



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 5

CO-OPERATION OF ENGLISH AUTHORITIES WITH LOCAL PARTNERS, ETC

CHAPTER 2

OVERVIEW AND SCRUTINY COMMITTEES

122 Overview and scrutiny committees: reports and recommendations

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

“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,

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- (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
 - (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

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(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 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

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- (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—
 - (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

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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

II S. 122 in force at 1.4.2009 by S.I. 2008/3110, art. 4(d)

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