



Local Government Act 2000

2000 CHAPTER 22

PART II

ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

Provisions with respect to executive arrangements

21 Overview and scrutiny committees.

- (1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Part as overview and scrutiny committees).
- (2) Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees ^[F1], 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,
 - ^[F2](f) in the case of the overview and scrutiny committee or committees of an authority to which ^[F3]section 244 of the National Health Service Act 2006 or section 184 of the National Health Service (Wales) Act 2006 applies, to review

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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.]

[^{F4}(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 [^{F5}—
 - (i)] within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 [^{F6}(joint overview and scrutiny committees) appointed by two or more local authorities including the authority concerned] [^{F7}, or
 - (ii) a joint overview and scrutiny committee within the meaning of section 58 of the Local Government (Wales) Measure 2011 appointed 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) ^{F8}...an overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this section [^{F9}, sections 21A to 21C] [^{F10}or any functions which may be conferred on it by virtue of regulations under section 21E].

^{F11}(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).

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- ^{F12}(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 [^{F13}, 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 ^{M1}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 ^{M2}Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
- (12) Subsections (2) and (5) of section 102 of the ^{M3}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,
- [^{F14}(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
- (b) may invite other persons to attend meetings of the committee.
- (14) It is the duty of any member or officer mentioned in [^{F15}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.
- [^{F16}(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.]

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Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** Words in s. 21(2A)(e) inserted (11.5.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 58\(5\)\(b\)](#), 178(1)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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.)
- F14** 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)
- F15** 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)
- F16** 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)

- 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** 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)
- C3** S. 21 applied (with modifications) (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), [s. 247\(3\)\(4\)](#), 277(1)
- C4** 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\(4\)](#)
- C5** S. 21 excluded (temp.) (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\)](#), arts. 1, [8\(4\)](#)
- C6** 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\(4\)](#)

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- C7** 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\(4\)](#)
- C8** S. 21 excluded (temp.) (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\)](#), arts. 1, [8\(4\)](#)
- C9** 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\(4\)](#)
- C10** S. 21 excluded (temp.) (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\)](#), arts. 1, [6\(4\)](#)
- C11** 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\(4\)](#)
- C12** 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)
- C13** 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)
- C14** S. 21(4) excluded (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), [ss. 245\(7\), 277\(1\)](#)
- C15** S. 21(4) excluded (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\)](#), [ss. 185\(7\), 208\(1\)](#) (with [s. 19\(3\)](#))
- C16** 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\(2\)\(a\)\(ii\)](#))
- C17** S. 21(6)-(15) applied (with modifications) (E.) (1.1.2003) by [S.I. 2002/3048](#), [reg. 7\(3\)](#)
- C18** 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)
- C19** 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\(2\)\(a\)\(ii\)](#))
- C20** 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)
- C21** S. 21(10) excluded (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\)](#), [ss. 185\(8\), 208\(1\)](#) (with [s. 19\(3\)](#))
- C22** S. 21(10) excluded (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), [ss. 245\(8\), 277\(1\)](#)

Commencement Information

- II** 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

- M1** 1972 c. 70.

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M2 1989 c. 42.

M3 1972 c. 70.

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