Textual Amendments

F33 S. 21ZA inserted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), [ss. 31, 148\(2\)\(a\)\(i\)](#); [S.I. 2009/3318](#), art. 4(c)

[^{F34}21A Reference of matters to overview and scrutiny committee etc

- (1) Executive arrangements by a local authority must include provision which—
 - (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee,
 - (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and
 - (c) in the case of a local authority in England, enables any member of the authority to refer to an overview and scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- (3) In considering whether to exercise the power which he has by virtue of subsection (1) (c) in any case, a member of an authority must have regard to any guidance for the time being issued by the Secretary of State.
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) Subsections (6) to (8) apply where a local government matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to subsection (1)(c).
- (6) In considering whether or not to exercise any of its powers under section 21(2) in relation to the matter, the committee may have regard to—
 - (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under section 21(2) in relation to the matter.
- (7) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of—
 - (a) its decision, and
 - (b) the reasons for it.
- (8) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under section 21(2) in relation to the matter.
- (9) Subsection (8) is subject to section 21D.

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- (10) In this section “local government matter”, in relation to a member of a local authority, means a matter which—
- (a) relates to the discharge of any function of the authority,
 - (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and
 - (c) is not an excluded matter.
- (11) In subsection (10)(c), “excluded matter” means any matter which is—
- (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (b) a matter of any description specified in an order made by the Secretary of State for the purposes of this section.]

Textual Amendments

F34 S. 21A inserted (12.12.2008 for specified purposes, 1.4.2009 in so far as not already in force) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 119, 245(5)**; S.I. 2008/3110, arts. 2(a), 4(a)

Modifications etc. (not altering text)

C51 Ss. 21A-21D: power to apply conferred by 2007 c. 28, s. 123(5)(b)(ii) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 32(1), 148(2)(a)(ii)**)

[^{F35}21B Duty of authority or executive to respond to overview and scrutiny committee

- (1) This section applies where an overview and scrutiny committee of a local authority in England makes a report or recommendations to the authority or the executive, otherwise than—
- (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (b) by virtue of subsection (3)(a) of that section.
- (2) The overview and scrutiny committee may publish the report or recommendations.
- (3) The overview and scrutiny committee must by notice in writing require the authority or executive—
- (a) to consider the report or recommendations,
 - (b) to respond to the overview and scrutiny committee indicating what (if any) action the authority propose, or the executive proposes, to take,
 - (c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response,
 - (d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under section 21A(8), to provide the member with a copy of the response,
- and to do so within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.
- (4) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.

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- (5) Subsections (2) and (4) are subject to section 21D and to any provision made under section 22(12A).
- (6) In this section—
- (a) references to an overview and scrutiny committee include references to a sub-committee of such a committee; and
 - (b) references to “the authority” or “the executive”, in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview and scrutiny committee is established or to the executive of that authority.

Textual Amendments

F35 Ss. 21B-21D inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 122(1)**, 245(5); S.I. 2008/3110, art. 4(d)

Modifications etc. (not altering text)

C51 Ss. 21A-21D: power to apply conferred by 2007 c. 28, s. 123(5)(b)(ii) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), **ss. 32(1)**, 148(2)(a)(ii))

21C Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities

- (1) This section applies where—
- (a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—
 - (i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
 - (ii) by virtue of subsection (3)(a) of that section, and
 - (b) the report or any of the recommendations relates to a local improvement target which—
 - (i) relates to a relevant partner authority, and
 - (ii) is specified in a local area agreement of the authority.
- (2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions.
- (3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.
- (4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.
- (5) Subsection (2) does not apply if—
- (a) the relevant partner authority is a health service body, and
 - (b) by virtue of section 244 of the National Health Service Act 2006, the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).
- (6) In subsection (5), “health service body” means—

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- (a) a National Health Service trust,
- (b) an NHS foundation trust, or
- (c) a Primary Care Trust.

(7) Subsections (2) and (3) are subject to section 21D.

(8) In this section—

“the authority”, in relation to a relevant committee, means—

- (a) in the case of an overview and scrutiny committee, the local authority by which it is established, and
- (b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,

“the executive”, in relation to a relevant committee, means the executive of the authority,

“local improvement target” and “local area agreement” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (local area agreements),

“relevant committee” means—

- (a) any overview and scrutiny committee of—
 - (i) a county council in England,
 - (ii) a district council in England, other than a council for a district in a county for which there is a county council, or
 - (iii) a London borough council, or
- (b) a sub-committee of an overview and scrutiny committee within paragraph (a), and

“relevant partner authority”, in relation to a relevant committee, means any person who is a partner authority in relation to the authority for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than—

- (a) [^{F36}a local policing body, or]
- (b) a chief officer of police;

and references to a target relating to a relevant partner authority are to be construed in accordance with section 105(3) of the Local Government and Public Involvement in Health Act 2007.

Textual Amendments

F35 Ss. 21B-21D inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 122\(1\)](#), 245(5); S.I. 2008/3110, art. 4(d)

F36 Words in s. 21C(8) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 254](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C51 Ss. 21A-21D: power to apply conferred by 2007 c. 28, s. 123(5)(b)(ii) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), [ss. 32\(1\)](#), 148(2)(a)(ii))

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Changes to legislation: Local Government Act 2000, Cross Heading: Provisions with respect to executive arrangements is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

21D Publication etc of reports, recommendations and responses: confidential and exempt information

- (1) This section applies to—
- (a) the publication under section 21B of any document comprising—
 - (i) a report or recommendations of an overview and scrutiny committee, or
 - (ii) a response of a local authority to any such report or recommendations, and
 - (b) the provision of a copy of such a document—
 - (i) to a member of a local authority under section 21A(8) or section 21B, or
 - (ii) to a relevant partner authority under section 21C,
- by an overview and scrutiny committee or a local authority.
- (2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority—
- (a) must exclude any confidential information, and
 - (b) may exclude any relevant exempt information.
- (3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.
- (4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, in publishing, or providing a copy of, the document—
- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and
 - (b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.
- (5) If by virtue of subsection (2), (3) or (4) an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations—
- (a) excludes information, or
 - (b) replaces part of the report or recommendations with a summary,
- it is nevertheless to be taken for the purposes of section 21B(3)(c) or (d) to have published or provided a copy of the report or recommendations.
- (6) In this section—
- “confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils),
 - “exempt information” has the meaning given by section 100I of that Act, and, in relation to—
 - (a) any report or recommendations of an overview and scrutiny committee which has functions under section 21(2)(f), or
 - (b) any response to such a report or recommendations,
- also includes information which is exempt information under section 246 of the National Health Service Act 2006,
- “relevant exempt information” means—

Status: Point in time view as at 16/01/2012.

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- (a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and
- (b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered, and
- “relevant partner authority”, in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 21C, has the same meaning as in that section.

- (7) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.]

Textual Amendments

F35 Ss. 21B-21D inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), **ss. 122(1)**, 245(5); S.I. 2008/3110, art. 4(d)

Modifications etc. (not altering text)

- C51** Ss. 21A-21D: power to apply conferred by 2007 c. 28, s. 123(5)(b)(ii) (as substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), **ss. 32(1)**, 148(2)(a)(ii))
- C52** S. 21D applied (E.) (12.8.2009) by [The Local Authorities \(Overview and Scrutiny Committees\) \(England\) Regulations 2009](#) (S.I. 2009/1919), regs. 1(1), **8** (with reg. 12)

[^{F37}21E Overview and scrutiny committees of certain district councils: functions with respect to partner authorities

- (1) This section applies to any district council which is a partner authority in relation to a county council (“the related county council”).
- (2) The Secretary of State may by regulations make provision under which a district council to which this section applies may confer on their overview and scrutiny committee, or any of their overview and scrutiny committees, power to make reports and recommendations to the related county council, or that council's executive, which relate to any local improvement target which—
- (a) relates to a relevant partner authority, and
- (b) is specified in a local area agreement of the county council.
- (3) Regulations under subsection (2) may make provision applying or reproducing any provision of section 21B, 21C or 21D (with or without modifications).
- (4) For the purposes of this section—
- (a) “relevant partner authority”, in relation to a district council, means—
- (i) the related county council, or
- (ii) any other authority which are a partner authority in relation to that county council, other than—
- [^{F38}(a) a local policing body, or]

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Changes to legislation: Local Government Act 2000, Cross Heading: Provisions with respect to executive arrangements is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) a chief officer of police,
- (b) “local area agreement”, “local improvement target” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, and
- (c) section 105(2) or (3) of that Act applies for the purpose of determining whether a local improvement target relates to a relevant partner authority.]

Textual Amendments

- F37** S. 21E inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 124, 245\(5\)](#); S.I. 2008/3110, art. 4(f)
- F38** S. 21E(4)(a)(ii)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 255](#); S.I. 2011/3019, art. 3, Sch. 1

[^{F39}21F Overview and scrutiny committees: flood risk management

- (1) This section applies to a local authority which is a lead local flood authority for an area in England.
- (2) The arrangements required under section 21(2) include arrangements to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.
- (3) A risk management authority must comply with a request made by an overview and scrutiny committee, in the course of arrangements under subsection (2), for—
- (a) information;
- (b) a response to a report.
- (4) The Secretary of State may make regulations about the duty under subsection (3) (which may, in particular, include provision about (i) procedure, (ii) notices, (iii) exemptions, (iv) requirement to attend to give information orally, (v) the nature of information and responses that may be required, and (vi) publication).
- (5) A risk management authority must have regard to reports and recommendations of an overview and scrutiny committee in the course of arrangements under subsection (2).
- (6) Regulations under section 123 of the Local Government and Public Involvement in Health Act 2007 may make provision about the application of this section in relation to joint overview and scrutiny committees.
- (7) Expressions used in this section have the same meaning as in Part 1 of the Flood and Water Management Act 2010.]

Textual Amendments

- F39** S. 21F inserted (1.10.2010 for specified purposes, 6.4.2011 in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 54](#) (with s. 49(1)(6)); S.I. 2010/2169, art. 4, Sch.; S.I. 2011/694, art. 4(1)(j)

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Changes to legislation: Local Government Act 2000, Cross Heading: Provisions with respect to executive arrangements is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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,

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- (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 ^{M8}Local Government Act 1972.
- [^{F40}(12A) The Secretary of State may by regulations make provision, in relation to—
- (a) the publication by executives of local authorities in England under section 21B, or under any provision of regulations under section 21E which applies or reproduces (with or without modifications) any provision of section 21B, of responses to reports or recommendations of overview and scrutiny committees and sub-committees of such committees, or
 - (b) the provision by such executives under that section of copies of such responses,
- which applies or reproduces (with or without modifications) any provisions of section 21D.]
- (13) In this section—
- “joint committee” means a joint committee falling within section 101(5)(a) of the ^{M9}Local Government Act 1972,
 - “prescribed” means prescribed by regulations made by the Secretary of State.

Status: Point in time view as at 16/01/2012.

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Textual Amendments

F40 S. 22(12A) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), [ss. 122\(2\)](#), [245\(5\)](#); [S.I. 2008/3110](#), [art. 4\(d\)](#)

Commencement Information

I9 S. 22 wholly in force at 28.7.2001; s. 22 not in force at Royal Assent see s. 108; s. 22 in force at 7.8.2000 in so far as it confers power to make an order or regulations, give directions, or issue guidance in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\)](#), [2\(b\)](#); s. 22 in force at 26.10.2000 in relation to England only except in so far as already in force by [S.I. 2000/2849](#), [arts. 1\(3\)](#), [2\(b\)](#); s. 22(6)-(13) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 22 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M8 [1972 c. 70](#).

M9 [1972 c. 70](#).

[^{F41} 22A Overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities

- (1) The Secretary of State may by regulations make provision, in relation to a relevant committee—
 - (a) as to information which relevant partner authorities must provide to the relevant committee, and
 - (b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.
- (2) In subsection (1), references to information do not include information in respect of which provision may be made in exercise of the power conferred by—
 - (a) section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters), or
 - (b) section 244(2)(d) or (e) of the National Health Service Act 2006 (functions of overview and scrutiny committees).
- (3) For the purposes of subsection (1), “relevant committee” and “relevant partner authority” have the meanings given by section 21C.
- (4) The Secretary of State may also by regulations make provision, in relation to a relevant district council committee—
 - (a) as to information which associated authorities must provide to the relevant district council committee, and
 - (b) as to information which may not be disclosed by an associated authority to the relevant district council committee.
- (5) In subsection (4), references to information do not include information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).
- (6) For the purposes of subsection (4)—

“relevant district council committee” means—

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- (a) an overview and scrutiny committee of a district council which is not a responsible local authority (“the district council”), or
- (b) a sub-committee of such a committee;
“associated authority”, in relation to a relevant district council committee, means—
 - (a) the county council which is the responsible local authority in relation to the district council, or
 - (b) any person (other than the district council) which is a partner authority in relation to that county council, other than—
 - (i) [F42 a local policing body, or]
 - (ii) a chief officer of police;

and for this purpose, “responsible local authority” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007.

- (7) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.
- (8) The power conferred by subsection (7) does not affect the power conferred by section 105(2)(b).]

Textual Amendments

- F41** S. 22A inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 121\(1\), 245\(5\)](#); [S.I. 2008/3110, art. 4\(c\)](#)
- F42** Words in [s. 22A\(6\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [s. 157\(1\)](#), [Sch. 16 para. 256](#); [S.I. 2011/3019, art. 3, Sch. 1](#)

23 Further provision.

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

Commencement Information

- I10** S. 23 wholly in force at 28.7.2001; s. 23 not in force at Royal Assent see s. 108; s. 23 in force at 7.8.2000 for certain purposes in relation to England only by [S.I. 2000/2187, arts. 1\(3\), 2\(c\)](#); s. 23 in force at 26.10.2000 in relation to England only for certain purposes by [S.I. 2000/2849, arts. 1\(3\), 2\(c\)](#); s. 23 in force at 1.11.2000 in relation to Wales for certain purposes by [S.I. 2000/2948, art. 2](#); s. 23 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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 ^{M10}Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

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Commencement Information

I11 S. 24 wholly in force at 28.7.2001; s. 24 not in force at Royal Assent see s. 108; s. 24 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\), 2\(a\)](#); s. 24 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M10 [1989 c. 42](#).

Status:

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