



Local Government Act 2003

2003 CHAPTER 26

PART 8

MISCELLANEOUS AND GENERAL

CHAPTER 1

MISCELLANEOUS

Other

^{F1}112 Standards Board for England: delegation

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Textual Amendments

F1 S. 112 repealed (1.7.2012 for specified purposes, 22.11.2012 for remaining purposes) by [Localism Act 2011](#) (c. 20), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, [art. 5\(d\)](#) (with arts. 67) (as amended (3.7.2012) by S.I. 2012/1714, [art. 2](#)); S.I. 2012/2913, [arts. 1\(2\), 2\(c\)](#) (with arts. 5, 6)

113 Standards committees and monitoring officers: delegation

(1) In Chapter 1 of Part 3 of the Local Government Act 2000 (conduct of local government members), after section 54 there is inserted—

“54A Sub-committees of standards committees

(1) A standards committee of a relevant authority may appoint one or more sub-committees for the purpose of discharging any of the committee’s functions, whether or not to the exclusion of the committee.

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- (2) Subsection (1) does not apply to functions under section 55 or 56.
- (3) A sub-committee under subsection (1) shall be appointed from among the members of the standards committee by which it is appointed.
- (4) As regards sub-committees appointed under subsection (1) by a standards committee of a relevant authority in England or of a police authority in Wales—
 - (a) regulations under section 53(6)(a) and (c) to (g) may make provision in relation to such sub-committees, and
 - (b) sections 53(7), (8) and (10) and 54(4) and (6) apply in relation to such sub-committees as they apply in relation to standards committees.
- (5) As regards sub-committees appointed under subsection (1) by a standards committee of a relevant authority in Wales other than a police authority—
 - (a) regulations under section 53(11) may make provision in relation to such sub-committees, and
 - (b) section 54(5) and (7) apply in relation to such sub-committees as they apply in relation to standards committees.
- (6) Subject to any provision made by regulations under section 53(6)(a) or (11)
 - (a) (as applied by this section)—
 - (a) the number of members of a sub-committee under subsection (1), and
 - (b) the term of office of those members,
 are to be fixed by the standards committee by which the sub-committee is appointed.”
- (2) In Chapter 5 of that Part (conduct in local government: supplementary), after section 82 there is inserted—

“Delegation by monitoring officers

82A Monitoring officers: delegation of functions under Part 3

- (1) This section applies to functions of a monitoring officer of a relevant authority in relation to matters referred to him under section 60(2), 64(2), 70(4) or 71(2).
- (2) Where the monitoring officer considers that in a particular case he himself ought not to perform particular functions to which this section applies, those particular functions shall in that case be performed personally by a person nominated for the purpose by the monitoring officer.
- (3) Where a deputy nominated by the monitoring officer under section 5(7) of the Local Government and Housing Act 1989 (nomination of member of monitoring officer’s staff to act as deputy when monitoring officer absent or ill) considers that in a particular case he himself ought not to perform particular functions—
 - (a) to which this section applies, and
 - (b) which, by reason of the absence or illness of the monitoring officer, would but for this subsection fall to be performed by the deputy,

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those particular functions shall, while the monitoring officer continues to be unable to act by reason of absence or illness, be performed in that case personally by a person nominated for the purpose by the deputy.

- (4) Where functions to which this section applies are to be performed by a person nominated under subsection (2) or (3) who is an officer of the relevant authority, the authority shall provide the officer with such staff, accommodation and other resources as are, in the officer's opinion, sufficient to allow those functions to be performed.
- (5) Where functions to which this section applies are to be performed by a person nominated under subsection (2) or (3) who is not an officer of the relevant authority, the authority shall—
- (a) pay the person a reasonable fee for performing the functions,
 - (b) reimburse expenses properly incurred by the person in performing the functions, but only to the extent that the amount of the expenses is reasonable, and
 - (c) provide the person with such staff, accommodation and other resources as are reasonably necessary for the person's performance of the functions."

- (3) In section 5 of the Local Government and Housing Act 1989 (c. 42) (designation etc. of monitoring officers), after subsection (7) there is inserted—

“(7A) Subsection (7) above shall have effect subject to section 82A of the Local Government Act 2000 (monitoring officers: delegation of functions under Part 3 of that Act).”

114 Paid time off for councillors not to be political donation

- (1) In paragraph 4(1) of Schedule 7 to the Political Parties, Elections and Referendums Act 2000 (c. 41) (matters that are not donations), after paragraph (a) there is inserted—
- “(aa) remuneration allowed to an employee by his employer if the employee is a member of a local authority and the remuneration is in respect of time the employer permits the employee to take off during the employee's working hours for qualifying business—
- (i) of the authority,
 - (ii) of any body to which the employee is appointed by, or is appointed following nomination by, the authority or a group of bodies that includes the authority, or
 - (iii) of any other body if it is a public body;”
- (2) In paragraph 4 of that Schedule, after sub-paragraph (3) there is inserted—
- “(4) In sub-paragraph (1)(aa)—
- “employee” and “employer”—
- (a) in relation to England and Wales, and Scotland, have the same meaning as in the Employment Rights Act 1996, and
 - (b) in relation to Northern Ireland, have the same meaning as in the Employment Rights (Northern Ireland) Order 1996;

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“local authority” means a local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council;

“working hours” of an employee—

- (a) in relation to England and Wales, and Scotland, has the same meaning as in section 50 of the Employment Rights Act 1996, and
- (b) in relation to Northern Ireland, has the same meaning as in Article 78 of the Employment Rights (Northern Ireland) Order 1996;

“qualifying business”, in relation to a body, means—

- (a) the doing of anything for the purpose of the discharge of the functions of the body or of any of its committees or sub-committees, and
- (b) where the body is a local authority operating executive arrangements within the meaning of Part 2 of the Local Government Act 2000 and arrangements exist for functions of any other body to be discharged by the authority’s executive or any committee or member of the executive, the doing of anything for the purpose of the discharge of those functions.”

(3) Subsections (1) and (2) shall be deemed to have come into force on 16th February 2001.

(4) The Electoral Commission shall remove from the register kept by it under section 69 of the Political Parties, Elections and Referendums Act 2000 (c. 41) any entry that they would not have been required to make had subsections (1) and (2) actually been in force throughout the period beginning with 16th February 2001 and ending with the passing of this Act.

^{F2}115 Overview and scrutiny committees: voting rights of co-opted members

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Textual Amendments

F2 S. 115 repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 4](#); [S.I. 2012/1008](#), art. 4(c)

116 Local polls

(1) A local authority may conduct a poll to ascertain the views of those polled about—

- (a) any matter relating to—
 - (i) services provided in pursuance of the authority’s functions, or
 - (ii) the authority’s expenditure on such [^{F3}services.]

^{F4}(b)

(2) It shall be for the local authority concerned to decide—

- (a) who is to be polled, and
- (b) how the poll is to be conducted.

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- (3) In conducting a poll under this section, a local authority must have regard to any guidance issued by the appropriate person on facilitating participation in a poll under this section by such of those polled as are disabled people.
- (4) This section is without prejudice to any powers of a local authority exercisable otherwise than by virtue of this section.
- (5) In this section, “local authority” means—
 - (a) in relation to England—
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) the Greater London Authority;
 - (v) the Common Council of the City of London in its capacity as a local authority;
 - (vi) the Council of the Isles of Scilly, and
 - (b) in relation to Wales, a county council or a county borough council.

Textual Amendments

- F3** Word in s. 116(1)(a)(ii) substituted (W.) (1.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 3 para. 2\(a\)](#); S.I. 2021/231, [art. 4\(c\)](#)
- F4** S. 116(1)(b) omitted (W.) (1.11.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 3 para. 2\(b\)](#); S.I. 2021/231, [art. 4\(c\)](#)

Modifications etc. (not altering text)

- C1** S. 116 modified (E.) (7.4.2020) by [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020 \(S.I. 2020/395\)](#), regs. 1, [11](#)

117 Generally accepted accounting practice: power to amend enactments

- (1) The appropriate person may by order amend or repeal an enactment relating to a local authority if he considers it appropriate to do so in the light of generally accepted accounting practice as it applies to local government.
- (2) It does not matter for the purposes of subsection (1) whether the enactment itself relates to the accounts of a local authority.
- (3) No order under this section shall be made by the Secretary of State unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) In this section—

“enactment” includes an enactment contained in this Act or any Act passed after this Act;

“local authority” means—

 - (a) a body which is a local authority for the purposes of Part 1, or
 - (b) a parish council, a community council or charter trustees.

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Commencement Information

- I1** S. 117 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
- I2** S. 117 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

118 Appropriate sum under section 137(4) of the Local Government Act 1972

- (1) In section 137 of the Local Government Act 1972 (c. 70) (which enables local authorities to incur expenditure for certain purposes not otherwise authorised), in subsection (4)(a) (which makes provision in connection with the calculation of the maximum amount of such expenditure in any financial year), for “subsection (4AA) below” there is substituted “ Schedule 12B to this Act ”.
- (2) After Schedule 12A to that Act there is inserted—

“SCHEDULE
12B

Section 137(4)(a)

APPROPRIATE SUM UNDER SECTION 137(4)

- 1 This Schedule has effect to determine for the purposes of section 137(4)(a) above the sum that is for the time being appropriate to a local authority.
- 2 The sum appropriate to the local authority for the financial year in which section 118 of the Local Government Act 2003 comes into force is £5.00.
- 3 (1) For each subsequent financial year, the sum appropriate to the local authority is the greater of the sum appropriate to the authority for the financial year preceding the year concerned and the sum produced by the following formula—

$$\frac{A \times B}{C}$$

- (2) A is the sum appropriate to the local authority for the financial year preceding the year concerned.
- (3) B is the retail prices index for September of the financial year preceding the year concerned.
- (4) C is the retail prices index for September of the financial year which precedes that preceding the year concerned except where sub-paragraph (5) below applies.
- (5) Where the base month for the retail prices index for September of the financial year mentioned in sub-paragraph (4) above (the first year) differs from that for the index for September of the financial year mentioned in sub-paragraph (3) above (the second year), C is the figure which the Secretary of State calculates would have been the retail prices index for September of the first year if the base month for that index had been the same as the base month for the index for September of the second year.

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- (6) References in sub-paragraphs (3) to (5) above to the retail prices index are to the general index of retail prices (for all items) published by the Office for National Statistics.
 - (7) If that index is not published for a month for which it is relevant for the purposes of any of those sub-paragraphs, the sub-paragraph shall be taken to refer to any substituted index or index figures published by that Office.
 - (8) For the purposes of sub-paragraph (5) above, the base month for the retail prices index for September of a particular year is the month—
 - (a) for which the retail prices index is taken to be 100, and
 - (b) by reference to which the index for the September in question is calculated.
 - (9) In calculating the sum produced by the formula in sub-paragraph (1) above a part of a whole (if any) shall be calculated to two decimal places only—
 - (a) adding one hundredth where (apart from this sub-paragraph) there would be five, or more than five, one-thousandths, and
 - (b) ignoring the one-thousandths where (apart from this sub-paragraph) there would be less than five one-thousandths.
- 4 Before the beginning of a financial year, the appropriate person may by order provide for a different sum to have effect as the sum appropriate to a local authority for the year in place of the sum calculated for the year in accordance with paragraph 3 above.
- 5 In paragraph 4 above “the appropriate person” means—
 - (a) as respects England, the Secretary of State;
 - (b) as respects Wales, the National Assembly for Wales.
- 6 An order under paragraph 4 above may make different provision in relation to local authorities of different descriptions.
- 7 An order under paragraph 4 above made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

- I3** S. 118 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I
I4 S. 118 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

^{F5}119 Use of fixed penalties paid for litter and dog-fouling offences

Textual Amendments

- F5** S. 119 repealed (6.4.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), s. 108(1)(2), Sch. 5 Pt. 9; S.I. 2006/795, art. 2(3), Sch. 2 (with art. 4); S.I. 2006/2797, art. 4(pp)

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120 Regulation of cosmetic piercing and skin-colouring businesses

- (1) Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (regulation of tattooing, ear-piercing and electrolysis businesses) is amended as follows.
- (2) In subsection (1) (requirement for person carrying on business to be registered), for paragraph (b) (ear-piercing) there is substituted—
- “(aa) of semi-permanent skin-colouring;
(b) of cosmetic piercing; or”
- (and in the side-note for “ear-piercing” there is substituted “ semi-permanent skin-colouring, cosmetic piercing ”).
- (3) In subsection (2) (requirement to register premises where business carried on)—
- (a) for “ear-piercing” there is substituted “ semi-permanent skin-colouring, cosmetic piercing ”, and
- (b) for “pierce their ears” there is substituted “ carry out semi-permanent skin-colouring on them, pierce their bodies ”.
- (4) In subsection (5) (local authority may not require particulars about individuals whose ears have been pierced etc.), for “or whose ears he has pierced” there is substituted “ , whose bodies he has pierced or on whom he has carried out semi-permanent skin-colouring ”.
- (5) After subsection (8) there is inserted—
- “(9) In this section “semi-permanent skin-colouring” means the insertion of semi-permanent colouring into a person’s skin.”
- (6) Schedule 6 (which makes provision about transition) has effect.

Commencement Information

- I5** S. 120 in force at 1.4.2004 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. II
- I6** S. 120 in force at 1.4.2004 for E. by S.I. 2003/2938, art. 7(a) (with art. 8, Sch.)

^{F6}121 Fire brigade establishment schemes: removal of Secretary of State’s functions

Textual Amendments

- F6** S. 121 repealed (1.10.2004 except in relation to W. otherwise 10.11.2004) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 2; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

122 Repeal of prohibition on promotion of homosexuality

Section 2A of the Local Government Act 1986 (c. 10) (local authorities prohibited from promoting homosexuality) ceases to have effect.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(2A) inserted by [2007 c. 28 Sch. 14 para. 5\(2\)\(b\)](#)
- s. 24(1) s. 24 renumbered as s. 24(1) by [2007 c. 28 Sch. 14 para. 5\(3\)](#)
- s. 24(2) inserted by [2007 c. 28 Sch. 14 para. 5\(3\)](#)