



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 2

LOCAL AUTHORITIES: GOVERNANCE AND AUDIT

CHAPTER 1

GOVERNANCE

31 Scrutiny officers

In the [Local Government Act 2000 \(c. 22\)](#), after section 21 insert—

“21ZA Scrutiny officers

- (1) Subject as follows, a local authority in England must designate one of their officers to discharge the functions in subsection (2).
- (2) Those functions are—
 - (a) to promote the role of the authority’s overview and scrutiny committee or committees;
 - (b) to provide support to the authority’s overview and scrutiny committee or committees and the members of that committee or those committees;
 - (c) to provide support and guidance to—
 - (i) members of the authority,
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authority,in relation to the functions of the authority’s overview and scrutiny committee or committees.

- (3) An officer designated by a local authority under this section is to be known as the authority’s “scrutiny officer”.
- (4) A local authority may not designate any of the following under this section—
 - (a) the head of the authority’s paid service designated under section 4 of the Local Government and Housing Act 1989;
 - (b) the authority’s monitoring officer designated under section 5 of that Act;
 - (c) the authority’s chief finance officer, within the meaning of that section.
- (5) The duty in subsection (1) does not apply to a district council for an area for which there is a county council.
- (6) In this section, references to an overview and scrutiny committee include any sub-committee of that committee.”

32 Joint overview and scrutiny committees

- (1) In the Local Government and Public Involvement in Health Act 2007 (c. 28), for section 123 (joint overview and scrutiny committees: local improvement targets) substitute—

“123 Joint overview and scrutiny committees

- (1) The Secretary of State may by regulations make provision under which any two or more local authorities in England may—
 - (a) appoint a joint committee (a “joint overview and scrutiny committee”), and
 - (b) arrange for the committee to exercise any functions in subsection (2).
- (2) The functions in this subsection are functions of making reports or recommendations to—
 - (a) any of the local authorities appointing the committee (the “appointing authorities”), or
 - (b) if any of the appointing authorities is a non-unitary district council, the related county council,
 about any matter which is not an excluded matter.
- (3) In subsection (2) “excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations—
 - (a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny crime and disorder matters), or
 - (b) by virtue of subsection (3)(a) of that section.
- (4) In subsection (2) references to making reports or recommendations to a local authority include, in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000, making reports or recommendations to its executive.
- (5) Regulations under this section may in particular—
 - (a) provide for arrangements to be made only in circumstances, or subject to conditions or limitations, specified in the regulations;

- (b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—
 - (i) section 21(4) and (6) to (12) of the Local Government Act 2000,
 - (ii) sections 21A to 21D of that Act, or
 - (iii) section 246 of, and Schedule 17 to, the National Health Service Act 2006,with or without modifications;
 - (c) make provision as to information which an associated authority of any appointing authority must provide, or may not disclose, to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee).
- (6) In subsection (5)(c) “associated authority”, in relation to any appointing authority, means—
- (a) in the case of an appointing authority which is a non-unitary district council—
 - (i) the related county council, and
 - (ii) any person who is a partner authority in relation to the related county council;
 - (b) in the case of any other appointing authority, any person who is a partner authority in relation to the appointing authority.
- (7) In subsection (6) “partner authority” has the same meaning as in Chapter 1 of this Part except that it does not include a police authority or a chief officer of police.
- (8) Regulations under this section may not make provision of a kind mentioned in subsection (5)(c) with respect to information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).
- (9) Any local authority and any joint overview and scrutiny committee must, in exercising or deciding whether to exercise any function conferred on it by or under this section, have regard to any guidance issued by the Secretary of State.
- (10) In this section—
- “local authority” has the same meaning as in Part 2 of the Local Government Act 2000;
 - “non-unitary district council” means a district council for a district in a county for which there is a county council (and the “related county council”, in relation to a non-unitary district council, means that county council).”
- (2) In section 21 of the [Local Government Act 2000 \(c. 22\)](#) (overview and scrutiny committees), in subsection (2A)(e), for the words from “(joint” to the end substitute “(joint overview and scrutiny committees) appointed by two or more local authorities including the authority concerned”.

33 Powers of National Assembly for Wales

(1) Schedule 5 to the [Government of Wales Act 2006 \(c. 32\)](#) (Assembly measures) is amended as follows.

(2) In Part 1, after the heading “*Field 12: local government*”, after the entry relating to Matter 12.5 insert—

“*Matter 12.6*

Arrangements by principal councils with respect to the discharge of their functions, including executive arrangements.

This matter does not include—

- (a) direct elections to executives of principal councils, or
- (b) the creation of a form of executive requiring direct elections.

For the purposes of this matter—

- (a) “executive arrangements” has the same meaning as in Part 2 of the Local Government Act 2000;
- (b) “principal council” means a county or county borough council;
- (c) “direct elections” means elections by local government electors (within the meaning of section 270(1) of the Local Government Act 1972).”

(3) In that Part, after the entry relating to Matter 12.6 (as inserted by subsection (2) above) insert—

“*Matter 12.7*

Committees of principal councils with functions of—

- (a) review or scrutiny, or
- (b) making reports or recommendations.

This matter does not include committees under section 19 of the Police and Justice Act 2006 (crime and disorder committees).

For the purposes of this matter “principal council” means a county or county borough council.”