

2012 No. 1021

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Overview and Scrutiny Committees)
(England) Regulations 2012**

<i>Made</i> - - - -	<i>30th March 2012</i>
<i>Laid before Parliament</i>	<i>10th April 2012</i>
<i>Coming into force</i> - -	<i>4th May 2012</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 9FI, 9GA(8) and 105 of the Local Government Act 2000(a), makes the following Regulations.

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012 and come into force on 4th May 2012.

Interpretation

2. In these Regulations—

“the 1972 Act” means the Local Government Act 1972(b); and

“the 2000 Act” means the Local Government Act 2000.

PART 2

Powers to require information from partner authorities

Interpretation of Part 2

3. An expression used both in this Part and in section 9FF of the 2000 Act has the same meaning in this Part as it has in section 9FF.

(a) 2000 c.22. Sections 9FI and 9GA were inserted by the Localism Act 2011 (c.20), section 21, and Schedule 2, Part 1.
(b) 1972 c.70.

Provision of information by relevant partner authorities

4. A relevant partner authority must provide to a relevant committee such information as that committee may reasonably require in order to discharge its functions, being information which—

- (a) has been requested in writing; and
- (b) relates to the functions of the relevant partner authority so far as exercisable in relation to—
 - (i) the authority's area; or
 - (ii) the inhabitants of that area.

Prohibitions on disclosure

5.—(1) A relevant partner authority may not provide to a relevant 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(a), 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 must—

- (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

6. Nothing in these Regulations requires a relevant partner authority to provide information, or not to provide information, in respect of which provision may be made in the exercise of the power conferred by—

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

PART 3

Publication etc of documents by the executive: confidential and exempt information

Interpretation of Part 3

7. An expression used in this Part and in section 9FG has the same meaning in this Part as it has in section 9FG.

(a) 1998 c.29.

(b) 2006 c.48. Section 20 was amended by the Local Government and Public Involvement in Health Act 2007 (c.28), sections 121, 126, 241, and Schedule 18.

(c) 2006 c.41. Section 244 was amended by the Local Government and Public Involvement in Health Act 2007, section 121(4).

Application of Part 3

8. This Part applies to—

- (a) the publication by executives of local authorities under section 9FE of the 2000 Act of responses to reports or recommendations of overview and scrutiny committees and sub-committees of such committees; and
- (b) the provision by such executives under that section of copies of such responses.

Exemptions from publication requirements, etc

9.—(1) In publishing the document the executive—

- (a) must exclude any confidential information; and
- (b) may exclude any relevant exempt information.

(2) In providing a copy of the document to a member of the local authority the executive may exclude any confidential information or relevant exempt information.

(3) Where information is excluded under paragraph (1) or (2), the executive, in publishing, or providing a copy of, the document—

- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information; and
- (b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.

(4) If by virtue of any of paragraphs (1) to (3) an executive, in publishing or providing a copy of the document—

- (a) excludes information; or
- (b) replaces part of the document with a summary,

it is nevertheless to be taken for the purposes of section 9FE of the 2000 Act to have published or provided a copy of the response.

PART 4

Revocation

Revocation

10. The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009^(a) are revoked.

Signed by authority of the Secretary of State for Communities and Local Government

Andrew Stunell

Parliamentary Under Secretary of State

Department for Communities and Local Government

30th March 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 9F of the Local Government Act 2000 (“the 2000 Act”) requires all local authorities operating executive arrangements to have one or more committees to scrutinise the actions of the executive and the authority, and provide overview of matters affecting the authority’s area and the inhabitants of that area (“overview and scrutiny” committees). The effect of the Regulations is to

(a) S.I. 2009/1919.

give overview and scrutiny committees power to obtain information from their relevant partner authorities, and to ensure that executives of local authorities exclude confidential information when publishing their responses to reports and recommendations of overview and scrutiny committees.

Part 1 sets out preliminary matters and defines terms used in more than one Part of the Regulations. Part 2 is made under section 9FI of the 2000 Act and sets out what information overview and scrutiny committees can obtain from certain other public bodies that are relevant partners of the authority.

Part 3 deals with exclusion of exempt and confidential information when executives of local authorities publish their responses to reports and recommendations of overview and scrutiny committees under section 9FE of the 2000 Act.

Part 4 revokes the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 (S.I. 2009/1919).

A full impact assessment has not been produced in relation to this to these Regulations as no impact on the private or voluntary sectors is foreseen.

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