



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 2

LOCAL AUTHORITIES: GOVERNANCE AND AUDIT

CHAPTER 1

GOVERNANCE

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.

Status: This is the original version (as it was originally enacted).

- (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”.