
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 21 of the Local Government Act 2000 (“the 2000 Act”) requires all local authorities operating executive arrangements to have one or more committees to scrutinise the actions of the executive and provide overview of matters affecting the authority, its area and its inhabitants (“overview and scrutiny” committees).

These Regulations, which apply in relation to England only, implement provisions of the 2000 Act relating to overview and scrutiny that were inserted by the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”). Broadly, the effect of the Regulations is to enable district councils in areas where there is also a county council to widen the role of their overview and scrutiny committees with respect to the scrutiny of local area agreements (“LAAs”), and to give all overview and scrutiny committees power to obtain information from LAA partners.

Part 5 of the 2007 Act provides for LAAs, which are agreements between local authorities and certain partner authorities, approved by the Secretary of State. The LAA is prepared by the “responsible authority” in consultation with partner authorities and others. The responsible authority and partner authorities co-operate with each other in determining a number of “local improvement targets” for the area to be included in the LAA. Under section 105 of the 2007 Act, a local improvement target will “relate” to a partner authority if the exercise of its functions can contribute to the attainment of that target, and the partner authority has agreed to the inclusion of that target in the LAA. District councils in areas where there is also a county council are not “responsible authorities” and thus do not prepare LAAs, but are partner authorities of the county council for their area.

Part 1 sets out preliminary matters and defines terms used in more than one Part of the Regulations.

The purpose of Part 2 is to give district councils in two-tier areas power to allow their overview and scrutiny committees to make reports and recommendations to the related county council on LAA matters. It also makes provision for partner authorities to be required to have regard to such reports and recommendations, similar to that made by section 21C of the 2007 Act for the reports and recommendations of the overview and scrutiny committees of other councils.

Regulation 3 provides that terms used in this Part have the same meaning as they do in section 21E of the 2007 Act.

Regulation 4 gives a district council in an area for which there is also a county council the power to make provision in its executive arrangements for its overview and scrutiny committee or committees to make reports and recommendations to the county council on LAA matters. Regulation 5 provides that such reports and recommendations may be published.

Regulation 6 provides that where a target that is the subject of such a report also relates to the district council in question, the overview and scrutiny committee must give the county council or, as the case may be, its executive notice in writing specifying the steps which it must take within two months of receiving the report or recommendations or, if later, the notice. These steps include responding to the report or recommendations and, if these documents have been published by the overview and scrutiny committee, publishing the response.

Regulation 7 provides that, where notice under regulation 6 has been given, the overview and scrutiny committee may also send a copy to any other partner authority to which a target that is subject of the report or recommendation relates and require it to have regard to the report or recommendations in the exercise of its functions.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 8 applies section 21D of the 2007 to the publication or provision of documents and copies of documents under this part. This contains rules on the exclusion of confidential and exempt information.

Part 3 is made under section 22A of the 2007 Act and sets out what information overview and scrutiny committees can obtain from certain other public bodies that are the partners of their authority or associates of their authority in the LAA.

Regulation 9 defines terms used in this part by reference to the 2007 Act.

Regulation 10 sets out the information that shall be provided by a relevant partner authority or an associate authority. Regulation 11 sets out the information that may not be provided.

Regulation 12 excludes certain crime and disorder and health related information from the provisions of this part. This is because separate arrangements for the scrutiny of such matters is provided for by the Police and Justice Act 2006 and the National Health Service Act 2006.

Part 4 deals with exclusion of exempt and confidential information when executives of local authorities publish their responses to reports and recommendations of overview and scrutiny committees. It is necessary because section 21D of the 2007 Act does not apply to publication or provision of documents by the executive. It also makes similar provision for responses to reports or recommendations under Part 2 of these regulations.

Regulation 13 defines terms used in Part 4.

Regulation 14 sets out the circumstances in which Part 4 applies.

Regulation 15 places a requirement on an executive to exclude confidential information when publishing a document or providing a copy of it to a relevant partner authority. Regulation 15 also gives a power to the executive to exclude any relevant exempt information.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.