
STATUTORY INSTRUMENTS

2009 No. 1919

The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009

PART 3

POWERS TO REQUIRE INFORMATION FROM CERTAIN PARTNER AND ASSOCIATED AUTHORITIES

Interpretation of Part 3

9.—(1) In this Part—

“a local area agreement” has the meaning given by section 106 of the 2007 Act (duty to prepare and submit draft of a local area agreement); and

“local improvement target” has the meaning given by section 105 of that Act (“local improvement targets”: interpretation).

(2) An expression used both in this Part and in section 21C of the 2000 Act or for the purposes of subsection (4) of section 22A of that Act (overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities) has the same meaning in this Part as it has in section 21C or, as the case may be, for the purposes of subsection (4) of section 22A.

Provision of information by relevant partner authorities and associated authorities

10.—(1) Subject to regulation 15, a relevant partner authority shall provide to a relevant committee⁽¹⁾ such information as that committee may reasonably require in order to discharge its functions, being information which—

- (a) has been requested in writing,
- (b) relates to a local improvement target which—
 - (i) relates to the relevant partner authority, and
 - (ii) is specified in a local area agreement of the authority by which the relevant committee is established.

(2) Subject to regulation 15, an associated authority shall provide to a relevant district council committee⁽²⁾ such information as that committee may reasonably require in order to discharge its functions, being information which—

- (a) has been requested in writing;
- (b) is relevant to a local improvement target which—
 - (i) relates both to the associated authority and to the authority by which the relevant district council committee is established, and

(1) “Relevant partner authority” and “relevant committee” are defined in section 22A(3) of the 2000 Act as having the meanings given by section 21C of the 2000 Act.

(2) “associated authority” and “relevant district council committee” are defined in section 22A(6) of the 2000 Act.

- (ii) is specified in a local area agreement of the county council which is the responsible authority in relation to the district council by which the relevant district council committee is established.

Prohibitions on disclosure

11.—(1) A relevant partner authority may not provide to the relevant committee and an associated authority may not provide to the relevant district council committee—

- (a) information that was obtained by the authority from any other person where the provision of that information to the committee by the authority would constitute a breach of confidence actionable by any person;
- (b) information the disclosure of which would, or would be likely to, prejudice the exercise of the functions of the authority or the legitimate interests of any person (including the authority holding it);
- (c) personal information within the meaning of the Data Protection Act 1998⁽³⁾, unless the disclosure is permitted by or under that Act; or
- (d) other information the disclosure of which is prohibited by or under any enactment.

(2) Where, but for this paragraph, the disclosure of information would be prohibited by paragraph (1)(c), the relevant partner authority or, as the case may be, the associated authority shall—

- (a) revise it so that the individual concerned cannot be identified; and
- (b) if satisfied that disclosure of the information in that revised form is permitted by or under the Data Protection Act 1998, and is not otherwise prohibited, disclose it.

General exclusion from duty to disclose

12. Nothing in this Part shall require a partner or associated authority to provide information, or not to provide information, in respect of which provision may be made in exercise of the power conferred by—

- (a) section 20(5)(c) or (d) of the Police and Justice Act 2006⁽⁴⁾ (guidance and regulations regarding crime and disorder matters), or
- (b) section 244(2)(d) or (e) of the National Health Service Act 2006⁽⁵⁾ (functions of overview and scrutiny committees).

⁽³⁾ 1998 c.29.

⁽⁴⁾ 2006 c.48. Section 20 was amended by sections 121, 126, 241 and schedule 18 of the 2007 Act.

⁽⁵⁾ 2006 c.41. Section 244 was amended by section 121 of the 2007 Act.