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STATUTORY INSTRUMENTS

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**2001 No. 1299**

**The Local Authorities (Alternative Arrangements) (England) Regulations 2001**

**Part I**

**General**

**Overview and Scrutiny committees**

**6.—**(1) Alternative arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority, with the functions mentioned in paragraph (2), (referred to in these Regulations as overview and scrutiny committees).

(2) Alternative arrangements by a local authority must ensure their overview and scrutiny committee has power (or that their overview and scrutiny committees have power between them)—

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the local authority;
- (b) to make reports or recommendations to—
  - (i) the local authority,
  - (ii) any committee or sub-committee of the local authority, or
  - (iii) any joint committee on which the local authority is represented or any sub-committee of such a committee, with respect to the discharge of any functions of the local authority; and
- (c) to make reports or recommendations to—
  - (i) the local authority,
  - (ii) any committee or sub-committee of the local authority, or
  - (iii) any joint committee on which the local authority is represented or any sub-committee of such a committee,

on matters which affect the authority's area or the inhabitants of that area.

(3) The power of an overview and scrutiny committee under paragraph (2)(a) to review or scrutinise a decision made but not yet implemented includes power—

- (a) to recommend that the decision be reconsidered by the person who made it; or
- (b) to arrange for its function under paragraph (2)(a), so far as it relates to the decision, to be exercised by the authority.

(4) Subject to paragraph (5) an overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this regulation.

(5) A local authority may arrange for the function of the conducting of a best value review under section 5 of the Local Government Act 1999 (best value reviews)(1) to be discharged by an overview and scrutiny committee.

(6) An overview and scrutiny committee of a local authority—

- (a) may appoint one or more sub-committees; and
- (b) may arrange for the discharge of any of its functions by any such sub-committee.

(7) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it in accordance with paragraph (6)(b).

(8) Alternative arrangements by a local authority must include provision which enables—

- (a) any member of an overview and scrutiny committee of the authority to ensure that any matter which is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee; and
- (b) any member of a sub-committee of an overview and scrutiny committee of the authority to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee.

(9) An overview and scrutiny committee of a local authority, or any sub-committee of such a committee may include persons who are not members of the authority, but, subject to regulations 8 and 16, any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting.

(10) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated;

- (a) as a committee or sub-committee of a principal council for the purposes of Part VA of the 1972 Act (access to meetings and documents of certain authorities, committees and sub-committees), and
- (b) as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies(2).

(11) Subsections (2) and (5) of section 102 of the 1972 Act are to apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.

(12) An overview and scrutiny committee of a local authority or a sub-committee of such a committee—

- (a) may require members of the local authority, and officers of the authority, to attend before it to answer questions; and
- (b) may invite other persons to attend meetings of the committee.

(13) It is the duty of any member or officer mentioned in paragraph (12)(a) to comply with any requirement so mentioned.

(14) A person is not obliged by paragraph (13) to answer any question which he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

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(1) 1999 c. 27.

(2) 1989 c. 42.