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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply to county councils in England, district councils and London borough councils which are operating the committee system under Part 1A of the Local Government Act 2000. Section 9B of the 2000 Act sets out the permitted forms of governance for local authorities in England and the committee system is one of the options. Section 9J allows the Secretary of State to prohibit the delegation of certain functions by committee system local authorities. Section 9JA permits committee system local authorities to establish one or more overview and scrutiny committees and empowers the Secretary of State to make provision, in regulations, about the functions, composition and procedure of such a committee.

Part 2 of these Regulations specifies the functions which cannot be delegated by a committee system local authority and therefore must be carried out by the full council of the authority. Parts 3 to 5 deal with overview and scrutiny committees within committee system local authorities.

Regulation 3 and the Schedule to the Regulations set out the functions which cannot be delegated to any officer, committee or sub-committee of the authority, except to the extent specifically mentioned in the regulation.

Regulations 4 and 5 make provision for overview and scrutiny committees in committee system local authorities which have resolved to have one or more such committee. These regulations largely reflect the position under sections 9F and 9FA of the Local Government Act 2000 which apply to local authorities operating executive arrangements.

Regulation 6 makes provision for dealing with references of matters to overview and scrutiny committees by members of the authority, including those who are not members of that overview and scrutiny committee.

Regulation 7 imposes a duty on local authorities to respond to reports and recommendations of overview and scrutiny committees and regulation 8 prevents the publication or supply of any information which contains confidential or exempt information by overview and scrutiny committees or the local authority.

Regulation 9 makes provision in relation to relevant partner authorities and regulation 10 imposes a duty on certain committee system local authorities to designate a scrutiny officer, where that authority has opted to appoint one or more overview and scrutiny committees.

Regulations 11 and 12 make provision for local authorities to produce voting schemes for co-opted members, and set out the publication requirements in relation to such schemes.

Regulation 13 provides for the representation of church nominees on education overview and scrutiny committees. Regulation 14 applies the Parent Governor Representatives (England) Regulations 2001 to committee system local authorities to allow for the representation of parent governors on education overview and scrutiny committees.

A full impact assessment has not been produced in relation to these Regulations as no impact on the private and voluntary sectors is foreseen.