



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 5 **E+W**

#### CO-OPERATION OF ENGLISH AUTHORITIES WITH LOCAL PARTNERS, ETC

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##### **Modifications etc. (not altering text)**

- C1** Pt. 5 modified (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), regs. 1, **12**
- C2** Pt. 5 modified (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), regs. 1, **11(2)**

### CHAPTER 1 **E+W**

#### <sup>F1</sup>...COMMUNITY STRATEGIES

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##### **Textual Amendments**

- F1** Words in Pt. 5 Ch. 1 heading omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(2), 115(3)(k)**

### **103 Application of Chapter: responsible local authorities** **E+W**

For the purposes of this Chapter, each of the following is a responsible local authority—

- (a) a county council in England;
- (b) a district council in England, other than a council for a district in a county for which there is a county council;

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

- (c) a London borough council;
- (d) the Council of the Isles of Scilly;
- (e) the Common Council of the City of London in its capacity as a local authority.

**Commencement Information**

**II** S. 103 in force at 30.12.2007, see s. 245(2)

**104 Application of Chapter: partner authorities E+W**

- (1) For the purposes of this Chapter, each of the following is a partner authority in relation to a responsible local authority—
- (a) any person mentioned in subsection (2) who acts or is established for an area which, or any part of which, coincides with or falls within the responsible local authority's area;
  - (b) any person mentioned in subsection (3) who provides services at or from a hospital or other establishment or facility which falls within the responsible local authority's area; and
  - (c) any person mentioned in subsection (4).
- (2) The persons referred to in subsection (1)(a) are—
- (a) any district council which is not a responsible local authority;
  - (b) a fire and rescue authority;
  - (c) a National Park authority;
  - (d) the Broads Authority;
  - [<sup>F2</sup>(e) a local policing body;]
  - (f) a chief officer of police;
  - <sup>F3</sup>(g) .....
  - (h) a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
  - [<sup>F4</sup>(i) an Integrated Transport Authority for an integrated transport area in England;]
  - [<sup>F5</sup>(ia) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
  - (ib) a combined authority established under section 103 of that Act;]
  - (j) Transport for London;
  - [<sup>F6</sup>(ja) a clinical commissioning group;
  - (jb) the National Health Service Commissioning Board;]
  - <sup>F7</sup>(k) .....
  - <sup>F8</sup>(l) .....
  - (m) a local probation board established by section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);
  - (n) a youth offending team established under section 39 of the Crime and Disorder Act 1998 (c. 37).
- (3) The persons referred to in subsection (1)(b) are—
- (a) a National Health Service trust;
  - (b) an NHS foundation trust.

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- (4) The persons referred to in subsection (1)(c) are—
- (a) the Arts Council of England;
  - (b) the English Sports Council;
  - (c) the Environment Agency;
  - (d) the Health and Safety Executive;
  - [<sup>F9</sup>(da) the Office for Nuclear Regulation;]
  - (e) the Historic Buildings and Monuments Commission;
  - [<sup>F10</sup>(ea) the Homes and Communities Agency;]
  - <sup>F11</sup>(f) .....
  - <sup>F12</sup>(fa) .....
  - (g) the Museums, Libraries and Archives Council;
  - (h) Natural England;
  - (i) the Secretary of State, but only in relation to—
    - (i) his functions under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees);
    - (ii) functions which he has as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66),<sup>F13</sup> ...
    - (iii) functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).
    - [<sup>F14</sup>(iv) his functions under sections 2 and 3 of the Offender Management Act 2007 (responsibility for ensuring the provision of probation services throughout England and Wales).]
- (5) In this section, “fire and rescue authority” means—
- (a) a fire and rescue authority constituted by—
    - (i) a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21); or
    - (ii) a scheme to which section 4 of that Act applies;
  - [<sup>F15</sup>(aa) a fire and rescue authority created by an order under section 4A of that Act;]
  - (b) a metropolitan county fire and rescue authority; or
  - [<sup>F16</sup>(c) the London Fire Commissioner.]
- [<sup>F17</sup>(5A) The Secretary of State's functions under this Chapter as a partner authority of a local authority in relation to the functions referred to in subsection (4)(i)(iv) are functions to which section 2(1)(c) of the Offender Management Act 2007 (functions to be performed through arrangements under section 3 of that Act) applies.]
- (6) In subsection (1)(a), references to the area for which a person acts or is established are references—
- (a) in the case of the Commissioner of Police of the Metropolis, to the metropolitan police district (within the meaning of the Police Act 1996 (c. 16));
  - (b) in the case of the Commissioner of the City of London Police, to the City of London police area (within the meaning of that Act);
  - (c) in the case of any other chief officer of police, to the police area listed in Schedule 1 to that Act for which his police force is maintained;
  - (d) in the case of Transport for London, Greater London.

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- (7) The Secretary of State may by order—
- (a) amend subsection (2), (3) or (4) by—
    - (i) adding to it any person who has functions of a public nature;
    - (ii) removing from it any person for the time being mentioned in it; or
    - (iii) adding to subsection (4)(i) any function of the Secretary of State or removing from it any function for the time being mentioned in it; and
  - (b) make such other amendments of this section as appear to him to be necessary or expedient in consequence of provision made under paragraph (a).
- (8) Before making an order under subsection (7) the Secretary of State must consult such representatives of local government and such other persons (if any) as he considers appropriate.

#### Textual Amendments

- F2** S. 104(2)(e) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 367**; S.I. 2011/3019, art. 3, Sch. 1
- F3** S. 104(2)(g) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(34)(a)**; S.I. 2015/994, art. 6(g)
- F4** S. 104(2)(i) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 68(2)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F5** S. 104(2)(ia)(ib) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 121(3)**; S.I. 2009/3318, art. 2(c)
- F6** S. 104(2)(ja)(jb) inserted (1.4.2013) by [The Health and Social Care Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/594\)](#), arts. 1(2), **6(a)**
- F7** S. 104(2)(k) omitted (1.4.2013) by virtue of [The Health and Social Care Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/594\)](#), arts. 1(2), **6(b)**
- F8** S. 104(2)(l) repealed (1.7.2012 at 0.02 a.m.) by [Public Bodies Act 2011 \(c. 24\)](#), s. 38(3), **Sch. 6** (with Note 1); S.I. 2012/1662, art. 2(2)(b)
- F9** S. 104(4)(da) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 24** (with Sch. 4)
- F10** S. 104(4)(ea) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 83**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F11** S. 104(4)(f) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 59**
- F12** S. 104(4)(fa) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 16 para. 39**; S.I. 2012/924, art. 2
- F13** Word in s. 104(4)(i) omitted (1.4.2008) by virtue of the [Offender Management Act 2007 \(c. 21\)](#), s. 41, **Sch. 3 para. 5(2)(a)**, Sch. 5 Pt. 1; S.I. 2008/504, **art. 3(1)(n)**
- F14** S. 104(4)(i)(iv) and semi-colon inserted (1.4.2008) by the [Offender Management Act 2007 \(c. 21\)](#), s. 41, **Sch. 3 para. 5(2)(b)**; S.I. 2008/504, **art. 3(1)**
- F15** S. 104(5)(aa) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 1 para. 84**; S.I. 2017/399, reg. 2, Sch. para. 38
- F16** S. 104(5)(c) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 2 para. 114**; S.I. 2018/227, **reg. 4(c)**
- F17** S. 104(5A) inserted (1.4.2008) by the [Offender Management Act 2007 \(c. 21\)](#), s. 41, **Sch. 3 para. 5(3)**; S.I. 2008/504, **art. 3(1)**

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**Commencement Information**

**I2** S. 104 in force at 30.12.2007, see s. 245(2)

**F18 105 “Local improvement targets”: interpretation E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a), 115(3)(k)**

**F18 106 Duty to prepare and submit draft of a local area agreement E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a), 115(3)(k)**

**F18 107 Approval of draft local area agreement by Secretary of State E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a), 115(3)(k)**

**F18 108 Duty to have regard to local improvement targets E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a), 115(3)(k)**

**F18 109 Designated targets E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a), 115(3)(k)**

**F18 110 Revision and addition of targets E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a)**, 115(3)(k)

**F18 111 Designated targets: revision proposals** **E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a)**, 115(3)(k)

**F18 112 Approval of revision proposal** **E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a)**, 115(3)(k)

**F18 113 Duty to publish information about local area agreement** **E+W**

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**Textual Amendments**

**F18** Ss. 105-113 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(a)**, 115(3)(k)

**F19 114 Preparation of community strategy** **E+W**

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**Textual Amendments**

**F19** S. 114 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 100(2)(d)**, 115(3)(k)

**115 Orders under Part 1 of Local Government Act 2000: Wales** **E+W**

(1) Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc) is amended as follows.

<sup>F20</sup>(2) .....

(3) In section 5 (power to amend or repeal enactments relating to power to promote well-being), for subsection (4) substitute—

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- “(4) In exercising the power under subsection (1), the Secretary of State must not make any provision which has effect in relation to Wales unless he has consulted the Welsh Ministers.
- (4A) In exercising the power under subsection (1), the Secretary of State—
- (a) must not make any provision amending, repealing or disapplying any Measure or Act of the National Assembly for Wales without the consent of the National Assembly for Wales, and
  - (b) must not make any provision amending, revoking or disapplying subordinate legislation made by the Welsh Ministers (or the National Assembly for Wales established under the Government of Wales Act 1998) without the consent of the Welsh Ministers.
- (4B) Subsection (4A) does not apply to the extent that the Secretary of State is making incidental or consequential provision.”
- (4) In subsection (5) of that section, for “The National Assembly for Wales” substitute “The Welsh Ministers”.
- (5) In section 6 (power to modify enactments concerning plans etc)—
- (a) in subsection (1), at the end insert “so far as that enactment has effect in relation to a local authority in England”;
  - (b) in subsection (2)(a) and (b), after “authorities” insert “ in England ”;
  - (c) in subsection (2)(c), after “authority” insert “ in England ”; and
  - (d) omit subsections (5) and (6).
- (6) In section 7 (power to modify enactments concerning plans etc: Wales)—
- (a) in subsection (1)—
    - (i) for “the National Assembly for Wales” substitute “ the Welsh Ministers ”; and
    - (ii) for “to which subsection (2) applies” substitute “ (whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter ”;
  - (b) omit subsection (2);
  - (c) in subsection (4), for “the National Assembly for Wales considers” substitute “ the Welsh Ministers consider ”; and
  - (d) omit subsection (6).
- (7) At the end of that section insert—
- “(8) An order under this section may not make a provision which, if it were a provision of a Measure of the National Assembly for Wales, would be outside the Assembly's legislative competence.
- (9) For the purposes of subsection (8), section 94(4) of the Government of Wales Act 2006 has effect as if paragraph (a) (matters within legislative competence) were omitted.
- (10) Subject to subsection (11), a statutory instrument which contains an order under this section is not to be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.

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- (11) A statutory instrument containing an order under this section which is made only for the purpose of amending an earlier such order—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
  - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,
- is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.
- (8) In section 9 (procedure for orders under section 5 or 6)—
- (a) in subsection (2), for “the National Assembly for Wales” substitute “ the Welsh Ministers ”; and
  - (b) in subsection (3)(d), for “the National Assembly for Wales” substitute “ the Welsh Ministers ”.
- (9) After section 9 insert—

**“9A Procedure for orders under section 7**

- (1) Before the Welsh Ministers make an order under section 7 they must consult—
  - (a) such local authorities in Wales,
  - (b) such representatives of local government in Wales, and
  - (c) such other persons (if any),
 as appear to them to be likely to be affected by their proposals.
- (2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 7 they must lay before the National Assembly for Wales a document which—
  - (a) explains their proposals,
  - (b) sets them out in the form of a draft order, and
  - (c) gives details of consultation under subsection (1).
- (3) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (2), no draft of an order under section 7 to give effect to the proposals (with or without modifications) is to be laid before the National Assembly for Wales until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which the National Assembly is dissolved or is in recess for more than four days.
- (5) In preparing a draft order under section 7 the Welsh Ministers must consider any representations made during the period mentioned in subsection (3).
- (6) A draft order under section 7 which is laid before the National Assembly for Wales must be accompanied by a statement of the Welsh Ministers giving details of—
  - (a) any representations considered in accordance with subsection (5), and
  - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2).



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- (7) Nothing in this section applies to an order under section 7 which is made only for the purpose of amending an earlier order under that section—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
  - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description.”

#### Textual Amendments

**F20** S. 115(2) repealed (4.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 25 Pt. 1](#); [S.I. 2012/1008, art. 2\(d\)](#)

#### Commencement Information

**I3** S. 115 in force at 30.12.2007, see s. 245(2)

## 116 Health and social care: joint strategic needs assessments **E+W**

- (1) An assessment of relevant needs must be prepared in relation to the area of each responsible local authority.
- (2) A further assessment of relevant needs in relation to the area of a responsible local authority—
  - (a) must be prepared if the Secretary of State so directs; and
  - (b) may be prepared at any time.
- (3) A direction under subsection (2)(a) may be revoked.
- (4) It is for—
  - (a) the responsible local authority, and
  - <sup>F21</sup>(b) each of its partner clinical commissioning groups,to prepare any assessment of relevant needs under this section in relation to the area of the responsible local authority.
- (5) The responsible local authority must publish each assessment of relevant needs prepared under this section in relation to its area.
- (6) For the purposes of this section, there is a relevant need in relation to so much of the area of a responsible local authority as falls within the area <sup>F22</sup>of a partner clinical commissioning group] if there appears to the responsible local authority and <sup>F23</sup>the partner clinical commissioning group] to be a need <sup>F24</sup>or to be likely to be a need] to which subsection (7) applies.
- (7) This subsection applies to a need—
  - (a) which—
    - (i) is capable of being met to a significant extent by the exercise by the responsible local authority of any of its functions; and
    - (ii) could also be met, or could otherwise be affected, to a significant extent by the exercise by <sup>F25</sup>the partner clinical commissioning group or the National Health Service Commissioning Board] of any of its functions; or

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- (b) which—
- (i) is capable of being met to a significant extent by the exercise by [<sup>F26</sup>the partner clinical commissioning group or the National Health Service Commissioning Board] of any of its functions; and
  - (ii) could also be met, or could otherwise be affected, to a significant extent by the exercise by the responsible local authority of any of its functions.
- (8) In preparing an assessment under this section, the responsible local authority and [<sup>F27</sup>each of its partner clinical commissioning groups] must—
- (a) co-operate with one another;
  - (b) have regard to any guidance issued by the Secretary of State;
  - [<sup>F28</sup>(ba) involve the Local Healthwatch organisation for the area of the responsible local authority;
  - (bb) involve the people who live or work in that area;] and
  - (c) if the responsible local authority is a county council, [<sup>F29</sup>involve] each relevant district council.
- [<sup>F30</sup>(8A) In preparing an assessment under this section, the responsible local authority or a partner clinical commissioning group may consult any person it thinks appropriate.]
- (9) In this section—
- [<sup>F31</sup>“partner clinical commissioning group”, in relation to a responsible local authority, means any clinical commissioning group whose area coincides with or falls wholly or partly within the area of the authority;]
- “relevant district council” means—
- (a) in relation to a responsible local authority, any district council which is a partner authority of it; and
  - (b) in relation to [<sup>F32</sup>a partner clinical commissioning group] of a responsible local authority, any district council which is a partner authority of the responsible local authority and whose district falls wholly or partly within [<sup>F33</sup>the area of the clinical commissioning group].

#### Textual Amendments

- F21** S. 116(4)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 192\(2\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)
- F22** Words in s. 116(6) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 192\(3\)\(a\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)
- F23** Words in s. 116(6) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 192\(3\)\(b\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)
- F24** Words in s. 116(6) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 192\(3\)\(c\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)
- F25** Words in s. 116(7)(a)(ii) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 192\(4\)\(a\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)
- F26** Words in s. 116(7)(b)(i) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 192\(4\)\(b\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)
- F27** Words in s. 116(8) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 192\(5\)\(a\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)
- F28** S. 116(8)(ba)(bb) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 192\(5\)\(b\), 306\(4\); S.I. 2013/160, art. 2\(2\) \(with arts. 7-9\)](#)

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- F29** Word in s. 116(8)(c) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 192(5)(c)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F30** S. 116(8A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 192(6)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F31** Words in s. 116(9) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 192(7)(a)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F32** Words in s. 116(9) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 192(7)(b)(i)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F33** Words in s. 116(9) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 192(7)(b)(ii)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### **Modifications etc. (not altering text)**

- C3** Ss. 116-116B modified by 2006 c. 41, s. 13Z4(3) (as inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 23(1)**, 306(1)(d)(4)); S.I. 2013/160, art. 2(2)
- C4** Ss. 116-116B modified by 2006 c. 41, s. 14Z24(3) (as inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 26**, 306(1)(d)(4)); S.I. 2013/160, art. 2(2)

#### **Commencement Information**

- I4** S. 116 in force at 1.4.2008 by [S.I. 2008/461](#), art. 2(3), **Sch.**

### **[<sup>F34</sup>116A Health and social care: joint health and wellbeing strategies E+W**

- (1) This section applies where an assessment of relevant needs is prepared under section 116 by a responsible local authority and each of its partner clinical commissioning groups.
- (2) The responsible local authority and each of its partner clinical commissioning groups must prepare a strategy for meeting the needs included in the assessment by the exercise of functions of the authority, the National Health Service Commissioning Board or the clinical commissioning groups (“a joint health and wellbeing strategy”).
- (3) In preparing a strategy under this section, the responsible local authority and each of its partner clinical commissioning groups must, in particular, consider the extent to which the needs could be met more effectively by the making of arrangements under section 75 of the National Health Service Act 2006 (rather than in any other way).
- (4) In preparing a strategy under this section, the responsible local authority and each of its partner clinical commissioning groups must have regard to—
  - (a) the mandate published by the Secretary of State under section 13A of the National Health Service Act 2006, and
  - (b) any guidance issued by the Secretary of State.
- (5) In preparing a strategy under this section, the responsible local authority and each of its partner clinical commissioning groups must—
  - (a) involve the Local Healthwatch organisation for the area of the responsible local authority, and
  - (b) involve the people who live or work in that area.
- (6) The responsible local authority must publish each strategy prepared by it under this section.

*Status: Point in time view as at 03/04/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

- (7) The responsible local authority and each of its partner clinical commissioning groups may include in the strategy a statement of their views on how arrangements for the provision of health-related services in the area of the local authority could be more closely integrated with arrangements for the provision of health services and social care services in that area.
- (8) In this section and section 116B—
- (a) “partner clinical commissioning group”, in relation to a responsible local authority, has the same meaning as in section 116, and
  - (b) “health services”, “health-related services” and “social care services” have the same meaning as in section 195 of the Health and Social Care Act 2012.

#### Textual Amendments

**F34** Ss. 116A, 116B inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 193**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### Modifications etc. (not altering text)

**C3** Ss. 116-116B modified by 2006 c. 41, s. 13Z4(3) (as inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 23(1)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2)

**C4** Ss. 116-116B modified by 2006 c. 41, s. 14Z24(3) (as inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 26**, 306(1)(d)(4); S.I. 2013/160, art. 2(2)

### 116B Duty to have regard to assessments and strategies **E+W**

- (1) A responsible local authority and each of its partner clinical commissioning groups must, in exercising any functions, have regard to—
- (a) any assessment of relevant needs prepared by the responsible local authority and each of its partner clinical commissioning groups under section 116 which is relevant to the exercise of the functions, and
  - (b) any joint health and wellbeing strategy prepared by them under section 116A which is so relevant.
- (2) The National Health Service Commissioning Board must, in exercising any functions in arranging for the provision of health services in relation to the area of a responsible local authority, have regard to—
- (a) any assessment of relevant needs prepared by the responsible local authority and each of its partner clinical commissioning groups under section 116 which is relevant to the exercise of the functions, and
  - (b) any joint health and wellbeing strategy prepared by them under section 116A which is so relevant.]

#### Textual Amendments

**F34** Ss. 116A, 116B inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 193**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

*Status: Point in time view as at 03/04/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

#### Modifications etc. (not altering text)

- C3** Ss. 116-116B modified by 2006 c. 41, s. 13Z4(3) (as inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 23(1)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2)
- C4** Ss. 116-116B modified by 2006 c. 41, s. 14Z24(3) (as inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 26**, 306(1)(d)(4); S.I. 2013/160, art. 2(2)
- C5** S. 116B applied (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 27(4)**, 139(6); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- C6** S. 116B applied (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 26(7)**, 139(6); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

## 117 Interpretation of Chapter **E+W**

In this Chapter—

F35  
...  
F35  
...  
F35  
...

“partner authority”, in relation to a responsible local authority, has the meaning given by section 104;

“responsible local authority” has the meaning given by section 103;<sup>F36</sup>...  
F35  
...

#### Textual Amendments

- F35** Words in s. 117 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(b)(i)**, 115(3)(k)
- F36** Words in s. 117 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(b)(ii)**, 115(3)(k)

#### Commencement Information

- I5** S. 117 in force at 30.12.2007, see s. 245(2)

## 118 Transitional provision **E+W**

<sup>F37</sup>(1) .....

<sup>F38</sup>(2) .....

(3) The Offender Management Act 2007 (c. 21) is amended as follows.

(4) In paragraph 5 of Schedule 3 (which adds functions of the Secretary of State in relation to probation services to the functions in relation to which the Secretary of State is a partner authority)—

- (a) in sub-paragraph (1), for “Section 80” substitute “ Section 104 ”;
- (b) in sub-paragraph (2), for “subsection (3)(g)” substitute “ subsection (4)(i) ”;
- and

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

- (c) in sub-paragraph (3), in the inserted subsection (5A), for “subsection (3)(g)(iv)” substitute “subsection (4)(i)(iv)”.
- (5) In Part 1 of Schedule 5 (repeals relating to probation services), in the entry relating to this Act—
- (a) for “section 80(3)” substitute “section 104(4)”; and
- (b) for “(g)(ii)” substitute “(i)(ii)”.

#### **Textual Amendments**

**F37** S. 118(1) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(c)**, 115(3)(k)

**F38** S. 118(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 101(1)(c)**, 115(3)(k)

#### **Commencement Information**

**I6** S. 118 in force at 30.12.2007, see s. 245(2)

## **CHAPTER 2** E+W

### OVERVIEW AND SCRUTINY COMMITTEES

#### **119 Reference of matter by councillor to overview and scrutiny committee** E+W

After section 21 of the Local Government Act 2000 (c. 22) insert—

##### **“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.

*Status: Point in time view as at 03/04/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

- (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.
- (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.”

#### Commencement Information

- I7** S. 119 in force at 12.12.2008 for specified purposes by [S.I. 2008/3110](#), [art. 2\(a\)](#)  
**I8** S. 119 in force at 1.4.2009 in so far as not already in force by [S.I. 2008/3110](#), [art. 4\(a\)](#)

## 120 **Power of overview and scrutiny committee to question members of authority** **E** **+W**

- (1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (13), before “and” immediately following paragraph (a) insert—

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

“(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),”.

(2) In subsection (14) of that section, for the words following “mentioned in” substitute “ paragraph (a) or (aa) of subsection (13) to comply with any requirement mentioned in that paragraph ”.

#### Commencement Information

**I9** S. 120 in force at 1.4.2009 by [S.I. 2008/3110](#), [art. 4\(b\)](#)

## 121 Powers to require information from partner authorities **E+W**

<sup>F39</sup>(1) .....

(2) In section 20 of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters), after subsection (6) insert—

“(6A) In subsection (5)(c) and (d), references to information are, in relation to any crime and disorder committee, to information relating to—

- (a) the discharge, or decisions made or other action taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; or
- (b) local crime and disorder matters in relation to which the committee has functions under or by virtue of section 19.”

(3) In subsection (7) of that section, for “and “co-operating persons and bodies”” substitute “, “co-operating persons and bodies”, “crime and disorder functions” and “local crime and disorder matters””.

(4) In section 244 of the National Health Service Act 2006 (c. 41) (functions of overview and scrutiny committees), after subsection (2) insert—

“(2A) In subsection (2)(d) and (e), references to information are to information relating to matters relating to the health service in the authority's area.”

#### Textual Amendments

**F39** S. 121(1) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 4](#); [S.I. 2012/1008](#), [art. 4\(c\)](#)

#### Commencement Information

**I10** S. 121 in force at 1.4.2009 by [S.I. 2008/3110](#), [art. 4\(c\)](#)

## 122 Overview and scrutiny committees: reports and recommendations **E+W**

(1) After section 21A of the Local Government Act 2000 (c. 22) (inserted by section 119) insert—



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*Status: Point in time view as at 03/04/2017.*

**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)

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### **“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.
- (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.

### **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

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**Changes to legislation:** *There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

- (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—
  - (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

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*Status: Point in time view as at 03/04/2017.*

**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)

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for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than—

- (a) a police authority, 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.

### **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—

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)

“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—

- (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.”

(2) In section 22 of that Act (access to information etc), after subsection (12) insert—

“(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.”

#### Commencement Information

**III** S. 122 in force at 1.4.2009 by [S.I. 2008/3110](#), [art. 4\(d\)](#)

*Status: Point in time view as at 03/04/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

## **[<sup>F40</sup>123 Joint overview and scrutiny committees E+W**

- (1) The Secretary of State may by regulations make provision under which any two or more local authorities in England may—
  - (a) appoint a joint committee (a “joint overview and scrutiny committee”), and
  - (b) arrange for the committee to exercise any functions in subsection (2).
- (2) The functions in this subsection are functions of making reports or recommendations to—
  - (a) any of the local authorities appointing the committee (the “appointing authorities”), or
  - (b) if any of the appointing authorities is a non-unitary district council, the related county council,about any matter which is not an excluded matter.
- (3) In subsection (2) “excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations—
  - (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny crime and disorder matters), or
  - (b) by virtue of subsection (3)(a) of that section.
- (4) In subsection (2) references to making reports or recommendations to a local authority include, in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000, making reports or recommendations to its executive.
- (5) Regulations under this section may in particular—
  - (a) provide for arrangements to be made only in circumstances, or subject to conditions or limitations, specified in the regulations;
  - (b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—
    - (i) section 21(4) and (6) to (12) of the Local Government Act 2000,
    - (ii) sections 21A to 21D of that Act, or
    - (iii) section 246 of, and Schedule 17 to, the National Health Service Act 2006,with or without modifications;
  - (c) make provision as to information which an associated authority of any appointing authority must provide, or may not disclose, to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee).
- (6) In subsection (5)(c) “associated authority”, in relation to any appointing authority, means—
  - (a) in the case of an appointing authority which is a non-unitary district council—
    - (i) the related county council, and
    - (ii) any person who is a partner authority in relation to the related county council;
  - (b) in the case of any other appointing authority, any person who is a partner authority in relation to the appointing authority.
- (7) In subsection (6) “partner authority” has the same meaning as in Chapter 1 of this Part except that it does not include [<sup>F41</sup>a local policing body] or a chief officer of police.

*Status: Point in time view as at 03/04/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

- (8) Regulations under this section may not make provision of a kind mentioned in subsection (5)(c) with respect to 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).
- (9) Any local authority and any joint overview and scrutiny committee must, in exercising or deciding whether to exercise any function conferred on it by or under this section, have regard to any guidance issued by the Secretary of State.
- (10) In this section—
- “local authority” has the same meaning as in Part 2 of the Local Government Act 2000;
- “non-unitary district council” means a district council for a district in a county for which there is a county council (and the “related county council”, in relation to a non-unitary district council, means that county council).]

#### Textual Amendments

- F40** S. 123 substituted (12.1.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 32\(1\)](#), [148\(2\)\(a\)\(ii\)](#)
- F41** Words in s. 123(7) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [s. 157\(1\)](#), [Sch. 16 para. 368](#); [S.I. 2011/3019](#), [art. 3](#), [Sch. 1](#)

#### Modifications etc. (not altering text)

- C7** S. 123 modified by [2000 c. 22](#), [s. 9FH\(6\)](#) (as inserted (3.12.2011 for specified purposes, 4.5.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 2 para. 1](#); [S.I. 2011/2896](#), [art. 2\(e\)](#); [S.I. 2012/1008](#), [art. 4\(b\)](#))

#### Commencement Information

- I12** S. 123 in force at 1.4.2009 by [S.I. 2008/3110](#), [art. 4\(e\)](#)

### <sup>F42</sup> 124 Overview and scrutiny committees of district councils: local improvement targets **E+W**

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#### Textual Amendments

- F42** S. 124 repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/1008](#), [art. 4\(c\)](#)

### 125 Guidance **E+W**

In section 21 of the Local Government Act 2000 (overview and scrutiny committees: authorities operating executive arrangements), at the end insert—

- “(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

*Status: Point in time view as at 03/04/2017.*

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- (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.”

#### Commencement Information

**I13** S. 125 in force at 12.12.2008 by S.I. 2008/3110, art. 2(b)

### 126 Reference of local crime and disorder matters to crime and disorder committees etc **E+W**

- (1) The Police and Justice Act 2006 (c. 48) is amended as follows.
- (2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute—
  - “(3) A local authority must—
    - (a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and
    - (b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.
  - (4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.
  - (5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).
  - (6) In considering whether or not to make a report or recommendations to the local authority 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 power which it has by virtue of subsection (3)(a) in relation to the matter.
  - (7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—
    - (a) its decision, and
    - (b) the reasons for it.

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- (8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—
- (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and
  - (b) provide a copy of the report or recommendations to such of—
    - (i) the responsible authorities, and
    - (ii) the co-operating persons and bodies,
 as it thinks appropriate.
- (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—
- (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
  - (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).
- (8B) Where this subsection applies—
- (a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and
  - (b) the authority, body or person must—
    - (i) consider the report or recommendations;
    - (ii) respond to the committee indicating what (if any) action it proposes to take;
    - (iii) have regard to the report or recommendations in exercising its functions.”
- (3) In subsection (9)(b), for “subsection (1)(b) or (6)” substitute “ this section ”.
- (4) In subsection (11)—
- (a) after the definition of “crime and disorder functions” insert— “ electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983; ”, and
  - (b) for the definition of “local crime and disorder matter” substitute—
 

“local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—

    - (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
    - (b) the misuse of drugs, alcohol and other substances,

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area. ”
- (5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.



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(6) In subsections (1) and (2), after “under” insert “ or by virtue of ”.

(7) In subsection (5), omit—

- (a) paragraph (f); and
- (b) sub-paragraphs (i) to (iii) of paragraph (g).

**Commencement Information**

**I14** S. 126 in force at 30.4.2009 for E. by [S.I. 2009/959](#), [art. 2\(a\)](#)

**I15** S. 126 in force at 1.10.2009 for W. by [S.I. 2009/2539](#), [art. 2\(a\)](#)

**127 Overview and scrutiny committees: consequential amendments** **E+W**

(1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees)—

- (a) in subsection (2), after “their overview and scrutiny committees” insert “, and any joint overview and scrutiny committees,”;
- (b) after that subsection insert—

“(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 within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 (joint overview and scrutiny committees: local improvement targets) appointed by a group of partner authorities (within the meaning of that section) which includes the authority concerned.”;

(c) in subsection (4)—

(i) after “this section” insert “, sections 21A to 21C ”; and

<sup>F43</sup>(ii) .....

(d) omit subsection (8).

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5. (See end of Document for details)*

<sup>F44</sup>(2) .....

(3) In section 245(3)(b) of the National Health Service Act 2006 (c. 41) (joint overview and scrutiny committees etc)—

(a) in sub-paragraph (i), for “(15)” substitute “ (17) ”; <sup>F45</sup>...

<sup>F45</sup>(b) .....

(4) In section 185(3)(b) of the National Health Service (Wales) Act 2006 (c. 42) (joint overview and scrutiny committees etc)—

(a) in sub-paragraph (i), for “(15)” substitute “ (17) ”; and

(b) after that sub-paragraph insert—

“(ia) section 21A(1)(a) or (b) or (2) of that Act.”.

#### Textual Amendments

**F43** S. 127(1)(c)(ii) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(c)

**F44** S. 127(2) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(c)

**F45** S. 127(3)(b) and preceding word repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(c)

#### Commencement Information

**I16** S. 127 in force at 1.4.2009 by [S.I. 2008/3110](#), art. 4(g)

## 128 Transitional provision **E+W**

(1) Section 33E of the Local Government Act 2000 (c. 22) (proposals for change in governance arrangements) (which is inserted by section 64) applies (in addition to the cases mentioned in subsection (1) of that section) to a local authority which—

(a) by virtue of the coming into force of any provision of this Chapter is required to vary its executive arrangements; or

(b) by virtue of the coming into force of any provision of regulations made under section 32 of that Act (alternative arrangements) by virtue of any provision of this Chapter is required to vary its alternative arrangements.

(2) In this section, “alternative arrangements”, “executive arrangements” and “local authority” have the same meanings as in Part 2 of the Local Government Act 2000.

#### Commencement Information

**I17** S. 128 in force at 1.4.2009 by [S.I. 2008/3110](#), art. 4(h)

**Status:**

Point in time view as at 03/04/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 5.